



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

*Tuesday, 2 March 2004.*

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# DÁIL ÉIREANN

*Dé Máirt, 2 Márta 2004.  
Tuesday, 2 March 2004.*

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

*Paidir.  
Prayer.*

## Ceisteanna — Questions.

### Programme for Government.

1. **Mr. Kenny** asked the Taoiseach the progress to date of the implementation of those elements of the programme for Government for which his Department is responsible; and if he will make a statement on the matter. [1019/04]

2. **Mr. Naughten** asked the Taoiseach if he will report on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [1391/04]

3. **Mr. Rabbitte** asked the Taoiseach the progress made to date with regard to the implementation of those areas of An Agreed Programme for Government for which his Department has responsibility; and if he will make a statement on the matter. [2898/04]

4. **Mr. J. Higgins** asked the Taoiseach if he will report on the progress made to date in implementing An Agreed Programme for Government. [3707/04]

5. **Mr. Coveney** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4884/04]

6. **Mr. Deasy** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4885/04]

7. **Mr. Durkan** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4886/04]

8. **Ms Enright** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4887/04]

9. **Mr. Hogan** asked the Taoiseach if he will report on the implementation of the programme

for Government; and if he will make a statement on the matter. [4888/04]

10. **Mr. McGinley** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4889/04]

11. **Mr. G. Mitchell** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4890/04]

12. **Ms O. Mitchell** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4891/04]

13. **Mr. O'Dowd** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4892/04]

14. **Mr. Ring** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4893/04]

15. **Mr. Timmins** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4894/04]

16. **Mr. R. Bruton** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4895/04]

17. **Mr. Connaughton** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4896/04]

18. **Mr. J. Bruton** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4897/04]

19. **Mr. Allen** asked the Taoiseach if he will report on the implementation of the programme for Government; and if he will make a statement on the matter. [4898/04]

20. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on progress on implementation of those aspects of the programme for Government for which he is responsible; and if he will make a statement on the matter. [5643/04]

21. **Mr. Sargent** asked the Taoiseach if he will report on progress made in the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [5656/04]

**The Taoiseach:** I propose to take Questions Nos. 1 to 21, inclusive, together.

Progress on the Government programme is kept constantly under review. Deputies will be aware that for every full year of the last Government's term of office, we published an annual progress report. Last summer, we

[The Taoiseach.]

published the first annual progress report of the current Administration and it is my intention to publish a further report this year.

I am pleased to have this opportunity to make a statement to the House on the implementation of An Agreed Programme for Government between Fianna Fáil and the Progressive Democrats. Our programme for Government is both clear in intent and specific in detail. It is the agreed agenda for this partnership Government over five full years. The starting point for the current programme for Government was rooted in a recognition that in an ever-changing world the reform process is never over. As a Government, we are determined to keep driving forward.

In implementing this programme for Government, we will not rest on past successes. Instead, we will build on the solid foundations we have put in place since 1997. In setting out to implement our commitments, we will bring forward and progress the many ambitious legislative proposals. Since the present Government took office on 6 June 2002 to the return of the Dáil for this session, 65 Bills have been published, 58 Bills have been already enacted into law and there are currently 35 Bills before the Oireachtas.

Given the scale of the Government's legislative programme and the large number of specific commitments set out in An Agreed Programme for Government, it would be impossible in the time allotted to fully detail the amount of progress already delivered. The details are, in any event, more appropriate to be addressed to individual Ministers.

The cornerstones of An Agreed Programme for Government are based on our desire to build a better Ireland for everyone and our promises to protect and expand prosperity for all, to strengthen peace and reconciliation, to guarantee improved pensions, to reform and develop our health services and to invest in better public services. Without economic strength, there will never be an Ireland where everyone can prosper and fulfil his or her potential. A key objective of the programme for Government is to sustain a strong economy and keep the finances of general Government close to balance or in surplus. In that regard, an Exchequer deficit of €980 million was recorded in 2003. This compares with the budget 2003 target deficit for the year of €1,869 million.

In the year ahead we will make no apologies for continuing the process of prudent management of public expenditure in order to protect the significant gains we have made over recent years. We know that it is simply unsustainable to continue to increase spending without regard to the resources available to fund it. That is why in the year ahead we will continue to hold firm to a prudent approach and greater prioritisation of spending. This will enable us to capitalise on the upturn in the global economy,

signs of which are already evident in the United States.

Our overriding priority as set out in the programme for Government is to secure lasting peace in Northern Ireland and we have worked intensively towards this objective. We will continue to apply all our energies in support of the Good Friday Agreement as it remains the template for political progress.

Other key commitments which have been delivered or where major progress has been made include our commitment to submit the Nice treaty on enlargement to the people in a referendum in a way which addressed the concerns of the people as expressed during previous referenda and in the National Forum on Europe was delivered on last year; our commitment to play a full part in the European Convention and the Europe-wide debate on the future shape of the European Union which is being spearheaded by the Government; our commitment to establish an agency to finance major public projects saw the enactment in December 2002 of the National Development Finance Agency Act 2002, and the Government on 1 January 2003, established the National Development Finance Agency, NDFA; our commitment to address Ireland's infrastructural deficit in a coherent determined way which is the reason the Government has committed itself to capital investment of €33.6 billion over the next five years; our commitment to implement a multistranded approach to addressing housing needs right across the spectrum with up-to-date figures showing that house completions nationally of 47,758 units for the first nine months of 2003 were up by 18.3% on the same period in 2002; our commitment to encourage a better spread of jobs throughout the country and people should not forget that our rate of unemployment is amongst the lowest in the EU; our commitment to bring forward a programme of fundamental reform of the insurance industry and I refer to the comprehensive set of interrelated measures designed to improve the functioning of the Irish insurance market brought forward by the Tánaiste; our commitment to rural development and, in particular, our delivery on our pledge to widen the CLÁR boundaries as a result of the relevant data from the census; our commitment to ensure the implementation of the penalty points system at an early date and the impact this has made on road safety in the country; our commitment to ensure the putting in place of open access broadband on a national basis and the roll-out of a new €65 million national broadband scheme which will deliver high-speed Internet access to 19 key towns around the country; our commitment to complete the national spatial strategy; our commitment to introduce a proceeds of corruption Act modelled on the proceeds of crime legislation; our commitment to gain the maximum benefit for public patients from private hospital capacity through initiatives such as the treatment purchase

fund which has treated over 9,000 patients from its inception in July 2002; our commitment to implement the national health strategy and to significantly reform our health services which has seen the Government announce decisions regarding a new Health Services Executive that will include a national hospital office, a primary and continuing care directorate and a shared services centre; our commitment to ensure that every school building attains modern standards which means that this year the budget for school buildings will be €387 million, in our primary schools, spending on buildings will exceed €200 million; and our commitment to protect the fundamental principles of CAP underlined by the strong stance we have adopted in defending the benefits achieved under the Agenda 2000 agreement in the current CAP reform and WTO negotiations.

On social partnership, the negotiations on the successor agreement to the Programme for Prosperity and Fairness concluded last February and each of the four social partner pillars has now formally ratified the new agreement, Sustaining Progress. The new agreement covers the period 2003-05 in respect of the wider policy framework and provides for an interim pay agreement of 18 months duration.

**Mr. Kenny:** The Taoiseach gave an extensive reply. The programme for Government refers specifically to the provision of funding for local authorities, stating that the Government will earmark specific funds which will be available to them for the achievement of defined environmental targets. I have a press release in the name of Councillor Eleanor Roche concerning the county managers' levy scheme, as proposed for local authority funding in County Wicklow. It states that the list of priorities provided by the council is little more than "our work of fiction" and that the scheme put before it by the county managers is entirely unacceptable. This press release was issued from the office of the Minister of State at the Department of the Taoiseach.

**An Ceann Comhairle:** I am reluctant to intervene but these 21 questions to the Taoiseach are of a general nature. I am not even sure if the question the Deputy is raising is appropriate to the line Minister and that it is not one for the local authority itself.

**Mr. Kenny:** The Ceann Comhairle is sure of many other things.

**An Ceann Comhairle:** It may well be a matter for the local authority itself, not even for the line Minister.

**Mr. Kenny:** I want to ask the Taoiseach a question about this. This press release was issued from the office of the Minister of State at the Department of the Taoiseach about local

authority funding. It says to contact Deputy Dick Roche for information.

**An Ceann Comhairle:** That does not arise in the context of these questions.

**Mr. Durkan:** It does.

**Mr. Kenny:** It does. Does the Taoiseach not consider this an abuse of political power?

**An Ceann Comhairle:** That does not arise.

**Mr. Kenny:** This is a statement issued from the office of the Minister of State.

**An Ceann Comhairle:** The Deputy has made his point and it does not arise out of these questions. The Chair has ruled on the matter.

**Mr. Durkan:** It does arise.

**Mr. Kenny:** Is the Taoiseach aware that this is happening in his Department?

**An Ceann Comhairle:** That does not arise.

**Mr. Durkan:** The Taoiseach wants to answer the question.

**Mr. Kenny:** Will the Taoiseach investigate how many hundred thousand of these press releases were sent out?

**An Ceann Comhairle:** The Deputy is going well outside the scope of the 21 questions.

**Mr. Kenny:** The Taoiseach wants to answer the question. This deals with a section from the programme for Government referring to local authority funding.

**An Ceann Comhairle:** These questions do not relate to specific matters.

**Mr. Kenny:** This statement refers to funding of local authorities as "our work of fiction" and it was issued from the Department of the Taoiseach.

**An Ceann Comhairle:** It is a matter for the local authority in the first instance and I am not even sure that is a matter for the Minister for the Environment, Heritage and Local Government. It is definitely not a matter for the Taoiseach.

**Mr. Kenny:** It was from [ministerofstateroche@taoiseach.gov.ie](mailto:ministerofstateroche@taoiseach.gov.ie).

**Mr. Durkan:** It is a contradiction of the programme for Government.

**Mr. Kenny:** What is the Taoiseach's view of the section of the programme for Government dealing with funding for local authorities?

**Mr. Durkan:** We are entitled to a reply.



**Mr. Kenny:** The Taoiseach wants to answer the question.

**The Taoiseach:** A document by a councillor, regardless of who that councillor is, should not issue from the Minister of State's office. I will check that because it should not be the case.

**Mr. F. McGrath:** Name the councillor.

**The Taoiseach:** It should not be the case regardless of who the councillor is. The Deputy named the councillor; it was the wife of the Minister of State. Irrespective of who it is, a Government office should not be used. I will check the matter. On the broad question, the allocation of the fund and the procedures for it in the Department of the Environment, Heritage and Local Government are working well.

**Mr. Naughten:** Does the Taoiseach agree that the heading in the Government's programme concerning an integrated transport policy is a work of fiction in that we do not have such an integrated system and there does not seem to be any plan for one? The Government has plans for the integration of smart cards, a greater Dublin land use authority, co-ordination of housing development and, where public transport is to be provided, facilities for poorly-served areas. Does the Taoiseach agree that none of that has happened to date and that neither the Minister nor the Government has any plans to bring it about?

**The Taoiseach:** No, I do not agree. With the integration of transport into the national spatial strategy, transport infrastructure has greatly improved in recent years. The Government has created an integrated Department of Transport for the first time. It is a major element of the national plan and transport infrastructure continues to contribute to economically and socially-balanced regional development. We should be thankful that, for the first time in recent years, we have been able to put in the resources to provide roads, airports and other infrastructure. Such infrastructure is directly related to the improvement in transport and it is working. It is all planned in an integrated way. The latest rail document and the plans for Luas and the airport represent some things that we have not yet achieved. There are issues surrounding a metro in Dublin and an improved road structure to Shannon. Those are priority areas and must be taken into account.

Spending on infrastructure now represents 5% of GDP. If we sustain that investment we will make an enormous difference. A total of 37 projects have been completed in just over three years. About 17 projects are being constructed at present, with several others due to start this year. It is the continuation of such a policy over several years, along with investment in rail, that will make the difference.

**Mr. Rabbitte:** I refer the Taoiseach to the section of the programme for Government which refers to achieving:

a complete and lasting cessation of all paramilitary activity in Northern Ireland and throughout these islands, including punishment beatings and shootings, and the transformation of movements linked to paramilitary organisations into exclusively democratic organisations and completion of the process of putting arms beyond use.

To what extent does the Taoiseach believe those objectives have been achieved? I refer to today's Order Paper which contains several statutory instruments relating to regulations on decommissioning. If I recall the original regulations were due to expire in May 2000 in line with the Belfast Agreement and, among other things, they confer immunity on members of illegal organisations engaged in the process of decommissioning. According to my reading of the orders, the Minister for Justice, Equality and Law Reform, Deputy McDowell, has decided to extend those regulations, or introduce new ones, for another year. Is that being done by the Minister for Justice, Equality and Law Reform on the basis that the Government genuinely believes there is some prospect of success within that period?

**The Taoiseach:** Extending the order is provided for in the legislation which was passed by the House of Commons and the Oireachtas. It was passed in the hope that we would have resolved the issue of decommissioning of all weapons several years ago as specified in the original Act. We have not succeeded in achieving that and this is to provide for the extension of the order under the original legislation. Admittedly, it is a longer timescale than we intended at the outset.

On the first question, I set out the Government's position in Coleraine. It is the Government's view that we have not seen an end to paramilitary activity from many sources. If we are to move on, we must try to end paramilitarism in all its forms on one side. The *quid pro quo* for that, which is the essential element on the other side, is that we secure a comprehensive agreement that the power-sharing executive, administration and institutions, as set out in the Good Friday Agreement, are implemented. The review is ongoing but the House will be aware, and I have said it a number of times recently, that we are unlikely to make the substantial progress required unless there is implementation of the acts of completion policy that both the Irish and British Governments have been following since autumn 2001. That is the Government's belief.

We will do all we can to secure full implementation of the agreement and to ensure the issues of equality, criminal justice and so forth are dealt with. However, to get a comprehensive settlement we must get a clear position on the

end of paramilitarism in all its forms. At present, we are not at that position. The review talks are taking place today and I did all I could over the weekend to ensure everybody stayed at those talks. As I speak, I hope everybody is at the talks but that has proven quite difficult in recent days. However, that is what we are endeavouring to do. I consulted all the parties in an effort to get people to stay at the talks but, obviously, we will not get to where we are trying to go unless there is a clear position on the end of paramilitarism from all quarters. That is essential but we have not yet reached that position.

**Mr. Rabbitte:** A Cheann Comhairle——

**An Ceann Comhairle:** A total of 21 Deputies submitted questions today and the Chair wishes to facilitate as many of them as possible.

**Mr. J. Higgins:** The Government pledged in the programme for Government that it would continue to examine and address legislative or administrative barriers to voter registration and voting and that a drive to encourage voter registration for the 2004 polls would be undertaken. Is the Taoiseach aware that a major barrier has arisen for thousands of people who have moved into new homes, especially in recent months? The full register of electors has been published but people who are not included on it and wish to register for the supplementary registers between now and the June elections must get their forms stamped at the local Garda station, produce identification and so forth. It is a cumbersome way——

**An Ceann Comhairle:** The Deputy's question might be more appropriate for the line Minister responsible. It does not really arise from the 21 questions before us.

**Mr. J. Higgins:** Yes. I will not go into further detail but it is a crucial part of the Government's policy. Will the Taoiseach consider how this could be addressed by legislation to remove this barrier so thousands more can be on the register by 11 June?

**The Taoiseach:** I do not wish to go into the detail. The reason was that under the old system, the rules governing the supplementary register were extremely tight and only a small minority of people could get on such a register. The rules were changed some years ago to allow for a late register. The main register is fine and is published. It allows time for people to check the register and to authenticate the process. The supplementary register is subject to correction for, I think, 12 days right up to the election period. There is no possibility of anyone being able to check that register. Therefore, if there was no police or similar check, anything could be on the supplementary register. The reason for this was to help people to register. It was to allow people to register late but to check the register.

**Mr. J. Higgins:** It is cumbersome.

**The Taoiseach:** It is necessary. In my constituency during a previous election 18 people on the register had an address at a derelict site. I hope those 18 people were not in the house when it was knocked down but they were on the register.

**Mr. Timmins:** Lots of work and overtime.

**The Taoiseach:** We cannot have a situation where 12 days before an election, we bring in a supplementary register which will leave no opportunity for it to be checked by anyone.

**Mr. Rabbitte:** Did they own the site?

**The Taoiseach:** People could then just pack in names and we cannot allow that. I am not arguing with the Deputy. That was the reason. The police station connection was to provide for some kind of authentic check to protect the system.

**Mr. Durkan:** In his initial reply the Taoiseach produced a lovely phrase. He said, "In an ever-changing world the reform process never ends." It sounds like the makings of a good election manifesto but we will not go into that. Has the Taoiseach evaluated the performance of the various Departments to which he referred in his initial reply with a view to determining the degree to which the targets set in An Agreed Programme for Government are deliverable within the period in question?

**The Taoiseach:** Yes, in general. The reason we publish an annual and interim report each year is for the purpose of checking against delivery. Perhaps it is not always possible to do everything over a period but Departments, Ministers and the system are working towards delivering what is set out as fully and completely as possible.

**Mr. Timmins:** An Agreed Programme for Government mentions a commitment to examine, in conjunction with the Commission, the possibility of extending disadvantaged area status to all of the BMW region. I take it that this was included in the programme at the behest of the Progressive Democrats, because this commitment is the only difference between the Fianna Fáil manifesto and the programme for Government. In many responses to me on the issue, the Minister for Agriculture and Food has stated that the Commission has pointed out to officials of the Department that there may be a risk associated with this issue. If we seek reclassification of the area, there could be a difficulty ——

**An Ceann Comhairle:** That is a question for the Minister for Agriculture and Food.

**Mr. Timmins:** I understand from the Taoiseach's body language that he is familiar with the issue. Could he put these people, particularly

[Mr. Timmins.]  
those in Laois, Offaly and Monaghan, out of their misery and tell them that there will be no reclassification?

**An Ceann Comhairle:** The Deputy has made his point.

**Mr. Naughten:** He is going to don the wellies.

**The Taoiseach:** I appreciate the point the Deputy is making. Generous grants were paid out last year under various schemes to disadvantaged areas. We have now agreed, as the Deputy knows, to a system which will continue to put substantial resources into agriculture until 2013. I do not see major changes in the disadvantaged area system.

**Mr. Connaughton:** They are not getting it. The Taoiseach referred earlier to balanced regional development in the context of the national development plan. An independent consultant's report on the expenditure and investment in the roads system for the first three years of the plan revealed that 150% of the allocation for the greater Dublin area was spent while only 57% of the allocation for the Border, midlands and west region was spent.. What kind of balanced regional development is that?

Given the weekend statements by unions on decentralisation, will the Taoiseach indicate if the decentralisation programme was driven by political motives or for spatial strategy reasons, which is what we understood lay behind it? Will the Taoiseach comment on the utterances of unions at the weekend?

**Mr. M. Smith:** And this morning as well.

**Mr. Connaughton:** The Minister for Defence, Deputy Michael Smith, is not yet Taoiseach. He should let the Taoiseach speak for himself.

**Mr. Rabbitte:** What happened this morning?

**The Taoiseach:** On the first point, as I said earlier, 37 projects involving 255 km. of road were completed in the past three years and a significant number of other projects are already under construction. There are 16 new start-up projects, including Ennis, Sligo, Dundalk, Naas and Fermoy. A large number of new projects are coming on stream. What affected the balance, as the Deputy rightly stated, was the sum of more than €500 million spent on the Dublin Port tunnel, which is a huge construction.

**Mr. Connaughton:** There is always something.

**The Taoiseach:** There is not.

**Mr. Connaughton:** There is always something.

**An Ceann Comhairle:** Deputy Connaughton should allow the Taoiseach. He is denying his colleagues an opportunity to speak.

**The Taoiseach:** Looking at the public private partnership programmes, a project that will suit Deputy Connaughton as he travels to and from his home is the new road from Kilcock to Kinnegad.

**Mr. Connaughton:** We are a good while waiting for that.

**The Taoiseach:** That 55 km. will be the longest stretch in the country.

**Mr. Connaughton:** When the M50 is built, will the Taoiseach ring-fence it?

**An Ceann Comhairle:** Deputy Connaughton should allow the Taoiseach speak.

**The Taoiseach:** As the Deputy knows, the other part of that road is being fast-tracked and that will substantially help him on his journey from Kinnegad to Athlone.

**Mr. Connaughton:** Are we not waiting for it for 50 years?

**An Ceann Comhairle:** Deputy Connaughton should allow the Taoiseach speak without interruption.

**The Taoiseach:** Work is taking place on the Loughrea section. The Deputy will soon be able to travel home in no time. I am assisting his quality of life in a major way so that he will be able to travel to the Dáil more easily.

**Mr. Connaughton:** That is a sleight of hand. We are 50 years waiting for this project. If the Taoiseach's party had its chance, that road would not have been built either.

**Mr. Rabbitte:** It is a good job we got back that field in Loughrea.

**Mr. Connaughton:** What is more important, the project could not have been done without it.

**The Taoiseach:** The fact is we got it back and got on with the work. It is proceeding well.

The other issue raised was the current element of the decentralisation programme. I do not consider decentralisation to be new because the largest number of civil servants were moved from Dublin ten years ago when I was Minister for Finance. The current element is another block of the programme. We must continue with it as part of the national spatial strategy and our decentralisation programme to bring balanced regional development to the country.

**Mr. Rabbitte:** The way things are going, the Taoiseach will need to go back to the Department

of Finance if the civil servants are to move this time.

**The Taoiseach:** We must move this block of civil servants over the next number of years as well.

**Mr. J. Bruton:** Would the Taoiseach not agree that it might be more appropriate to describe the decentralisation of the Civil Service as the disintegration of the Civil Service, with the risk that normal policy-making interactions that occur between civil servants on a daily basis when they inhabit the same capital city will become much more difficult if they are dispersed by up to three or four hours' journey apart from one another?

In regard to the Border, midland and west region, would the Taoiseach not agree that the Government decision to rely on PPPs to finance most of the road infrastructure by definition skews development in favour of wherever profits can be earned in terms of toll income and that, therefore, any regional policy of the Government is sub-contracted to the commercial needs of PPP contractors and that regional policy is *de facto* abandoned by virtue of the choice to go for PPPs?

**The Taoiseach:** I do not believe that decentralisation to locations outside the capital, in what is a relatively small country, in any way affects the service. The division of the Revenue Commissioners that deals with corporate Ireland is decentralised. It is considered, even by corporate Ireland, to be one of the most valued advanced technological services.

**Mr. J. Bruton:** They are not policy-makers, they are implement policy.

**The Taoiseach:** Many of our public servants are not on the front line in everyday activity or people dealing with social welfare. The service is for citizens as well as for this house and other agencies. Let us look back 20 years, as Deputy Bruton and I can easily do, at the quality of the service to the citizen that obtained when all the service providers in question were in the heart of this city, within walking distance and compare them to the service offered today, whether it is by Revenue, social welfare or any of the licensing agencies. Even though the service providers are now in Sligo, Galway, Killarney, Ennis and different parts of Tipperary and Limerick, it works because——

**Mr. Timmins:** One.

**Mr. Rabbitte:** It is because they are operational agencies.

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

**The Taoiseach:** ——we have modern technology. Offices are well based and well able

to communicate with the other offices. While the services in question might not be national services, as Deputy John Bruton said, they are in offices linked to Finance and Revenue. This system works extraordinarily well. The Central Statistics Offices, deals with all agencies and all Departments and is in Mahon in Cork although there was a big controversy about its location. I do not believe there is a difficulty.

On public private partnerships, we use a small part of the national roads infrastructure. As I said in a reply to Deputy Rabbitte last week, I do not regard public private partnerships as pertaining to anything other than some of the longer and larger contracts that are available. I do not foresee our having large tracts of the country under development by way of public private partnerships. There is neither the demand nor the capacity for that.

**Caoimhghín Ó Caoláin:** The first sentence of An Agreed Programme for Government states that the Government's overriding priority will be to secure lasting peace in Ireland through the full implementation of the Good Friday Agreement and the consolidation of its institutions. Given that commitment, does the Taoiseach not agree it is totally unacceptable that the British Government maintains the suspension of the institutions arising out of the Good Friday Agreement? Given that the Government is a partner with the British Government, is it not incumbent on the Taoiseach to employ every means to impress on the British Government the importance of the restoration of the institutions at the earliest possible date?

If the Taoiseach has not sufficiently impressed on public opinion that he is pressing this matter in the most vehement, rather than confrontational way in the interest of all Irish people and all traditions — to my mind, he is not — he will have to realise that the primary responsibility of the Government is to the people of this island as a whole, despite the requirements of diplomacy and all the other arts of political engagement with the British Government. There is unquestionably——

**An Ceann Comhairle:** Has the Deputy a question? A number of Deputies have questions submitted.

**Caoimhghín Ó Caoláin:** I have a number of questions already asked. Does the Taoiseach not accept that the willingness of the British to repeatedly suspend the institutions emboldens anti-Agreement Unionism and those who are opposed to the outworking of the promise of the Agreement.

The final commitment in the section of An Agreed Programme for Government dealing with the peace process promises to improve North-South infrastructural links and facilitate cross-Border planning. Does the Taoiseach not agree that the progress that has been made has been far



[Caoimhghín Ó Caoláin.]  
too slow? As somebody who lives very close to the Border, I am particularly conscious that there are so many areas——

**An Ceann Comhairle:** It is not necessary for the Deputy to give his own opinions at this stage.

**Caoimhghín Ó Caoláin:**——that are not being addressed in a real and definite way.

Would the Taoiseach not agree that, in addition to co-operation, we need to continually work across all relevant aspects of daily life so that people in Border counties and those involved in the North-South axis can see a real difference with real meaning in their lives? That is not evident today.

**The Taoiseach:** The Deputy must acknowledge that the road to Dundalk has improved substantially in recent years. There have been many contracts involving the airport road, Lispopple, the road to Swords which opened last July, and other areas, such as the Dunleer section which was completed a few years prior to that. Last week the contract was signed for the Dundalk bypass and the remaining section from the other side of Dundalk to Ballymascanlon is being closely examined and will be dealt with soon.

There has been significant investment in the Dublin-Belfast rail line. I have raised with our Northern colleagues the need for them to proceed with their part because the road on the other side of Ballymascanlon needs upgrading. On this side of the Border the work is under way.

**Caoimhghín Ó Caoláin:** The Taoiseach is referring to the eastern corridor but the Border and the North-South interaction involves much more than just access between Belfast and Dublin.

**The Taoiseach:** I accept there are other roads but we are also doing the——

**Caoimhghín Ó Caoláin:** It is not just about roads.

**The Taoiseach:** I thought the Deputy referred to infrastructure. There are many other issues but the road and rail infrastructure is important too.

I agree with Deputy Ó Caoláin on his first question. As I said earlier to Deputy Rabbite, the fact that it is almost six years since the signing of the Good Friday Agreement and that the process has stopped four times, is not good for the institutions or for stability. We cannot say that there is a sustainable democracy when we are constantly up and down for one reason or another. Deputy Ó Caoláin does not need me to list why these stops and starts have occurred. I am more interested in moving on to the next position. We held a detailed meeting in the past week during which we went through all aspects of the Agreement including the equality agenda,

the criminal justice agenda, the various rights commissioners, the police ombudsperson and the Garda. We continually monitor, press for and demand that the various oversights and structures built into the Agreement work.

Deputy Ó Caoláin must agree that when all these factors are taken together it is a very substantial development. Perhaps some day during Question Time I will outline the entire project for the House. One would then see the substantial number of people, functions and organisations involved in these processes. The number of interactions, all of which are necessary, are not commonly recognised, North or South. They are in place and they work. A great deal is being done continually through our secretariat and at ministerial level to make it function. Although the North-South bodies do not function as we planned, we continue to work with them and we recently published the annual report where one can see just how much is happening in that regard. I am not happy that the institutions are not in place because we could make much more progress if the executive, the assembly and the institutions were up and running. The Deputy must agree that two issues remain outstanding in this regard but I will not give a lecture on either. I am saying that I genuinely do not see — and I have racked my brains more than once a week on this issue — how I can find a way forward unless I can deal conclusively with the acts of completion around paramilitarism on the one side and then try to convince the parties on the other side that we can have an inclusive executive and functioning democracy. People must realise that I cannot do one without the other. It is no good people jumping right, left or centre around them. They are the two issues that must be addressed and it will not change. If we want it to work, we must address that. Unfortunately, it has nothing to do with the British Government and I cannot do it on my own. I need the parties in Northern Ireland to do it. If the British Government was not there, I could not do it. We might as well be honest about that.

**Caoimhghín Ó Caoláin:** Is the Taoiseach ordering——

**An Ceann Comhairle:** That concludes questions to the Taoiseach.

**Mr. Sargent:** I wish to ask a question.

**An Ceann Comhairle:** We now move on to questions to the Minister for Transport.

**Mr. Sargent:** If somebody has a question, why is it not possible to take that question?

**An Ceann Comhairle:** Some 21 Members tabled questions and it was not possible to call them all.

**Mr. Sargent:** Not all of them were present. I have been present from the start.

**An Ceann Comhairle:** If the Deputy's colleagues in the Technical Group could be more concise——

**Mr. Sargent:** Is the Ceann Comhairle blaming Deputy Ó Caoláin?

**An Ceann Comhairle:** Some people took four minutes to ask a question.

**Mr. Sargent:** Other Members received long-winded replies.

**An Ceann Comhairle:** Interruptions prolong the questions. The Chair tries to facilitate everybody.

**Mr. Sargent:** I am afraid the Ceann Comhairle did not succeed.

### Priority Questions.

#### International Agreements.

108. **Mr. P. Breen** asked the Minister for Transport when he expects his officials to have completed the negotiations on the Ireland-US bilateral air agreement; the case he and his officials have made to the US on behalf of Shannon; if he has made a case to the European Commissioner, Loyola De Palacio, for an exemption for Shannon; his bottom line in these negotiations; if he and his officials will cease negotiations if an acceptable package is not forthcoming for Shannon; and if he will make a statement on the matter. [6834/04]

**Minister for Transport (Mr. Brennan):** As I have indicated to the House on a number of occasions, I have authorised my officials to seek negotiations with the United States on possible phased amendments to the Ireland-US bilateral agreement. No dates have yet been finalised for such negotiations. My Department has also been in contact with the European Commission to inform it of the intended negotiations with the US. While, on several occasions I have stressed to the Commission the importance of the Shannon issue for the Irish authorities, I believe the best prospects for achieving the most advantageous outcome for Irish aviation and tourism, including Shannon airport, lie in direct Ireland-US talks.

On 5 February I met the Aer Rianta unions for further discussions on the dual gateway status of Shannon. There will be further discussions with the unions and the Shannon board designate before my negotiating position is finalised. The Deputy will appreciate that it would not be appropriate to publicise my negotiating position in advance.

**Mr. P. Breen:** I thank the Minister for his short reply, which is not really a reply. Given the reports over the weekend from US officials that Department of Transport officials have made a case for new gateways for Aer Lingus, will the Minister confirm that no special case has been made for Shannon? Within the EU open skies negotiations, the Commissioner, Loyola De Palacio, has stated that Shannon represents a special case. Is it true that no special case has been made for Shannon since the former Minister for Public Enterprise, Senator O'Rourke, did so? Is it correct to assume that the proposal by Aer Lingus to ask 50% of its staff to leave is a precursor to Aer Lingus leaving Shannon Airport to consolidate its business in Dublin? Does the Minister support such consolidation?

**Mr. Brennan:** Both publicly at the Council of Ministers and privately to the Commission I have consistently made the case for Shannon Airport and will continue to do so. The US and the EU are engaged in talks about open skies, the first round of which is complete. A further round will take place in Brussels in the week commencing 29 March. I understand the Commissioner is adopting a two-phased approach with some progress to be made by June and the rest will await the outcome of the United States presidential elections. In the context of the US-EU talks it is important that we protect Shannon Airport.

The reason I have authorised discussions, which have not yet commenced, is to seek to ensure that, in the context of the USA-EU deal, we get a deal for Shannon with which the airport can live and that will allow Aer Lingus to continue to operate out of it and provide more gateways. Aer Lingus requires additional gateways to the United States. We cannot obtain those under the present bilateral agreement. For that reason it is necessary to renegotiate it, but that must be done in the context of the USA-EU talks.

Were I not to approach it in this way, we would be at the mercy of the USA-EU making an arrangement which could be some years away and which may not suit Shannon. It is critically important that we achieve an understanding with the United States so that, when that deal between the USA and the EU is completed, it will incorporate a clear deal for Shannon Airport that allows it to move forward strongly with Aer Lingus.

I do not support the idea of Aer Lingus exiting Shannon, nor do I believe the company has any intention of doing so. The present job situation there partly relates to baggage handling, which is being undertaken by another company for other airlines and not specifically Aer Lingus, although there are other disputes. However, Aer Lingus informs me that it intends to operate as soon as new gateways to the United States from Shannon can be obtained. It does not envisage exiting Shannon Airport. The contrary is the case.

**Mr. P. Breen:** How does the Minister intend to guarantee transatlantic services in Shannon, given the situation that has arisen in the context of Aer Lingus in recent times, especially in the context of its proposed summer schedule in which some of the transatlantic services out of Shannon are being scaled down? If fewer people work for Aer Lingus in Shannon, there will be fewer services.

I am also informed that Aer Lingus was not tendering for extra business in Shannon, especially regarding third party handling of baggage. What deals are in place for Shannon? There is no trust now. Workers in Shannon have no faith in either Aer Lingus or the Minister. Will the Minister give the workers a guarantee, especially where transatlantic flights are concerned, because they are the core — 44% — of business for Shannon Airport?

**Mr. Brennan:** I cannot give guarantees. A commercial world approach is involved and I cannot give guarantees about that. Aer Lingus has a commercial mandate. It must make a living. It informs me it is fully committed to Shannon.

**Mr. P. Breen:** We have been hearing that for a long time.

**Mr. Brennan:** Aer Lingus still flies out of Shannon.

**Mr. P. Breen:** Just about.

**Mr. Brennan:** Its passenger numbers out of Shannon are growing substantially.

**Mr. P. Breen:** There are fewer services.

**Mr. Brennan:** I am told that Aer Lingus is fully committed to providing those services and to expanding them, if possible.

#### **Airport Development Projects.**

109. **Ms Shortall** asked the Minister for Transport the status of the Government decision announced by him on 10 July 2003 to proceed with arrangements with a view to establishing Dublin, Shannon and Cork as independent airport authorities under which new arrangements the three airports would compete with each other and vigorously pursue new business, free from central control, including arrangements (details supplied), in the wake of the press reports of 21 February 2004; and if he will make a statement on the matter. [7091/04]

344. **Mr. Naughten** asked the Minister for Transport if his Department has resolved the legal difficulties surrounding the break up of Aer Rianta; if he has satisfied himself that the three airports are commercially viable as stand-alone entities; and if he will make a statement on the matter. [6836/04]

**Mr. Brennan:** I propose to take Questions Nos. 109 and 344 together.

I am satisfied that the Government decision of July last to restructure Aer Rianta will be implemented within the timeframe originally envisaged for this project. As I said in response to questions a few weeks ago in this House, there are significant technical and legal issues which my Department and its advisers are working through in conjunction with Aer Rianta management and its advisers. We want to ensure, in accordance with the Government decision, that the new independent Shannon and Cork airport authorities commence business with a fresh start while at the same time ensuring that Dublin Airport, which is the country's main metropolitan gateway, is also positioned to develop and grow to meet the increasing travel demands of our business and tourism sectors.

The articles in the media on 21 February last referred to a confidential document drawn up by my Department for the purpose of advancing the implementation of this important, strategic and of course complex project. The project steering group which comprises officials of my Department and the Department of Finance, Aer Rianta management and advisers, is evaluating the technical, operational and commercial aspects of the approach proposed in that document. This exercise includes the prompt finalisation of revised financial projections for each of the three State airports as stand-alone entities. Obviously, it is essential that each of the new airport authorities would have sound opening balance sheets and that each would be able to trade successfully on a commercial basis in the future. As I have emphasised on numerous previous occasions, however, the preparation of these revised and updated financial projections will not in any way inhibit the commercial freedom and responsibility of the new authorities, when formally established, to develop strategic business plans for each of the three airports.

While no decisions have yet been taken on the precise methodology to give effect to the Government decision, the approach being explored by the steering group would involve the transfer of Shannon and Cork airports out of Aer Rianta by way of a distribution in specie. Under this approach, the transfers would take place on a phased basis as the reserves of the parent company permit. It would be an objective of this approach to keep the timescale associated with the phased transfers to the minimum and, in this regard, other financial options for allocating airport assets among the three airports are also being examined. In this regard also, the issue of Aer Rianta's main subsidiaries such as Aer Rianta International and the Great Southern hotels group is being carefully examined. Deputies will appreciate that while this important work is ongoing, it would not be appropriate for me to speculate on or pre-empt the outcome.

*Additional information not given on the floor of the House.*

In tandem with this work, my Department is also well advanced with the drafting of the necessary amending legislation to give effect to the restructuring. At this stage, it is not envisaged that the amending legislation will dictate the specific methodology which is ultimately decided upon to effect the restructuring. Instead, it will contain enabling provisions which will preserve a degree of flexibility and ensure that optimum mechanisms, which are in the best interests of each of the new independent airport authorities, are employed. The enactment of the amending legislation, which I believe will be achieved before the summer, will also enable the establishment of the three new boards for the State airports on a formal, statutory basis.

Both I and my Department are also maintaining the ongoing process of full engagement with the Aer Rianta unions to deal with issues of concern to workers arising from the implementation of the Government decision. When the revised financial projections for the three airports which I referred to earlier are completed, I have already confirmed my willingness to share key financial information with the unions in the context of the current engagement process being facilitated by the Labour Relations Commission before legislation is finalised. As Deputies are aware, I have also conveyed assurances and clarifications about the protection of the current terms and conditions of employment of Aer Rianta workers in the context of the three new independent airport authorities when established.

**Ms Shortall:** Does the Minister accept that he has made a hames of the restructuring of Aer Rianta? Does he accept that, when he announced last July on the basis of a hunch that he intended to break up the Aer Rianta company, he did not have a clue what he was getting into? Does he accept that, because of that, he has had to employ an army of consultants, such as PricewaterhouseCoopers, Matheson Ormsby Prentice and God knows who else. Will he inform us how much taxpayers' money he is spending on consultants to get him out of the legal and economic mess he has created for himself and Aer Rianta?

The Minister said that he was on target and within his timescale. I remind him that, in his announcement last July, he said he would immediately establish the three boards designate for the three airports. That has not been done. He spoke about having builders on site in Dublin Airport by last Christmas to commence construction of the second terminal. There has been no movement on that, nor has there been any movement on pier D. The Minister spoke about having the legislation in the House by last December. There was a delay and he promised it for January. It is now the end of February and there is no sign of that legislation because it is

almost impossible to legislate for the hunch the Minister had in mind last year not knowing and not giving any consideration to what was involved.

The Minister has informed us in recent days that the reason he is not publishing the legislation is that he is meeting the unions as part of his negotiations. What negotiations are taking place? When did the Minister last meet the unions? Has he met the unions since the industrial action was called off some weeks ago?

The Minister is talking about legislating for something for which it is not possible to legislate. Will he put on the record the legal obstacles that have been identified by the consultants? How does he propose to overcome them?

**Mr. Brennan:** There are about 18 questions there.

**An Ceann Comhairle:** The Minister has about one minute to answer the questions.

**Mr. Brennan:** I do not accept that I made a hames of it. That is the answer to the first question. I do not accept that it is impossible to legislate.

**Ms Shortall:** Where is the legislation?

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

**Mr. Brennan:** I do not accept that it is impossible to legislate. This House should have no difficulty in taking a State company and establishing three independent airports by legislation.

**Ms Shortall:** The Minister cannot just take a PLC—

**An Ceann Comhairle:** We will move on to the next question if the Deputy frustrates the Minister in answering the question. It is not appropriate to do that in a parliamentary democracy.

**Ms Shortall:** The Chair is giving the Minister excuses for dodging the question.

**An Ceann Comhairle:** The Deputy took three and a half minutes to ask her question. The Minister had one minute remaining to answer it.

**Ms Shortall:** I depend on the Chair to notify me of time.

**Mr. Brennan:** It is not impossible to legislate. The legislation is almost completed and will be brought before the House. There are issues that have yet to be resolved. I explained to the Deputy that they were complex, and that is why we need good advice from consultants and specialists to ensure we do this properly. We are doing it for



[Mr. Brennan.] the future. The reason we are doing it is to allow Shannon and Cork airports to have a fresh start with new leadership and regional input and to place the future of these airports in the hands of the regions. The Deputy and I will never agree on that and I do not envisage there ever being a meeting of minds on it. I firmly believe the Shannon and Cork regions have the capacity, talent, ability and determination to grow those two airports in a way that will never happen in the Aer Rianta structure.

**Ms Shortall:** It does not matter what the Minister believes, the evidence——

**An Ceann Comhairle:** The time for this question has concluded. We must move on to question No. 110.

**Ms Shortall:** It is not a matter of what the Minister believes. He is doing a huge damage to Shannon Airport and Cork Airport.

**Mr. Brennan:** That is the trade union view. We know from where the Deputy is coming on that matter.

**Ms Shortall:** No, it is the view of the——

**An Ceann Comhairle:** There are other Deputies who have submitted questions and who are entitled to hear the replies to them.

**Mr. Brennan:** Deputy Shortall should ask the people of Shannon and Cork.

**Ms Shortall:** They are extremely concerned about the jobs haemorrhaging out of Shannon Airport.

**Mr. Brennan:** I believe in Shannon and Cork.

**Ms Shortall:** What about——

**An Ceann Comhairle:** I will have to ask Deputy Shortall to leave the House if she does not allow the Minister to answer question No. 110 in the name of Deputy Eamon Ryan.

### Public Transport.

110. **Mr. Eamon Ryan** asked the Minister for Transport if his Department will review national transport policy in view of the publication of the 2002 census travel statistics which showed a dramatic increase in car use for adults going to work and children going to school; if such a review is to be carried out, the form it will take and the timetable for the resulting review of investment priorities within his Department. [7073/04]

**Mr. Brennan:** Transport policy is kept under constant review and data such as that in the census figures contributes to that process. National transport policy has to meet a wide

range of needs and demands and the census figures reflect how the demand for mobility has increased dramatically in recent years as the country has developed and economic growth has increased. The challenge is to respond appropriately to this demand while taking into account potential conflicts with other policy objectives, including those relating to sustainable development, balanced regional development, social inclusion and land use development, which is coherent with transport policy.

Against this background, and on the basis of the mandate in An Agreed Programme for Government, my Department's statement of strategy 2003-05 establishes strategies that will underpin Ireland's economic growth and competitiveness and contribute to social development through the efficient and effective delivery of a sustainable, appropriately regulated, safe and integrated transport system.

A key component of that policy is the significant investment taking place in key transport infrastructure and services, in a manner consistent with the national spatial strategy and in a way which promotes modal shift in favour of sustainable transport. Much of the benefit of that investment is now becoming evident in Dublin and in other urban areas, as the DTO's most recent annual report revealed. For example, it emerged that the percentage of commuters using their car instead of the bus or train to travel in the morning peak in Dublin had fallen slightly in the five years to 2002. Some 85,000 or more than 18% now use buses to travel to work in the greater Dublin area, primarily due to the success of the quality bus corridors. These are positive trends.

**Mr. Eamon Ryan:** I do not know if the Minister believes what he has just read into the record. If one considers the census statistics, it is clear we are presiding over a disaster in the area of transport. The Minister stated that we have a policy aimed at achieving modal shift. It is obvious from the census figures that this is not happening. Any analysis shows that people are switching to their cars. Our children are learning habits or starting lifestyles which will encourage them to drive to school rather than walk or cycle there as in the past.

The Minister referred to a slight marginal increase in some parts of inner city Dublin in respect of bus use. However, the reality is that most Dubliners drive to work from counties Laois, Kildare and Meath. These journeys are extremely long and lead to huge economic, social and environmental costs. The Minister is facilitating such transport patterns by spending four times more on motorways than on public transport. While he states that we want to achieve a modal shift towards public transport, the reality is that he is providing for a modal shift in the opposite direction. He is getting what he and other Ministers want to achieve, namely, a massive switch to car use.

What will the Minister do about this? How will he change policy or will it be a case of continuing as we go on the basis of the census figures? Are we to change anything or is the Minister satisfied the current policy is leading to the desired result? Does he believe the constant shift from 1986, when 45% of work journeys were done by car, to 1996, when 55% were done by car, and on to 2002, when 62% were done by car, is a step in the right direction? If not, what will he do about it?

**Mr. Brennan:** I acknowledge the Deputy's statement that there has been a substantial increase in car use. A total of 50% of primary school students and 28% of secondary school students are driven to school. These are double the corresponding figures for 1981. It is clear there has been a major growth in the use of cars.

It has been the policy of successive Governments to try to effect a real modal shift. There is no great magic about how we intend to achieve this. First, we are building the Luas. In addition, we have put in place substantial quality bus corridors on which more than €90 million was spent during the past eight or nine years. This year our target is to double the number of quality bus corridors. There has been a substantial increase in the patronage of buses on these corridors. In addition, the average bus journey on the Stillorgan corridor is 35 minutes whereas in a car it is almost 65 minutes.

The answer to the Deputy's question is that it is a constant battle. Dublin is not unique in facing such a scenario. The people of Dublin are not selfish and if we provide public transport for them they will leave their cars at home. There has been phenomenal investment in Bus Éireann, Dublin Bus and Iarnród Éireann in recent years.

It has been the policy of successive Governments to develop Luas, bring forward the metro, invest heavily in quality bus corridors and buses and invest heavily in cycling and walking facilities throughout the city and county. That is what is happening at present and it is one of the reasons the city is almost a building site.

**Mr. Eamon Ryan:** During the past seven years there has been an increase of 9,000 in the number of people using buses. At the same time, there has been an increase of 280,000 in the numbers driving cars. The Minister is spending four times more on roads than on public transport.

**An Leas-Cheann Comhairle:** The Deputy should put a question.

**Mr. Eamon Ryan:** How is it proposed to reverse this position or encourage a modal shift?

**Mr. Brennan:** The main answer is that we are catching up in terms of roads.

**Mr. Eamon Ryan:** Four times more is being spent on roads.

**Mr. Brennan:** Approximately €400 million or €500 million will be spent on public transport this year. As the Deputy is aware, the economy has been exploding and we have had to catch up in terms of our motorways. Most countries of Ireland's size would have full motorways running between their main cities. We are still trying to get there. We have invested heavily in rail and will continue to do so.

111. **Mr. Naughten** asked the Minister for Transport the position regarding discussions taking place with the bus unions; and if he will make a statement on the matter. [6835/04]

**Mr. Brennan:** I stated in my reply to a priority question on 28 of January my belief that the objective of regulated market opening could be achieved in the context of market expansion and negotiations without undermining terms and conditions of employment of existing employees. I also indicated my expectation that Dublin Bus would continue to play a significant role in meeting the future transport needs of Dublin. As stated on a number of occasions in the House, I am firmly of the view, supported by a number of professional studies and experience in other countries, that franchising is the most effective means of achieving genuine market opening to new entrants. However, I remain open to additional suggestions provided they are directed at achieving the same objective. Likewise, I am open to reasonable proposals relating to the pace of the introduction of competition so long as this objective is achieved in an acceptable time frame.

The Secretary General of my Department wrote to the CIE unions on 29 January outlining what I had said in the House and proposing that intensive discussions take place under an independent chair, within a tight time frame on the basis I have already set out. The CIE unions agreed to resume discussions on this basis. Intensive discussions, chaired by Mr. Kevin Foley of the Labour Relations Commission, commenced on 17 February. These discussions are ongoing and I understand have been characterised to date by a forthright and meaningful engagement on the issues.

**Mr. Naughten:** Does the Minister accept that what we do not need is a change in the colour of the buses in Dublin? With regard to franchising, is it intended to have 25% more buses in Dublin or will 25% of the Dublin Bus fleet be handed over to private operators?

**Mr. Brennan:** There is not a "yes" or "no" answer to that question. My target for Dublin is to open 25% of the market initially, before further progress is made. If I were to open it today, I would be talking about 25% of the existing market. If it is opened in six months' time when legislation is passed by the House, it will be 25% of the market as it exists at that time. The market is growing rapidly each day. There are increasing demands regarding the number of

[Mr. Brennan.] routes, buses and new services. My target is to achieve a figure of opening 25% of the entire market in 2004. I have not given up on this objective as yet.

**Mr. Naughten:** The Minister continues to speak in parables. Does he agree that we need 250 additional buses in Dublin now, rather than in six or 12 months? Many communities around Dublin and elsewhere need bus services which are not being provided because the bureaucracy involved in the current system prevents it. Will the Minister ensure that a mechanism is introduced to provide services for the communities in question? Is it his intention to hand over some of the garages in Dublin to private operators to provide services in the city? Is he aware that the privatisation of bus garages in London was detrimental to competition?

**Mr. Brennan:** In recent years, the public has provided hundreds of new buses for Dublin Bus and the company has done a fine job in using these assets. As regards the need to have more buses immediately, I am anxious to proceed with my proposals as quickly as possible in order that we can provide the additional services the city needs.

I do not want to discuss the matter in too much detail because discussions are ongoing, but I have received a number of studies on bus services, including the NERA and ISOTOPE reports to which I referred, both of which are strongly in favour of the direction I have proposed. I have a list of statistics in regard to the position in Helsinki, Stockholm and London before and after franchising. They are startling figures in that they all show that franchising resulted in significant increases in the number of buses and people travelling, reductions in subsidies per passenger and more modern bus fleets.

**Mr. Naughten:** If the Minister is so eager to open up the market in Dublin, why did he not start discussions with the trade unions at an earlier date, rather than postponing them until now? If one examines the London market, which I ask the Minister to do, does one not find that while the quality of the service has improved and the number of people travelling on it has increased, the level of subvention to private operators has also increased significantly? That is the factual position.

**Mr. Brennan:** I also thought that was the case, but when I checked I found that the subvention per passenger has decreased. While the number of passengers has increased dramatically and the subsidy has also increased, the subsidy per passenger has decreased and ultimately this is the key measure.

**Mr. Naughten:** In that case, does the Minister have available to him the additional resources

necessary to provide the additional subventions which will arise?

**Mr. Brennan:** The Government has not yet worked through all that. I do not have a set number of buses in mind——

**Ms Shortall:** Is the Minister relying on another hunch?

**Mr. Brennan:** I do not have in mind an optimal number of buses for Dublin. Many new applications have been made and new services are being demanded.

**Mr. Naughten:** They are gathering dust in the Department.

**Mr. Brennan:** In addition, much greater efficiency is being achieved with buses in that routes can sometimes be amalgamated and the new route serviced by the same buses. I acknowledge that much remains to be worked out in this area but I am clear of where we want to get to and I want to get there in 2004.

**Ms Shortall:** That is as clear as mud.

**Ms O. Mitchell:** The Minister should visit Sandyford to find out what it is like to have no bus service.

#### **Taxi Hardship Panel.**

112. **Mr. Crowe** asked the Minister for Transport if he will report on the progress made in implementing the taxi hardship payments scheme. [7077/04]

**Mr. Brennan:** Area Development Management Limited has been engaged to administer the taxi hardship payments scheme which is implementing the recommendations of the taxi hardship panel report in accordance with the relevant Government decision. The scheme was formally launched in November 2003 and application forms were issued to all persons who made submissions to the taxi hardship panel.

Newspaper advertisements were placed in the national newspapers on 6 November 2003 inviting applications under the scheme from those who held taxi licences at 21 November 2000; are able to demonstrate that they have suffered extreme personal financial hardship following loss of income arising from the liberalisation of the taxi licensing regime; fall into one of the six categories identified by the taxi hardship panel report; and are tax compliant. ADM is proceeding with the processing and assessment of applications as the application forms and associated required documentation are returned to them. Payments under the scheme commenced in December 2003.

I understand from ADM that it had received a total of 1,025 applications as of 25 February 2004. Hardship payments totalling €2,458,000 have been made to 204 qualifying persons to date and a further 163 applications are expected to come

before the ADM board on 3 March for decision. Of the outstanding applications, 657 are awaiting processing. Additional information or clarification has been requested from applicants in approximately 80% of these cases.

The time taken to process applications and to make payments depends on the completeness of the information and supporting documentation in each case. Newspaper advertisements were again placed in the national newspapers on 27 February 2004 inviting applications under the scheme and advising of a closing date of 30 April 2004 for receipt of applications.

**Mr. Crowe:** In light of our Presidency of the European Union and the possibility that this issue will be raised again soon in the European Parliament, will the Minister outline his reasons for his outright rejection of the report of the Committee on Petitions of the European Parliament, which described the payments made under the taxi hardship payments scheme as “derisory and inadequate” and called for a complete review of the matter? Will he outline what, if any, correspondence he has had with the committee’s chairman, Mr. Vitaliano Gemelli, and the nature of any such correspondence?

Is the Minister aware of reports that hundreds of taxi drivers and their families are considering taking legal action against the State over the hardship caused by deregulation of the taxi industry and the manner in which it was handled by the State? Has he taken legal advice or consulted the Attorney General in this regard? Does he accept that the total value of taxi licences before deregulation was €400 million and that the suggestion that the Government’s pay-out will amount to €15 million, or less than 4% of the value, proves the argument of groups such as FAIR that taxi drivers will continue to suffer extreme personal financial hardship?

On a personal note, has the Minister been approached by people who have suffered hardship, particular individuals who have had to remortgage their homes and, if so, what is his message to them? Does he not believe that he has a political and moral responsibility to them?

**Mr. Brennan:** As the Deputy will be aware, when the taxi hardship panel was established its eminent members were asked to investigate how the State could help alleviate the genuine suffering experienced by many families and individuals arising from the liberalisation of the taxi industry. For legal reasons, the issue was never described as a compensation issue but one of hardship. On foot of its investigation, the panel recommended that any future payment scheme should not exceed an amount of €15 million. To date, almost €2.5 million has been paid out and I have provided details on the outstanding amount.

I met the Committee on Petitions of the European Parliament, which made a strong case for additional funding. Notwithstanding the conflicting views of the committee and the taxi

hardship panel, the Government accepted the recommendations of the latter.

As regards the legal actions pending against the State, the manner in which these proceed is a matter for the taxi drivers concerned. I have been approached many times in my clinic and officially by many people who have suffered in this area. While the measures the Government has taken are not sufficient — we would like to do more — we established a sensible process in which three esteemed persons examined the matter and recommended the current approach as the best support the taxpayer could give to people in the taxi industry. I am proceeding on that basis.

**Mr. Crowe:** Does the Minister accept that the Committee on Petitions, whose findings were the opposite of those of the panel established by the Minister, is also an eminent group of individuals, which is impartial? The reality is that people continue to suffer and the matter has not been adequately addressed. People have been forced to remortgage their houses, while others, who may be in poor health or widowed and had set aside licences as a nest egg, have been left with a “derisory and inadequate response”, to use the words of the Committee on Petitions. It is not surprising that the Minister opted for the panel over the committee, given that the latter argued in favour of making more money available to the taxi industry. It is up to the Minister to devise other ways to raise money to try to address the issue.

**Mr. Brennan:** I met the Committee on Petitions at the request of Proinsias De Rossa, MEP, who led the delegation. Although the committee made a strong case, as I pointed out, we followed a definite procedure in establishing a taxi hardship panel which examined the matter in detail and from an Irish perspective. I am not suggesting the EU petitions committee did not take an Irish view of this, it did but it also took a broader view of it. The Government opted for the taxi hardship panel conclusions and proceeded on that basis. That is no reflection on the evidence of the petitions committee.

**An Leas-Cheann Comhairle:** That concludes Priority Questions. We now come to deal with Other Questions. I remind Members that supplementary questions and answers are confined to one minute.

### Other Questions.

#### National Car Test.

113. **Mr. Sherlock** asked the Minister for Transport his views on recent reports that there is a lack of consistency in the testing equipment used in national car test centres; and if he will make a statement on the matter. [6797/04]



**Minister of State at the Department of Transport (Dr. McDaid):** As required by EU law, testing of certain passenger cars has been mandatory in Ireland since January 2000. The National Car Testing Service Limited holds a ten year contract to carry out testing on behalf of the State. The company was awarded the contract following an international public tendering competition conducted in accordance with EU procurement law.

I understand the equipment used to carry out NCT tests was selected by NCTS on the basis of its capability to accurately and consistently test vehicles in accordance with detailed technical specifications prescribed by the then Department of the Environment and Local Government which had responsibility for vehicle testing when introduced. I am also advised that all NCTS vehicle testing staff are qualified vehicle mechanics. This requirement accords with the contract specifications which additionally requires all testers to undergo rigorous and comprehensive initial training before they commence testing customers cars and undergo regular review and developmental training. A primary purpose of the initial and ongoing training is to ensure that each tester follows standardised test procedures.

The test process is subject to regular internal scrutiny by NCTS management. Where operational deficiencies, such as a need for retraining, equipment recalibration or for procedural improvements, are identified these are addressed immediately. Furthermore, all elements of NCTS test operations are subject to continuous external supervision by the Department of Transport. The detailed supervision is carried out on behalf of the Department by a consortium consisting of PricewaterhouseCoopers and the Automobile Association.

During the ongoing supervision process, particular attention is paid to ensuring that the various performance standards set out in the contract between the company and the Minister are complied with on an ongoing basis. These standards apply to premises, test equipment, staff, test arrangements, facilities management, information technology infrastructure and operations, customer service and provision of public information.

More than 630,000 first tests and 300,000 retests were completed in 2003. I am satisfied that the measures I have outlined ensure that as far as is possible in such a high volume repetitive process, the test results reflect the condition of the vehicles at the time of testing.

**Ms Shortall:** My question does not relate to staff or staff training, it relates to recent newspaper reports which indicated a lack of consistency in the equipment being used in test centres. Several examples were cited in the reports of cars having failed the NCT in one particular lane and passing it in another. Will the

Minister of State explain the inconsistency in that regard? What is the Department doing about it? What is the Minister's view in this regard?

The report states that a person whose car fails the test in a particular lane has the right to have his or her car tested in another lane. Is that the case? Do people have the right to have their cars tested in an alternative lane? How can the Minister explain the inconsistency in the results between lanes in the same test centre?

**Dr. McDaid:** I remind the Deputy that there are currently more than 300 testers undertaking one million tests every year. Of course, there will be some variability involved. The Deputy's question relates specifically to the lanes. I am frequently updated on such issues. The calibration is regularly tested and there should be no difference between lanes. A car which fails a test in one lane should fail in the others. In regard to the case referred to by the Deputy, I have grave suspicions about whether there was anything wrong with the lanes and will follow up the matter with the possibility of taking disciplinary action.

**Mr. Naughten:** I congratulate the Minister of State on his visit to Roscommon at the weekend and on his success in getting my namesake nominated.

Will the Minister agree that the perception exists that national car testing is a money making racket and that the objective is to ensure a high failure rate within the system? Will he also agree that media reports such as the ones referred to by Deputy Shortall give rise to serious concerns regarding the integrity of the system? The Minister previously indicated he was considering the introduction of an appeals system. Has he given further consideration to that idea and, if so, what plans does he have to put such a system in place?

**Dr. McDaid:** On the Deputy's point about national car testing being a money making system, I remind him his party introduced the system in 1996 when in coalition government. I believe we are using the best method of testing and that a singular entity should undertake the tests. Again, on the Deputy's point about national car testing being a money making system, that is always the case when one puts such a service in the hands of one company. I agree with the system introduced by the Deputy's party when in government.

The Deputy asked about media reports and the integrity of same. I have been castigated on a number of programmes for supporting the NCTS. It is a case of the big bad wolf company taking on the little people. There are 57 elements to each test and a person who fails to comply with them is breaking the law. The Government and others have been consistently castigated for not enforcing the law. The NCTS is enforcing legislation in this regard and the Government is

being castigated for catching people who are breaking the law.

On the Deputy's third point, the system is examined every year. The contract is a ten year one of which there will be a mid-term review next year. I and the NCTS favour the introduction of an independent appeals system. The company has no hesitation in standing over what it is doing and would welcome an independent appeals system.

**Mr. Durkan:** Is the Minister aware of the concern, arising from such inconsistency, to the effect that even a new car off the assembly line would pass no more than two or three tests in one week? In other words, vehicles are often damaged in the course of a test while others pass readily.

**Mr. Crowe:** Will the Minister comment on why cars displaying the word "taxi" as gaelige are being refused an NCT?

**Ms Shortall:** I would like clarification from the Minister on an earlier point. Newspaper reports, which seem factual, indicated there are inconsistencies between lanes within test centres. Is the Minister saying that is not the case? Does he stand over the system in respect of consistency between lanes?

**Dr. McDaid:** I will take Deputy Shortall's question first. Calibrations are regularly checked but there can be inconsistencies between lanes. I believe the case referred to involved human as opposed to mechanical error.

**Mr. Durkan:** By the tester?

**Dr. McDaid:** Yes. I mentioned earlier, before the Deputy came into the House, that disciplinary action may be taken in that case. The NCTS does not refuse to test cars displaying the word "taxi" as gaelige.

**Mr. Crowe:** I am told it does.

**Dr. McDaid:** I will look into the matter though I understand that is not the case.

Deputy Durkan mentioned new cars. New cars do not undergo the—

**Mr. Durkan:** That was only for the purpose of comparison. A brand new car in mint condition put through the test three times would fail a subsequent test.

**Dr. McDaid:** They do not have to do the test.

**Mr. Naughten:** Thanks be to God.

**Dr. McDaid:** Before 2000, all cars had to be tested and there was a very high failure rate. However, the pass rate for cars registered in 2000 coming on-stream now is up to 69% or 70%. We are getting to the stage now where the pass rate will be much higher because we do not have the

older models to test. That is the line being followed at present.

### Public Transport.

114. **Ms O'Sullivan** asked the Minister for Transport the options being considered for changing the height of the Dublin Port tunnel; the cost involved of each of these options; the timescale involved in making the necessary alternations to the tunnel; when he intends to decide on this matter; and if he will make a statement on the matter. [6780/04]

**Mr. Brennan:** My Department engaged Atkins to review the feasibility, safety implications and cost of raising the height of the Dublin Port tunnel. Atkins was requested to review a range of options for increasing the operational height of the tunnel, their feasibility, having regard to the state of implementation of the current design and build contract, and the likely additional costs and impact on the project completion date.

The final report was received from Atkins on 8 December 2003. I am currently reviewing the findings of the report and have sought further information from the National Roads Authority pertaining to its conclusions with a view to reaching a final conclusion on this issue as quickly as possible.

**Ms Shortall:** Was there any point in asking those questions? I asked the Minister when he intends to make a decision and the cost implications of the various options put forward by Atkins but he has not provided any information on that.

This is yet another area where it appears the Minister does not know what he is doing. He raised this as an issue because some lobby group was in touch with him and he is holding up the whole Dublin Port tunnel project because of it. It is appropriate that the Minister of State is sitting beside the Minister today because it was exactly this time last year that I raised the question of the need to reintroduce height restrictions for trucks. Does the Minister of State, Deputy McDaid, remember that? That was March last year and the Minister of State said he would have the new regulations in by May. That is in the Official Report; the Minister can check it. Twelve months later there is no sign of those regulations. In a recent newspaper report a spokesman for the Minister, Deputy Brennan, said the Government was considering a ban but that this had no implications for the height of the tunnel. What does that mean?

**Mr. Naughten:** That means nothing.

**Ms Shortall:** If the Minister were to reintroduce the height restriction that had existed previously, trucks which met those height restrictions would fit in the tunnel. They would not be a problem.

**Dr. McDaid:** A later question on the Order Paper deals with this issue.

**Ms Shortall:** There would not be an issue about the height of the tunnel if the regulations were reintroduced. When does the Minister intend reintroducing those regulations? There will not be an issue about the tunnel if he reintroduces the regulations. Do we want to have super trucks on our roads anyway?

**Mr. Durkan:** Otherwise, we will have to let the air out of the tyres.

**Mr. Brennan:** That is a Kildare solution. I want to make it clear that I am not holding up the tunnel in any way. The project is going ahead at the planned pace. It has not lost a single day because of this issue.

**Ms Shortall:** They do not know where they are going because the Minister has not made up his mind. There is significant uncertainty about the project.

**Mr. Brennan:** I will answer the questions if the Deputy wants me to, but how can I deal with them if she continues to interrupt me?

**Mr. Naughten:** The Atkins report was put on the Minister's desk on 8 December last. That is three months ago and we still do not have a decision on it. Is it not the case, and this aspect has been lost in the debate, that the bore hole is significantly wider than the core where the vehicles will travel? The boring machine, therefore, has no implications in terms of the finished size of the core. Is it not the case that the issue is the cost of facilitating these vehicles which are slightly higher than many of the existing vehicles on the road? Is it not the case also that these vehicles, which are slightly higher than the ordinary heavy goods vehicles, ensure that export and import costs are reduced by the additional capacity they provide and that a small 30 cm increase could address the problem before the inner core is put in?

**Mr. Brennan:** The Deputy is right. It is 11 m in diameter and the height is coming in at 4.9 m. That comprises 4.6 m and the extra space for headroom which brings the height to 4.9 m. If we wanted to do it there is plenty of scope inside the bored tunnels.

**Mr. Naughten:** There is plenty of room. The issue is the cost.

**Mr. Brennan:** The Deputy is talking about a slight shift in the ceiling or something like that to deal with that issue, if we choose to do so.

**Mr. Naughten:** No. I am talking about changing the verges.

**Mr. Brennan:** I acknowledge that I have this report for a few months. I will publish the report in due course but I was not satisfied with the range of prices given to me in the report to effect a slight increase in the height of the tunnel. The range of prices given to me differed by as much as €60 million or €70 million between the lowest and the highest estimate. I could not make a decision on the basis of that kind of money; it is just too much. The minimum time estimate given to me was two or three months and the longest time estimate in the report was up to 11 or 12 months or over a year. Again, that type of professional advice did not meet the requirement I had hoped would give me some certainty before I enter into any type of decision on this area.

**Mr. Naughten:** What was the lowest cost estimate?

**Mr. Brennan:** I have instructed the National Roads Authority to formally ask the contractor, who is on site, to give a specific definite quotation and timeframe so that at least I will know for definite before we take any decision on the tunnel. The tunnel is not being held up by this in any way. I check that on a weekly basis. If that was the case, we would move on this much faster. The implications for getting this wrong could run into hundreds of millions of euro, given that there is a contractor on site with a definite contract and I am not going to enter into that lightly.

There is a question on the height of the trucks on the Order Paper which the Minister of State, Deputy McDaid, will deal with in detail.

**Ms Shortall:** The Minister has the first and second Atkins reports. Why has he still not made up his mind?

**Mr. Brennan:** I have one Atkins report.

**Ms Shortall:** The first one was in October and the Minister got the final one in December. Why is the Minister now asking the contractor for a price? The Minister is the person who is supposed to decide.

**Mr. Brennan:** I told the Deputy the reason.

**Ms Shortall:** The Minister got an expert report. The options were presented to him——

**Mr. Brennan:** I decided to get the quotation.

**Ms Shortall:** ——and he still will not make up his mind.

**Mr. Brennan:** The Deputy is not listening to me. I explained that the range of prices in the Atkins report was as much as €60 million or €70 million. Atkins told me it could be this figure or that figure, and the gap is €60 million. I cannot take a stab at that out of the blue. The report told me it could take two months or a year. That is what Atkins told me, and I will release that in

due course when we get some more progress on this issue. To make progress on that I asked for definite quotations from the contractor through the NRA. That will give me a definite price and timeframe. We can make a definite decision based on that information.

**Mr. Naughten:** It is a bit like the Atkins diet rather than the Atkins report.

**Ms Shortall:** Can the Minister say definitely that he wants super queues on——

**Mr. Brennan:** That is a separate issue.

**Ms Shortall:** It is not. It is a central issue to the tunnel.

**Mr. Eamon Ryan:** I wish to refer to the serious questions we asked in March last year. Deputy Shortall is right. My recollection is that the Minister of State, Deputy McDaid, promised regulations on the height of trucks but he also said in response to questions, and I am particularly concerned about this, that the Government would ensure that no trucks coming out of the port tunnel would be able to access the city quays. In other words, we would get what we paid for in the port tunnel, namely, safe city quays and a far safer traffic management system. Does the Minister have to regulate to ensure that port traffic does not exit onto the quays? Is that the Government position or does responsibility for that lie with the city council? Does the Minister have any influence in the city council to make sure that trucks do not exit from the tunnel onto the city quays? I would be interested to hear if the Minister has any views on that matter.

**Mr. Naughten:** That is the commitment he gave to the House.

**Mr. Brennan:** It is a matter for the city council to deal with the banning of trucks in the city. It is my strong view, and I have conveyed it to the council on a few occasions, that trucks should be banned from the city centre once the tunnel opens.

**Mr. Eamon Ryan:** If Dublin City Council is against that, does the Minister have any role in enforcing such a view to ensure the city quays are cleared of port traffic trucks?

**Mr. Brennan:** Dublin City Council is already engaged on this issue. It is undertaking a number of studies and reviews. I believe it will arrive at the same conclusion.

**Mr. Naughten:** What about the traffic signs?

**Mr. Durkan:** Obviously this has been a great success to date.

### Road Safety.

115. **Mr. Hogan** asked the Minister for

Transport when the fifth progress report on road safety will be published; and if he will make a statement on the matter. [6729/04]

149. **Mr. Kenny** asked the Minister for Transport his future plans for road safety; and if he will make a statement on the matter. [6602/04]

153. **Mr. McGinley** asked the Minister for Transport when he will publish his new road safety strategy; and if he will make a statement on the matter. [6603/04]

187. **Mr. Quinn** asked the Minister for Transport the new measures he intends to introduce to increase safety on the roads in light of the rise in road death numbers for the first six weeks of 2004 in contrast to 2003; and if he will make a statement on the matter. [6784/04]

**Mr. Brennan:** I propose to take Question Nos. 115, 149, 153 and 187 together.

An Agreed Programme for Government states that a three-year road safety strategy will be developed and will target speeding, drink driving, seat-belt wearing and pedestrian safety to reduce deaths and injuries. At my request, the high level group on road safety has prepared a draft new strategy for the period 2004-06 and I have recently received approval from Government to publish the strategy. Arrangements are being put in place to provide for printing and publishing of the document as soon as possible.

The preparation of the new strategy has taken account of the achievements in meeting the targets set out in the Road to Safety Strategy 1998-2002, a comprehensive review of that initiative and further positive trends established in 2003, and the evolving developments in relation to the EU Third Road Safety Action Plan. The strategy, which includes a report on progress achieved during the term of the previous strategy, will outline a range of issues it is intended will be pursued over the period in question. In overall terms, measures will focus on the areas of education, enforcement, engineering and legislation and will target the key areas of speeding, driving while intoxicated and seat-belt wearing.

New legislation is being prepared in my Department which will provide support for the deployment of key initiatives in the area of speed limits and drink driving and will further enhance the enforcement capacity of the Garda Síochána.

The number of fatalities resulting from road collisions since the start of the year is a cause of particular concern. The total for the first two months is 29 higher than for the same period last year. This situation has been exacerbated by the fact that nine lives were lost in two tragic incidents, of which the House will be aware.

The difficult start to 2004 will be given particular consideration by the high level group to ensure that the measures recommended in the new strategy will be implemented as quickly as possible. In addition, the group will monitor the



[Mr. Brennan.]

ongoing effects of those measures and recommend adjustment to the focus of the strategy.

I am determined to pursue a strategic approach to the improvement of road safety to achieve long-term sustainable reductions in road casualties. The forthcoming strategy will set out a comprehensive range of measures to ensure that we can build on the success of recent years — a reduction from 472 road fatalities in 1997 to 341 in 2003, a fall of 27.8% over a period when the number of vehicles, drivers and kilometres travelled on our roads have increased significantly.

**Mr. Naughten:** I thank the Minister for his long-winded reply. I had hoped he might answer the question I asked on when the report will be published. It has been significantly leaked to the media. It has gone before Government and it has gone for printing. It was a simple question, when will it be published? We do not have a road safety strategy currently. Some 29 people more than last year have been killed on the roads. In light of that what measures will the Minister put in place to ensure that the penalty points system is effective and is enforced? Will he agree that the current system whereby penalty points can take months to be issued as they continue to accumulate, with gardaí posted on long, wide, safe sections of road, is not encouraging drivers to abide by the rules of the road?

**Ms Shortall:** How does the Minister explain the fact that there was no road safety strategy last year? The 1998 strategy finished at the end of 2002. Why has there been such a delay? The 1998 strategy provided for the introduction of penalty points for a range of 69 offences. To date the penalty points cover only three areas, speeding, seat belts and insurance. The Minister has been promising for a long time to extend the penalty points system. When does he intend to do that?

**Mr. Brennan:** I propose to extend the penalty points to dangerous overtaking and careless driving within the next month or so.

**Ms Shortall:** What about the others?

**Mr. Brennan:** As regards the strategy for 2003, that was the best year ever for the roads of Ireland.

#### 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 Moynihan — the proposed renovation plan and future developments of the CBS secondary school, Charleville; (2) Deputy Michael Higgins — the importance of the Minister for Health and Children, Deputy

Martin, making such an intervention as will enable the residential beds at the Galway Hospice to be reopened and such reports as have been prepared in this regard to be made available to the public; (3) Deputy Crawford — to ask the Minister for Health and Children if he agrees it is fair and just for persons (details supplied) to be refused financial assistance from their health board towards the cost of transport to vital hospital appointments when there is no public service available and they are depending on social welfare; (4) Deputy Ring — to ask the Minister for Health and Children to instruct the Western Health Board to appoint a medical officer to oversee and reopen the hospice beds in the Sacred Heart Hospital, Castlebar, County Mayo, which are closed at present; (5) Deputy Hayes — to ask the Minister for Justice, Equality and Law Reform, Deputy McDowell, if he is aware of the difficulty experienced by aspiring job applicants, especially in the education and social care areas, in obtaining character clearance certificates at local Garda Síochána level and if he will indicate what measures he proposes to introduce to resolve this most unsatisfactory situation; (6) Deputy O'Sullivan — the need for the Minister for Transport, Deputy Brennan, to suspend his intended renegotiation of the bilateral aviation agreements with the US Government; (7) Deputy Pat Breen — the abandonment of Shannon Airport by the Government and the failure to put forward a special case for Shannon to the US-EU authorities on the current bilateral negotiations; (8) Deputy Ferris — the ongoing jobs crisis in County Kerry; (9) Deputy Lynch — the need for the Minister for Social and Family Affairs, Deputy Coughlan, to review the restrictions on rent allowance which came into operation at the beginning of this month in view of the hardship being created for vulnerable people and the serious concerns expressed by community welfare officers; (10) Deputies Eamon Ryan and Cuffe — to call on the Minister for the Environment, Heritage and Local Government, Deputy Cullen, to explain the reasons for his unprecedented intervention to instruct Dún Laoghaire-Rathdown County Council to rezone additional green belt land for housing as part of its new development plan.

The matters raised by Deputies Ferris, Moynihan, O'Sullivan and Pat Breen have been selected for discussion.

#### Leaders' Questions.

**Mr. Kenny:** I do not want to argue the merits or demerits of decentralisation. As far as I know, no Member of the House is opposed to a well-managed well-structured and well thought-out programme for decentralisation. However, the statement made by the Minister for Finance, Deputy McCreedy, over the weekend, that "a hanging job" was in prospect for the Government if this programme was not delivered before the next general election appears to be the first public

occasion where this Administration has blatantly attempted to politicise the Civil Service. Does the Taoiseach accept and endorse the validity of the statement made by the Minister for Finance that despite the fact that this is a voluntary scheme it will be implemented, with 10,000 civil servants to be moved inside three years? Is this not evidence of standing by the Government's stated code of ethics, "Get in here and stay in here"?

Is not clear that the philosophy arising from this is that the running of the country is predicated not for the good of the people or in the public interest but in the interest of the political party and the Government lead by the Taoiseach? In other words, everything is determined by the date of the next general election. The Civil Service was never meant to be a tool to be used by Government in this fashion.

Does the Taoiseach endorse and agree with the statement by the Minister for Finance? Does he not accept that the consequence of his statement is the naked politicisation of the Civil Service which has served all Governments well over the past 80 years? Will the Taoiseach comment on that?

**The Taoiseach:** I am happy to comment on that. The Civil Service has never been politicised and I do not think it every will be. It stands on its own standards and rules, and any legislation that governs it is passed by this House — that is infrequent enough. Most of the legislation on this issue dates back close to half a century.

The Government has announced the next phase of the decentralisation process. When the announcement was made we set out the timescale within which it was hoped to achieve it. The Minister for Finance merely said that we have to demonstrate that we are serious and committed to it by implementing as much of the decentralisation programme as possible within that period. We all know that it is a voluntary process. It has to be negotiated. There is no compulsion and there will be no redundancies involved. It has to be done by upfront negotiations, and that process has already started.

A meeting with the Irish Congress of Trade Unions is due to take place shortly. Under the Civil Service conciliation and arbitration agreement, a sub-committee of the general council has already been established to discuss all the issues relating to decentralisation. The Flynn group presented its first report to the Cabinet sub-committee last week and will present its implementation plan at the end of March. The report was well received by the sub-committee.

There is no question of politicisation, we are trying to implement the plan in a certain period of time if possible. Deputy Kenny would not accuse me of political expediency in setting targets for moving on the plan. I was asked less than an hour ago if we benchmark decisions under the programme for Government against a time scale for implementation. Moving more than 10,000 jobs to 53 centres will not be easy but there

is no point in Government saying it will implement a plan if it then sits back and does nothing. For the period that any Government is in office, it should be intent on doing what it says it will do, and that is what this Government will do. That does not politicise the Civil Service in any way.

I understand the personal issues surrounding the exercise. In some of the lower grades the take-up rate is four times what we need while in other grades we have difficulties. That also happened ten years ago but we cannot do much more than say that it is entirely voluntary and no compunction or redundancy will be involved to ensure it is not politicised. We have already started the negotiating process.

**Mr. Kenny:** This contradicts directly what the Minister for Finance said last week, when he stated that he makes no secret that he set a December 2006 deadline because the next general election is due in 2007. That politicises the Civil Service regardless of whether the Taoiseach likes it.

It is a fact of life that the accounting officers in every Department have to produce a risk assessment in any major move like this. The Minister for Finance said that no one was involved in this decision and the Minister of State, Deputy Parlon, knew nothing about it at the time. Will these risk assessments be published? If they are not used by the Minister, they must be reported to the Comptroller and Auditor General.

It is obvious that only 20% of public servants have confidence in the plan. In the Department of Enterprise, Trade and Employment, 69 out of 503 surveyed want to move to Carlow, where 250 are required. Only three out of the Department's 103 senior staff want to move. In the Department of the Environment, Heritage and Local Government, 35 out of 40 senior civil servants indicated that they did not wish to move to Wexford, although others might.

This programme was criticised by the ESRI, the Royal Institute of Architects, the Royal Town Planning Institute and the Institute of Engineers among others. Given that is the case and given that it is inherent in the standards of public office that public interest should always take precedence over the interests of the individual and, more importantly, the interests of a political party, will the Taoiseach go back to the drawing board and produce a programme which is realistic and acceptable and which does not politicise the Civil Service, as has been blatantly attempted by the Minister for Finance in the interests of the Fianna Fáil-Progressive Democrats Government?

**The Taoiseach:** I do not believe that trying to implement the decentralisation plan, achieving balanced regional development and moving people out of greater Dublin, where the population now exceeds 2 million, politicises anything. If the Minister for Finance had taken a

[The Taoiseach.] relaxed view and said that we might have the plan implemented by December 2010, at least four years after we leave office, Deputy Kenny would be the first to ask what kind of commitment we were displaying to decentralisation.

I am well aware of the rules that govern the implementation of policy and we must always take the correct decisions. We must follow the correct procurement and legal positions and negotiate with the staff. I am not sure about figures at this stage because, until things are explained to people, their questions are answered and the Government provides reassurance to those involved, figures will not be everything.

I remember the battles I fought to move the CSO to Mahon in Cork when I was Minister for Finance. At that stage Mahon was an area of social exclusion and I was told the CSO would never move there and should give up the idea. I recently visited the CSO and the people working there are happy.

**Mr. Kenny:** The Taoiseach did not propose to move anyone to Tallaght.

**The Taoiseach:** We will follow proper procedures and negotiate with staff. It is difficult to say when the plan will be complete but hopefully the Government will achieve as much as possible.

**Mr. Rabbitte:** Has the Taoiseach sought advice from the Attorney General following yesterday's Supreme Court ruling on the intoximeter that, since the machine is not susceptible to independent analysis or confirmation of findings, struck down the cases before the court? Has he sought advice on the obvious implications of that decision for electronic voting? If he has taken advice, will he tell us what it is? When will the legislation come before the House? Is it still the intention of the Fianna Fáil director of elections to proceed with the appointment of what he calls an "independent panel"? Does the Taoiseach accept that the electoral system is not the property of Fianna Fáil and the Progressive Democrats and that, therefore, if an independent panel is to be established, it ought to be done by decision of this House and the Opposition ought to be involved in it?

Does the Taoiseach think it is appropriate or fair to dragoon the Clerk of the Dáil and the Clerk of the Seanad into what is now manifestly a partisan row about something as fundamental as the electoral system? Is it appropriate that for the first time in the history of the office, the Ombudsman should have been shafted, presumably because she delivered herself of an opinion that did not recommend itself to the Minister, who is making these decisions?

What are the terms of reference for the independent panel and when will we see them? Will the Opposition parties be consulted about them?

**The Taoiseach:** The Supreme Court issued a judgment yesterday on the intoximeter. It was a criminal case with no bearing on electronic voting. I briefly discussed the matter not in conjunction with electronic voting but because we have recently seen a number of cases related to the enforcement of road safety issues and the judgment is being examined in that light.

I am not sure if the Deputy is trying to draw a similarity in the case, but I cannot see how any similarity could be drawn between the two — it would be very tenuous. In this case there is a machine and it records on its memory. If need be, a High Court petition can be sought if there is a difficulty. It is an entirely regulated area that will be operated under electoral legislation so I cannot see any similarities. Yesterday's judgment is important, however, because it finds an area of our legislation wanting on a legal point and we are looking at it because it is serious.

The Government is about to appoint the independent commission and has cleared the terms of reference. The legislation is being prepared as a matter of urgency. I do not see including members of the Standards in Public Office Commission or the Clerks of the Dáil and Seanad as anything unusual. Most are from independent bodies, and while there is an argument about this issue, I am not sure that it is significant.

As far as I am concerned, people want to move on with electronic voting. I am sure Deputy Rabbitte would have noticed that in India, a country with many difficulties and a large middle class, which has 850 million voters, they use electronic voting in a few hundred thousand polling areas. We want to keep away from counting a haon, a dó, a trí on paper in this day and age. I hope that we are not arguing about that. We will not have that political argument when everyone in the House uses such technology every day of the week.

**Mr. Rabbitte:** It is not Indians that worry me but the cowboys opposite, who are trying to impose a change on the electoral system unilaterally, as the Taoiseach did twice with the PR system. He tried to change that, but now he is pushing ahead despite the myriad representations being made to us all and the sheaves of academic articles written by heavyweight experts and academics on the subject. With all due respect to the Taoiseach as a decent man, rolling out the Tánaiste as director of elections for the past 25 years for ten minutes on "This Week" to tell us why it is safe is hardly an antidote to the academic work prepared on the subject.

I ask the Taoiseach once more if he intends to press ahead with this. How can he discount yesterday's decision by the Supreme Court? On whose advice did he base his meandering about whether it has implications for the electronic voting system? The reason the machine in question was struck down was that it was not susceptible to independent confirmation of its

findings. That is the issue. I do not know how the Taoiseach can dismiss that as having no relevance. When will we see the terms of reference? Will the Taoiseach involve the Opposition in agreement of the terms of reference? Will he insist on officers of this and another House being dragooned into what is now a partisan situation? What is the hurry? Why can we not implement this at our convenience, when all sides of the House are satisfied?

**The Taoiseach:** Yesterday's case was a Supreme Court decision overturning a District Court's refusal to allow seven people convicted of drink driving to have their cases adjourned so that an evidential breath-testing instrument could be inspected. The Supreme Court found that the application to inspect the intoxilyzer was unfairly refused. We are talking about people going into a polling booth to vote in a regulated election where there is modern technology in an entirely regulated area.

**Mr. Rabbitte:** The intoxilyzer is modern technology.

**The Taoiseach:** The Deputy had his minute.

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

**The Taoiseach:** Perhaps Deputy Rabbitte is worried about people being intoxicated when going to vote electronically. They might fall over themselves and that might be a problem, but that is not what we are talking about. We are trying to deal with a system that 400,000 people have already used to vote. The system has been internationally tested.

**Mr. Allen:** The Taoiseach is the salesman.

**The Taoiseach:** We are told by those who advise on such matters, who are the experts in this area, that they allowed their system to be subject to thorough examination. We are appointing——

*(Interruptions).*

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

**The Taoiseach:** We are appointing an independent group.

**Mr. Allen:** How could they be independent if the Taoiseach is appointing them?

**The Taoiseach:** Mr. Justice Matthew Smith, a judge of the High Court and chairman of the Standards in Public Office Commission, will chair the commission. The Clerks of the Dáil and Seanad, the former president of Dublin City University and former chair of the Government task force on physical sciences and the expert

group on future skills needs, Dr. Danny O'Hare, and Mr. Brian Sweeney, chairman of Siemens Limited, Dublin, who is also currently chairman of the technology foresight group, will make up the committee. It will have satisfactory terms of reference.

**Mr. Allen:** How do we know?

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

**The Taoiseach:** The members were announced today, and I hope we will get over our fixation with trying to block the advancement of technology.

**Caoimhghín Ó Caoláin:** Perhaps the Taoiseach might clarify the remarks made last night by the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, on the "Questions and Answers" programme. He stated that the very substantial act of decommissioning carried out by the IRA last October was insufficient for both the British and Irish Governments. As I have not heard that statement before from the Taoiseach or any other Minister, does the Taoiseach agree with his Minister? Was that statement on his part correct, and was it an insufficient act in the view of the Irish Government? Is that the case even though the act was carried out following a sequence of actions and statements agreed between Sinn Féin, the UUP and both Governments? Was the act not carried out under the direct aegis of General de Chastelain of the IICD and witnessed and verified by him as a very substantial act of decommissioning — the most substantial act carried out by the IRA during the entire process? One must remember that there had been another act of decommissioning only the previous April.

Is it not the case that the recent sequence of remarks by both the Taoiseach and some of his other colleagues should be viewed as unintentional errors, given that they seem collectively to have slipped into a careless mode? In that vein, regarding the Taoiseach's remarks this afternoon, when he said that the current difficulties have nothing to do with the British Government, can he——

**An Ceann Comhairle:** The two minutes are concluded.

**Caoimhghín Ó Caoláin:** Can the Taoiseach clarify that statement, particularly in the light of the British Government's failure to publish the Cory report or act on collusion, demilitarisation, the equality agenda, the Irish language or the recommendations on policing? In conclusion——

**An Ceann Comhairle:** Deputy, please conclude.

**Caoimhghín Ó Caoláin:** Does the Taoiseach not agree that——



**An Ceann Comhairle:** The Deputy has gone well over time. In fairness to the Taoiseach, who must reply within a limited time, I ask Deputy Ó Caoláin to resume his seat.

**Caoimhghín Ó Caoláin:** —what we need is progress by all parties to the agreement, including republicans, I emphasise?

**The Taoiseach:** The Deputy has asked me several unrelated questions——

**Caoimhghín Ó Caoláin:** They are all very much related.

**The Taoiseach:** —but I will try to answer them quickly. On the last point, the Deputy was here today and knows what I said. I said as far as dealing with the twin issues of the ending of paramilitarism by all parties who were involved in it, and making progress on cross-party working in the institutions, these are not matters for the British Government. However, all the other matters are, and it is on that point that I made a quite clear reference. The British Government will not change either of those points. All the other issues that I mentioned, such as criminal justice and equality, are relevant. I did not see the Minister, Deputy Dermot Ahern, on television last night, but colleagues tell me that he was referring to past issues of decommissioning and not the act which occurred in October. I did not see it, so I cannot say if that is correct.

Last October, there was agreement between the two Governments and General John de Chastelain and the Independent International Commission on Decommissioning that the act of decommissioning was substantive. That was and remains the stated position. It was considered satisfactory and in line with what we expected. It was a commitment with which the two Governments were happy. Unfortunately, it did not satisfy others. Certainly, there was no difficulty with the two Governments about it.

I do not believe we are slipping in matters. The Deputy is asking me questions and when I am asked a question, I will answer it to the best of my ability. Sometimes the answer does not suit everybody but I do not consider that slipping into error. Unfortunately, one thing I have not yet managed to master in my political career is to decide what questions journalists ask me.

**Caoimhghín Ó Caoláin:** I thought the Taoiseach was a master of everything. I welcome the Taoiseach's clarification that the actions of the IRA last October were substantial. That is the official view of the Government. Clearly, there appears to be a dichotomy or difference of opinion here. How many tonnes of weapons that were imported by British Government agents, acting at the behest of the British Government through its various arms, to arm the loyalist paramilitaries, have been decommissioned?

These arms have been and continue to be used against innocent members of the Nationalist community. These actions continue almost daily and are broadly overlooked by the majority of those in the media who are so taken up with the frenzy to blame all impasses and difficulties in the process on republicans. How many arms have been decommissioned by——

**An Ceann Comhairle:** The Deputy's minute has concluded.

**Caoimhghín Ó Caoláin:** —the Official IRA, whose colleagues or former colleagues are senior voices in this House today? How many tonnes of weapons were decommissioned by those in the IRA who supported Fianna Fáil when it first came into this House——

**An Ceann Comhairle:** The Deputy's minute has concluded.

**Caoimhghín Ó Caoláin:** —or ascended to Government in 1932, an ascension that was secured with the help of the IRA of the time? We have to see this in its total historical context. Will the Taoiseach not agree that it is very——

**An Ceann Comhairle:** I ask Deputy Ó Caoláin to resume his seat. It is not possible to conduct Leaders' Questions if the questioner continues to ask a series of questions after the minute is concluded and the Taoiseach is obliged to answer those questions in one minute. There must be fair play for everybody.

**The Taoiseach:** I would like to be able to cover all the answers since 1926. My predecessors could not extract themselves from the armed movement so they decided to set up a political party. They decided that after giving it three years of effort they should try another way. Perhaps Deputy Ó Caoláin, after ten years of effort, should take that into account and we could all move on.

I agree that we should try to implement the Good Friday Agreement in total. We should try to move on from armed conflict by all participants and try to decommission, demilitarise and implement the agreement in total. This brings me back to what is delaying progress at present——

**An Ceann Comhairle:** The Taoiseach's minute has concluded.

**The Taoiseach:** —which is to secure an end to paramilitarism. That would allow us to get agreement on an inclusive executive and, hopefully, that will work successfully.

**Caoimhghín Ó Caoláin:** For the second time today the Taoiseach——

**An Ceann Comhairle:** Deputy Ó Caoláin should allow the Taoiseach to continue.

**Caoimhghín Ó Caoláin:** —has prioritised one issue and made it a precondition to progress and that is in contravention of the Good Friday Agreement.

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

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

**Mr. P. Breen:** I seek the adjournment of the Dáil under Standing Order 31 on a matter of extreme national importance, namely, the abandonment of Shannon Airport by the Government following the recent announcement of 103 job losses in Aer Lingus, Shannon, and its failure to put forward a special case for Shannon to the US and the European Union authorities in the current bilateral negotiations.

**Mr. Morgan:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following important matter of public interest, namely, the aggressive behaviour of heavily armed foreign troops in closing Irish roads near the village of Silverbridge, County Armagh, for the purpose of strengthening their colonial military fortresses and refusing to allow local people to travel the roads for several days, and the necessity for the Dublin and London Governments to honour the international agreement which was approved by the Irish people in 1998 and which provided for the removal of these foreign soldiers and their fortifications.

**Mr. Connolly:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent national importance and concern, namely, the recommendation of the medical adviser to the North Eastern Health Board that all major surgery at Cavan General Hospital should cease, the report that stated that a number of recent deaths which are under investigation at Cavan General Hospital were preventable and the ways and means of resolving the current impasse at the hospital.

**Mr. Durkan:** I seek the suspension of the business of the House to raise, under Standing Order 31, an issue of major national importance, namely, the legality of the decision by the Minister for the Environment, Heritage and Local Government to authorise expenditure of almost €50 million to replace the traditional voting system with electronic voting in the absence of the necessary legislation; why he approved expenditure of €4.5 million for a PR promotional exercise in anticipation of elections in which he will be the director of elections; to seek clarification regarding the manner in which contracts associated with the above were

advertised and awarded and to inquire of the Minister how he supposes his recently announced independent commission will be in a position to guarantee security or accuracy in the recording of voter intentions.

**Mr. Allen:** I seek the suspension of the proceedings of the House under Standing Order 31 to debate the ongoing rush by the Government to introduce electronic voting without setting up a statutory electoral commission or providing a verifiable paper audit trail in the system, or providing information on the source code.

**Mr. J. Breen:** I seek the suspension of the Dáil under Standing Order 31 to discuss an urgent matter of local and public importance, namely, the job losses in Aer Lingus at Shannon Airport. I ask that the Minister explain why Aer Lingus is shedding those jobs. The Minister gave a guarantee a few months ago that there would be no job losses in Shannon and that Aer Lingus was the bedrock for future development. The loss of so many jobs will be devastating for the employees of the airline and the economy of Clare and the west. It will have major repercussions for tourism and related industries. Aer Lingus is making a huge profit in Shannon so I ask the Taoiseach to intervene.

**Mr. O'Dowd:** I seek the adjournment of the Dáil to facilitate a debate on an issue of major national importance, namely, to ask the Minister for the Environment, Heritage and Local Government to state how he proposes to justify electronic voting in the local and European elections in light of the serious reservations expressed by independent and highly respected experts who say that electronic voting machines should have a voter verifiable audit trail, that is, a paper print-out that is verified by the voter on the spot, before being stored in the computer.

**Mr. Boyle:** I seek the adjournment of the business of the House under Standing Order 31 to debate the continuing refusal of the Government to make public the source code to be used for electronic voting machines and the counting of votes from such machines.

**Mr. Eamon Ryan:** I seek the adjournment of the Dáil to discuss a matter of urgent national interest, namely, the refusal of the Government to ensure that a proper paper record is kept to back up any new electronic voting system, which would allow a proper random audit check on any such electronic vote.

**An Ceann Comhairle:** Having considered the matters raised, they are not in order under Standing Order 31. We will proceed to the Order of Business.

**Mr. Stagg:** Is there any possibility of a situation arising where a request under Standing Order 31 might be accepted by the Chair?

**An Ceann Comhairle:** Yes, Deputy. I consider all the matters seriously.

**Mr. Rabbitte:** If the Mountains of Mourne fell on Monaghan.

### Order of Business.

**The Taoiseach:** It is proposed to take No. 11, motion re ministerial rota for parliamentary questions; No. 18, Public Health (Tobacco) (Amendment) Bill 2003 — Order for Report, Report and Final Stages; and No. 19, Public Service Management (Recruitment and Appointments) Bill 2003 — Second Stage (Resumed).

It is proposed, notwithstanding anything in Standing Orders, that No. 11 shall be decided without debate. Private Members' business shall be No. 41, motion re health care delivery.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 11, motion re ministerial rota for parliamentary questions, without debate agreed to? Agreed.

**Mr. Kenny:** Ba mhaith liom tacú leis an rún comhbhróin a mhol an Taoiseach ar bhás chaptaen fhoireann shinsearach Chumann Lúthcleas Gael Thír Eoghain, Cormac McAnallen, a fuair bás go tobann aréir. I would like to be associated with the expression of sympathy of the Taoiseach to the family of Cormac McAnallen, captain of the Tyrone senior football team, who tragically died last night.

I congratulate Ms Adi Roche in respect of the Oscar received by the documentary, "Chernobyl Heart", which describes her work for children from Chernobyl. Her work is to be complimented.

On the legislative programme, when can we expect to see the electronic voting Bill before the House? If the panel announced by the Minister has serious doubts about the process, will the Bill be withdrawn or deferred?

With regard to the drug offenders' Bill, what is the situation regarding the 15,000 drug addicts on the streets of Dublin, 50% of whom receive no treatment?

**An Ceann Comhairle:** The first and third questions on the legislation are in order.

**The Taoiseach:** The legislation on electronic voting is a priority and is being drafted. The panel is independent and the Government will have to give recognition to its report. I do not have a date for the drug offenders' legislation but it will, in accordance with the commitments in An Agreed Programme for Government, provide for the registration of convicted drug dealers with the Garda and stiffer penalties for people involved in the supply of drugs to a prisoner. Work on the legislation is proceeding but it was not advanced the last time I checked.

**Mr. Rabbitte:** The Labour Party too was shocked by the tragic and premature death of Cormac McAnallen. We extend our condolences to his family.

I am not clear on the electronic voting legislation. When will the Bill to permit implementation of electronic voting be introduced in the House? When will we see the terms of reference and will we have an opportunity to make an input into the terms of reference on which the independent panel will make its report? Will we have an opportunity to consider that report before final arrangements are made to allow the implementation of electronic voting?

**The Taoiseach:** The legislation is our number one priority. It is being drafted and I assume it will be available shortly. The terms of reference have been cleared by the Cabinet and I assume the Minister will provide the details on them shortly.

**Mr. Sargent:** On behalf of the Green Party I join other party leaders in expressing our condolences to the family of Cormac McAnallen, captain of the Tyrone team, on his sudden death. It is a terrible blow to his family and the many Tyrone supporters.

I am interested in seeing the legislation on electronic voting published as quickly as possible.

**An Ceann Comhairle:** That question has been asked and answered twice.

**Mr. Sargent:** A sum in excess of €80 million is a considerable amount of money. When can we have a Supplementary Estimate?

**An Ceann Comhairle:** We cannot have a debate on that matter now.

**Mr. Sargent:** It is valid to ask about a Supplementary Estimate for an item whose cost is estimated at more than €80 million.

**An Ceann Comhairle:** Is a Supplementary Estimate promised?

**The Taoiseach:** No.

**An Ceann Comhairle:** No Supplementary Estimate is promised.

**Mr. Sargent:** It is scandalous that none is promised.

**Mr. Neville:** When will the pharmacy Bill to consolidate and modernise the statutory framework for the practice of pharmacy be introduced?

**Ms McManus:** On the same issue, a major report on the pharmacy sector has been slipped onto the Department website without comment from the Minister.

**An Ceann Comhairle:** The Deputy should ask a question on promised legislation.

**Ms McManus:** I am asking about legislation. We are told that we must wait some time for the pharmacy Bill. There are serious problems affecting the pharmacy sector.

**An Ceann Comhairle:** We cannot debate what might be in the Bill.

**Ms McManus:** Can we at least have a debate in the House on the Mortell report as soon as possible to ensure the issues are raised?

**An Ceann Comhairle:** I understand that there will be ample opportunity for debate in Private Members' time tonight.

**Ms McManus:** That is not what I ask. I do not want a debate in Private Members' time, rather in Government time.

**An Ceann Comhairle:** The Deputy will have to go through the Whips unless a debate on the issue has been promised. Has a debate been promised?

**The Taoiseach:** Work is under way on the drafting of the heads of the pharmacy Bill and it is expected this year.

**Ms McManus:** I must ask the Taoiseach again. It is not a matter for the Whips. The matter relates to the Government allocating time for a debate on a major report which was slipped out without comment.

**An Ceann Comhairle:** Time has not been promised for debate. The Deputy is only entitled to ask about time that has promised for debate.

**Mr. Allen:** Today the Taoiseach announced not an independent but a Government electoral commission, yet we have not had sight of the terms of reference. This made me——

**An Ceann Comhairle:** That matter has already been dealt with.

**Mr. Allen:** When will we see the legislation so that we can make a meaningful input and debate?

**An Ceann Comhairle:** That question has been asked and answered twice today. The Deputy is wasting the time of the House.

**Mr. Crawford:** In light of the serious disenchantment of gardaí and many others at the type of sentences being handed down by judges, when will No. 100, the provision for an appeal by the Director of Public Prosecutions against unduly lenient sentences in serious cases, be introduced?

**The Taoiseach:** This matter has been referred by the Attorney General to the Law Reform

Commission for consideration as a matter of urgent public interest. Pending that report it is not possible to give a date for the legislation.

**Mr. Crawford:** Is it part of the programme for Government?

**The Taoiseach:** Yes.

**Caoimhghín Ó Caoláin:** On behalf of the Sinn Féin Deputies, I join other party spokespersons in extending sympathy to the family of the late Cormac McAnallen, the Tyrone mentors and players, and Cumann Lúthcleas Gael in Ulster and throughout Ireland on their great loss. Ar dheis Dé go raibh a anam dílis.

Also on behalf of my colleagues, I join in the expressions of congratulations and good wishes to Adi Roche on the success of the Chernobyl project documentary.

With regard to an item of legislation under the Taoiseach's responsibility, the statute law revision Bill, which is earmarked to repeal irrelevant statutes, will the Taoiseach indicate the extent and scope of work in preparation of that legislation and when we can expect to see it published?

**The Taoiseach:** It is hoped that legislation to repeal irrelevant statutes will be available this year. The work is under way and we hope to enact the legislation during 2004.

**Ms Shortall:** There is much public concern about the safety of taxis since deregulation. Recently the Minister for Transport promised legislation to restrict entry into the industry. What is the title of that legislation and when are we likely to see it?

**The Taoiseach:** The legislation has been passed. However, regulations are required and these will be brought forward by the Minister.

**Mr. R. Bruton:** Last week a motion was passed without debate to refer the Estimates to the various committees. The Taoiseach made it clear that Accounting Officers are drawing up risk assessments of the impact of decentralisation on their organisations. Will those risk assessments be available to the committees at the time they are considering the Estimates? It is important to the impact of decentralisation and its viability that we see those risk assessments.

**An Ceann Comhairle:** The Deputy should submit a question to the Minister.

**Mr. R. Bruton:** I submitted a question, but I did not receive a satisfactory answer. I can bring the answer to the Ceann Comhairle's attention——



**An Ceann Comhairle:** There are other ways to seek the information.

**Mr. R. Bruton:** —in which it was indicated that the risk assessments are in progress but no commitment was given to provide them to the House.

**An Ceann Comhairle:** I call Deputy Boyle.

**Mr. R. Bruton:** We are supposed to vote through Estimates. The decentralisation programme will have an important bearing on the Estimates. Surely we have a right to see the assessments made by Accounting Officers.

**An Ceann Comhairle:** Yes, but there are ways and means of raising these matters in the House.

**Mr. R. Bruton:** The Taoiseach is the only one who can make sure that the Oireachtas receives the information. The Ceann Comhairle is here to protect the interests of Members.

**An Ceann Comhairle:** Yes, and I am here to ensure that Standing Orders are implemented and obeyed.

**Mr. R. Bruton:** The Taoiseach is the only one who will make sure we receive the information we need.

**An Ceann Comhairle:** The Deputy should submit a question to the Minister for Finance. I call Deputy Boyle.

**Mr. Durkan:** The Taoiseach wants to answer the question.

**The Taoiseach:** The Deputy has answered the question himself. He said it as part of the Estimates——

**Mr. R. Bruton:** I did not. They are not part of it, but they should be. That is why we need the Taoiseach's commitment.

**The Taoiseach:** If the Deputy tables a question to the Minister for Finance on the preparations on decentralisation, I am sure he will answer it.

**Mr. R. Bruton:** I will send the Taoiseach the two line reply the Minister gave me.

**Mr. Boyle:** Will the employment permits Bill come before the House in advance of the accession of ten new members to the European Union on 1 May?

**The Taoiseach:** The heads of the Bill have been approved and the legislation should be in the House during this session.

**Mr. Boyle:** Will it be before 1 May.

**Mr. Gilmore:** I have a question on the promised legislation on electronic voting, which

the Taoiseach has described as the Government's top legislative priority. Have the heads of that Bill been approved by Government?

**The Taoiseach:** I put on the record of the House last week the legislative issues that had to be dealt with. I spelt them out and they have been cleared by Government.

**Mr. M. Higgins:** That is not the question.

**Mr. Gilmore:** Have the heads of the Bill been approved by Government?

**The Taoiseach:** The Bill will be available as soon as possible.

**Mr. Gilmore:** The question is whether the heads of the Bill been approved by Government. Can I have an answer, please?

**Mr. M. Higgins:** Yes or no.

**The Taoiseach:** I repeat that last week I gave what the heads——

**Mr. Gilmore:** I just want an answer to the question.

**The Taoiseach:** If the Deputy would listen I would give him the answer.

**Mr. Gilmore:** I am listening.

**The Taoiseach:** I will give the Deputy an answer if he wants one.

**Mr. Gilmore:** The Taoiseach should give me the answer.

**The Taoiseach:** He should not interrupt me as soon as I start. Last week I announced the heads of the Bill and stated what its contents would be. They have already been approved by Government and——

**Mr. Gilmore:** That is not the question.

**The Taoiseach:** ——the Bill will be published and available shortly.

**Mr. Gilmore:** A Cheann Comhairle——

**Mr. Rabbitte:** What about the question?

**An Ceann Comhairle:** The question that was asked has been answered.

**Mr. Rabbitte:** No, it was not. The Taoiseach knows the system better than any Member of the House as he has been around the Cabinet table longer than any other Member. Have the heads of the Bill to which Deputy Gilmore referred been approved by Cabinet?

**Mr. Stagg:** Yes or no.

**The Taoiseach:** When we clear the principles of the Bill, those are its heads. Sometimes the heads come forward separately. It can take many months for legislation to be drafted. In this case, as regularly happens, when the principles are cleared, the heads——

**Mr. Rabbitte:** The Taoiseach is spoofing. Who does he think he is fooling?

**The Taoiseach:** No, I am giving the factual position.

**An Ceann Comhairle:** Allow the Taoiseach to answer the question or we will move on to a question from Deputy Naughten.

**The Taoiseach:** The entire legislation will come forward together. We have already approved the principles——

**Mr. Rabbitte:** We are not talking about the principles. We are talking about the heads which are the written expression of the objectives of the legislation.

**An Ceann Comhairle:** Deputy Rabbitte should allow the Taoiseach to conclude.

**The Taoiseach:** ——which are the same as the heads of the Bill. They will come forward in one. They will not be stitched together.

**An Ceann Comhairle:** I call Deputy Naughten.

**The Taoiseach:** As I spelt out last week, there are only a few in this instance and they are being drafted.

**Mr. Allen:** That is what they call a parliamentary two-step.

**An Ceann Comhairle:** A question on the heads of the Bill is not strictly in order. The question should be on legislation and when it will come before the House.

**Mr. Naughten:** As the Taoiseach is aware, there is a protest and blockade in Ballinamore, County Leitrim, over the closure and sale of a Teagasc farm due to lack of funding for that body. As we cannot raise the issue by way of parliamentary question——

**An Ceann Comhairle:** To what legislation does the Deputy refer?

**Mr. Naughten:** ——when we will see the land Bill so that we can debate this issue in the House and hold the Minister accountable?

**The Taoiseach:** It will be in this session.

**Mr. Kenny:** I am now aware that the Taoiseach has a personal library to which he is able to refer for clarification on certain matters.

**An Ceann Comhairle:** The Deputy must ask a question on legislation that has not already been dealt with.

**Mr. Kenny:** On the Order of Business on 26 February, the Minister for Defence indicated that the Government would have no difficulty with holding a discussion in the House about some unfinished business regarding IRA activities. Has the Minister spoken to the Taoiseach about this matter and when is it likely we will have this debate to which the Government has no objection?

**The Taoiseach:** I have not discussed the matter with the Minister for Defence, but we can examine the matter of such a debate.

#### **Ministerial Rota for Parliamentary Questions: Motion.**

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

That, notwithstanding anything in the Resolution of the Dáil of 6th June, 2002, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Tánaiste and Minister for Enterprise, Trade and Employment, shall be set down to Ministers in the following temporary sequence:

Minister for Finance

Minister for Agriculture and Food

Minister for Defence

whereupon the sequence established by the Resolution of 6th June, 2002, shall continue with Questions to the Minister for Foreign Affairs.

Question put and agreed to.

#### **Public Health (Tobacco) (Amendment) Bill 2003: Order for Report Stage.**

**Minister for Health and Children (Mr. Martin):** I move: "That Report Stage be taken now."

Question put and agreed to.

#### **Public Health (Tobacco) (Amendment) Bill 2003: Report and Final Stages.**

**Minister for Health and Children (Mr. Martin):** I move amendment No. 1:

In page 3, lines 32 to 36, to delete all words from and including "definition:" in line 32 down to and including "definitions:" in line 36 and substitute the following:

"definitions:

'advertising' has the same meaning as it has in the Directive of 2003, and cognate words shall be construed accordingly;"

[Mr. Martin.]

This is a minor drafting amendment which was recommended by the Office of the Parliamentary Counsel. The effect of the amendment is to simplify this section of the Act. In page 3, lines 32 to 36, it seeks to delete all words from and including “definition” in line 32 down to and including “definitions” in line 36 and substitute the following definitions: “advertising” has the same meaning as it has in the directive of 2003, and cognate words shall be construed accordingly.

**Mr. O. Mitchell:** I do not have any objection to this amendment, but I wonder why the Minister is changing the definition of advertising in the Bill for the third time. This is the sixth bite of the cherry. I counted nine amendments this time. Why does the Minister continually rush to make changes to the legislation or regulations and then change his mind? Every time he does that he imperils the legislation and offers further hostages to fortune. This is the sixth time he has had opportunities to change the legislation and he has grabbed every one of them. Would he keep bringing new amendments to it if we went on indefinitely?

A related issue is the transparency directive to which Germany and Austria objected. I understand that in the past few days there was a further objection on the topic we are discussing — advertising — from Portugal. At the time the Minister did not circulate to Opposition Members or to anybody the reasons for the objections nor did he circulate his response to the European Commission. Why are we proceeding with the legislation prior to a response from the Commission? It has not adjudicated on this.

**Mr. Martin:** It does not adjudicate.

**Ms O. Mitchell:** The Commission will respond in some way. Has the Minister sought a response?

**Mr. Martin:** By way of clarification, the notification process is just that.

**Ms O. Mitchell:** What does the Minister mean by “the notification process”?

**Mr. Martin:** It is a notification process. The Commission does not adjudicate on that which is notified.

**Ms O. Mitchell:** Notified by whom to whom? What is the Minister talking about?

**Mr. Martin:** In regard to any legislation which falls due under the transparency directive, the member state notifies the legislation by virtue—

**Ms O. Mitchell:** Yes, but when there are submissions and other states—

**Mr. Martin:** Yes, but the submissions—

**Ms O. Mitchell:** The Commission adjudicates. The Minister is quite wrong.

**Mr. Martin:** It does not adjudicate.

**Ms O. Mitchell:** It makes a response. I am correct and the Minister is incorrect. Believe me.

**An Ceann Comhairle:** The Minister should allow Deputy Olivia Mitchell make her contribution. If Deputy Mitchell addressed the Chair rather than the Minister, she might not invite interventions from him. We are discussing amendment No. 1.

**Ms O. Mitchell:** I understand that. It relates to the definition of “advertising” which is the subject of comment from three countries. The Minister has not received a response from the Commission on the objections of these countries. Is it not unwise and premature for the Minister to proceed with this legislation given that it may not meet the requirements of the Commission under the rules of competition? The Minister is rushing this legislation and I do not know why. He is obviously not ready to pass the Bill because he is producing another amendment at every hand’s turn.

**Ms McManus:** I am not opposed to this amendment although I am disappointed that the issue of patronage, which I raised on Committee Stage, is still being ignored. The Minister for Health and Children needs to offer an explanation for this. He has tabled nine Report Stage amendments and he tabled 11 amendments on Committee Stage. This legislation was ill-prepared to begin with. When the process began there were problems associated with notification. It has since become convoluted. However, a Bill should be robust and capable of standing on its own without having to be amended constantly by the Minister. Obviously small changes can be made, such as those to accommodate Opposition requests, particularly on Report Stage.

As Opposition Members, we are required to notify the Minister on Committee Stage that we intend to table amendments on Report Stage. However, the Minister seems to have *carte blanche* to table as many amendments as he likes, he tabled nine in this case, without explaining why his legislation was so faulty to begin with. This Bill is being revised constantly and, as Deputy Olivia Mitchell said, if we came back next week there could be another nine or 11 amendments tabled.

Is there a simpler explanation? Is it that the Department of Health and Children did not do the business to begin with, such that the Attorney General is now having influence on this Bill by suggesting many amendments? Some of them are very insignificant but they are amendments nevertheless. There are nine ministerial amendments on Report Stage and Opposition Deputies have practically no time to assess their

import. The House is not scrutinising the Bill properly. The Minister, who obviously has tremendous backup, is in a position to argue his case. He has to explain how we do our business and how we can ensure the legislation produced as a result of this debate is of the very best quality.

**Mr. Gormley:** I welcome the Minister. The Minister of State, Deputy Brian Lenihan, was present on Committee Stage. He, for all his talent, is not as familiar with this project as the Minister himself and maybe he is not as dedicated to it. As the Minister knows, the Green Party and I are very supportive of this legislation. However, as Opposition Deputies, we are trying to ensure we get the best possible legislation through the House and that it is not defective in any way. It does not inspire confidence when amendments are introduced at the last minute on Committee Stage. The Minister of State introduced a very substantial amendment at the last minute altering section 15 which specifies areas in which smoking is prohibited.

The Minister will agree that people outside this House, such as Dr. Luke Clancy and Dr. Fintan Howell, have been very influential in the formulation of this legislation. I paid tribute to them previously. Has the Minister or his officials had an opportunity to discuss the late amendments, including the ones tabled on Committee Stage, with such interested parties who are so committed to this project? I hope he has done so. When we introduce amendments so late in the day, people outside the House with a vested interest in the Bill for all the right reasons do not have an opportunity to scrutinise them. The Opposition has been afforded very little time to do so.

The issues raised on Committee Stage are essential and I will be raising them again. I have great concerns about them because the vintners and others could possibly drive a coach and four through some of the provisions in the Bill. Therefore, I hope we can proceed very gingerly and go through the Bill step by step. This legislation should be momentous but if we do not get it right, it could be a disaster. For the Minister's sake, I hope it will not be so.

**Mr. Martin:** My understanding is that the net effect of amendment No. 1 is to add the letter "s" to the word "definition".

**Mr. Gormley:** I am talking in general terms.

**Mr. Martin:** The net effect is to——

**Ms O. Mitchell:** We know that.

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

**Ms McManus:** Let us not overstate the effect of the amendment. This is not a major change by any definition.

**Mr. Martin:** With respect to the Deputy, she did not suggest she knew it in her comments. We work with the parliamentary draftsman and the Office of the Attorney General. As the Deputies know and as I have said publicly, I have retained a very comprehensive and senior legal team.

**Ms O. Mitchell:** Belatedly.

**Mr. Martin:** Not quite belatedly.

**Ms O. Mitchell:** They are not earning their money.

**Mr. Martin:** We will see. The ultimate test will take place outside rather than inside the House. The vast majority of the amendments tabled by the Government on Report Stage are stylistic and technical and flow from what happened on Committee Stage.

On Deputy Gormley's remarks, the purpose of Committee Stage was to strengthen the legislation. The legal team works in conjunction with the Office of the Attorney General. It endorses everything from a legal advice point of view or at least finalises the advice to me. It has been trying to make the Bill as strong and robust as possible and to foresee any potential challenge thereto by any group. This has been the overriding motivation behind the amendments introduced on Committee Stage. The provisions were made ar eagla na heagla, as they say as Gaeilge, to make the Bill as robust as possible. I ask Deputies to accept my bona fides in this regard.

On the notification process, no future communication is required between Ireland and Austria and Germany, or between Ireland and the Commission. The Commission has not raised any concerns about this — it was Germany and Austria that did so. The process involves making a notification and allowing three months to elapse to see if any country has an opinion. They are not called objections but opinions. If an opinion is expressed within the three-month period, a further three-month period kicks in. At the end of the six months, the standstill period ends and the member state is free to proceed with the legislation.

**Ms O. Mitchell:** Can I make a point?

**An Ceann Comhairle:** Will the Deputy allow the Minister to conclude? She will have an opportunity.

**Mr. Martin:** The submissions from Austria and Germany were on advertising, predominantly on brand stretching. I believe they were published on the official EU website by those countries and the Commission. We have addressed the brand stretching issue by way of amendment. We indicated that the issue concerns the utilisation of other merchandise to advertise and we took our own legal advice on this subsequent to the last court case on the issue. I decided to retain a



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senior legal team on the basis of our having had a legal team that looked at all aspects of the original Bill in the context of the court case. I was anxious to ensure that a protective approach would be adopted to any provision regarded as constitutionally vulnerable or open to challenge. We amended the Bill on Committee Stage to remove brand stretching provisions from the principal Act and we also endeavoured to ensure that our definition of advertising conformed with the definitions contained in the European Union directive on advertising. That was the net impact of amendments tabled on Committee Stage. The Commission has not and never has raised any issues on anything we are doing in this regard.

**Ms O. Mitchell:** I realise that but it is incredible that anyone would suggest the Commission is going to sit back if, for instance, the Minister breached competition law and these two countries published an opinion because they suspected he had. I do not suggest that the Minister has done so. He responded by sending his explanation to the Commission and amending the Act. Does he suppose that, if the Commission does not view the legislation as meeting the rules of competition law or the objections of these countries, they would all forget about it when the six month limit expired? That is not the case.

**Mr. Martin:** Obviously they will not.

**Ms O. Mitchell:** I am playing devil's advocate. I hope the legislation is robust, but is the Minister rushing ahead? Has he sought clarification from the Commission? Has he asked whether it is happy with the amendments made? Has he asked if they are in line with competition law and whether the countries which lodged the opinion are happy with the amendments? The opinion was lodged in respect of advertising the introduction of new products because that caused a problem and the Minister's response may also cause a problem. That was the subject of the new opinion lodged recently by Portugal.

**Mr. Martin:** Portugal cannot lodge an opinion.

**Ms O. Mitchell:** I realise that it is too late but, nevertheless——

**Mr. Martin:** There is no nevertheless. It cannot do that.

**Ms O. Mitchell:** I realise that.

**An Ceann Comhairle:** Would the Minister please allow the Deputy to speak without interruption?

**Ms O. Mitchell:** Do you accept, Minister, that——

**An Ceann Comhairle:** The Deputy should address her remarks through the Chair. There is

a procedure laid down for Report Stage which works very effectively and the question and answer across the floor will do no business. If the Deputy addresses her remarks through the Chair, the Minister will have an opportunity to reply.

**Ms O. Mitchell:** I have made my point. I hope the Minister is satisfied. We must wait and see but he is jumping the gun. The Minister would have been wiser to seek clarification from the Commission on whether the amendments met the objections raised in the first place.

**Mr. Gormley:** I asked the Minister a specific question on communications with Dr. Luke Clancy and Dr. Fenton Howell since Committee Stage when substantive amendments were tabled. The doctors would have had an opportunity to look at this because the Select Committee on Health and Children sent the amendments to ASH and others. Have they had an opportunity to respond? Have discussions taken place between the Minister or his officials and either of these doctors? This is important because these people drove the legislation from the beginning and credit is due to the Minister for taking it up. I hope we can get it right and that these influential people will not be ignored in the final stages.

**Mr. Martin:** Parliament is the primary forum for the formulation of legislation. However, I have kept in touch throughout with all the pro-health groups and partners who have played a significant role in raising awareness of the tobacco issue generally, but especially in terms of environmental tobacco smoke. I have indicated our approach and how we are legally copperfastening this legislation, taking every step we can and accepting the advice of some legal teams. The people referred to by the Deputy accept my bona fides.

**Mr. Gormley:** Has the Minister spoken to them since Committee Stage?

**Mr. Martin:** I have had no substantial discussions with them since Committee Stage but we might be overstating what happened on Committee Stage in terms of the content.

**Mr. Gormley:** I do not think so.

**Mr. Martin:** We are on the key issues. Committee Stage represented a significant strengthening of the position and took account of recent legal decisions on other issues.

In response to Deputy Olivia Mitchell, we cannot be accused of rushing. When one seeks and receives legal advice, conformity with European legislation and various legal instruments in Europe must be assessed. The Bill has improved from that perspective.

Amendment agreed to.

**An Ceann Comhairle:** Amendments Nos. 2 and 3 are cognate and will be taken together by agreement.

**Mr. Gormley:** I move amendment No. 2:

In page 4, line 39, to delete “€3,000” and substitute “€5,000”.

This resubmits an amendment I tabled on Committee Stage. While the original fine has been increased to €3,000, it is important to send out the clearest and strongest message that this is serious legislation and those who offend must pay a heavy monetary price. The fine I propose is proportionate, not draconian. For that reason I ask the Minister to reconsider it and I hope that, if word goes out that the fine is proportionate yet also the type of fine one cannot ignore, people will begin to take the legislation seriously. My fellow Deputies working in the inner city report that some publicans say they do not care about the fine and will ignore the law. If there is a heavy fine they may think again.

**Mr. Martin:** I do not set the fines for summary offences. We take our advice on these matters from the Office of the Attorney General which recommends standard fines for legislation on specific offences. That is why we have settled on this figure because it is in line with similar fines for similar offences. I recall people in San Francisco saying that the cumulative effect of successive fines was a significant deterrent.

Amendment, by leave, withdrawn.

Amendment No. 3 not moved.

**Mr. Martin:** I move amendment No. 4:

In page 5, to delete lines 1 and 2 and substitute the following:

“4.—The Principal Act is amended by the substitution of the following section for section 8:

8.—(1) The following enactments are repealed, namely—

(a) the Act of 1978, and

(b) the Act of 1988.

(2) Notwithstanding subsection (1), regulations made under the Act of 1978 or the Act of 1988 that are in force immediately before the commencement of that subsection shall, subject to—

(a) subsection (3), and

(b) subsection (5) of section 47 (inserted by section 16 of the *Public Health (Tobacco) (Amendment) Act 2004*),

continue in force after such commencement.”.

This is a technical amendment. On Committee Stage a ministerial amendment was accepted

which provides for the transfer of the reference to the Tobacco (Health Promotion and Protection) Regulations, SI 359 of 1995, from this section to section 16, which would be section 47 of the principal Act. The amendment follows from that change and the Office of the Parliamentary Counsel to the Government has recommended that section 8 of the principal Act be amended to allow for the retention of an existing regulation, the Tobacco (Health Promotion and Protection) Regulations, SI 359 of 1995, until such time as the new measures come into effect to allow for retention of existing regulations while a new law is being commenced.

Amendment agreed to.

**An Ceann Comhairle:** Amendment No. 11 is related to Amendment No. 5. Amendments Nos. 5 and 11 will be taken together by agreement.

**Mr. Martin:** I move amendment No. 5:

In page 5, to delete lines 11 to 20 and substitute the following:

“33A.—(1) The advertisement of tobacco products in premises in which the business of selling tobacco products by retail is carried on in whole or in part is prohibited.

(2) A person who contravenes subsection (1) shall be guilty of an offence.

(3) Where in relation to a premises to which subsection (1) applies there is a contravention of that subsection, the occupier, manager and any other person for the time being in charge of the premises shall each be guilty of an offence.”.

This relates to the issue of in-store advertising. On Committee Stage a ministerial amendment was accepted that provided for enabling powers for the Minister to prohibit in-store advertising which is not provided for in the 2003 advertising directive. Following a review of this section by the offices of the Attorney General, today's amendment changes this enabling power to make regulations prohibiting in-store advertising to a legislative provision using this primary legislation. We are doing it through the primary route rather than as an enabling measure.

**Ms McManus:** I am curious as to why this should appear again at the eleventh hour. This kind of regulation is well used and there should be no difficulty in applying a regulation in this instance. Once it is in primary legislation, it is immutable unless the Minister returns with a new Bill, whereas regulations can be tweaked and changed. I do not quite understand the point. Why must it come into primary legislation?

**Mr. Martin:** Recent cases in the Supreme Court have followed a certain change in the degree to which the Oireachtas delegates secondary

[Mr. Martin.]  
legislation to Ministers. Perhaps a conservative approach is taken because there are cases still before the Supreme Court.

Amendment agreed to.

Amendment No. 6 not moved.

**Mr. Martin:** I move amendment No 7:

In page 9, line 18, to delete “produce” and substitute “product”.

This is a further tidying up amendment.

**Ms McManus:** Did the Minister have to employ a special team to do that?

**Ms O. Mitchell:** I hope the Minister paid them well for this advice, the poor lawyers.

**Mr. Martin:** Us humble parliamentarians.

**Ms McManus:** The Attorney General, the Department of Health and Children and a private legal team were involved.

Amendment agreed to.

**Ms McManus:** I move amendment No. 8:

In page 9, between lines 41 and 42, to insert the following:

“(16) This section shall apply with any necessary modifications to the registration of tobacco manufacturers and importers.”.

I had hoped the Minister would have accepted this amendment on Committee Stage. It is anomalous to have extensive registration requirements on retailers while having none for tobacco manufacturers and importers. In this regard importers might be more important. The Minister argued that there were not that many of them and, therefore, it was unnecessary to include them in any registration framework. However, if anything that is an argument in favour of what I seek.

We do not know what will happen in the future and whether tobacco smuggling will be a major issue. Do we need a clear definition for importers? By concentrating on the retailers, the Minister is dealing with only one end of the chain. Retailers have to make significant changes in practice, which we support. Registration would introduce a safeguard regarding the activities of manufacturers and importers, which would be a suitable measure that could be introduced without any difficulty on the part of the Minister.

**Mr. Martin:** I accept the bona fides of the Deputy's presentation. One of the original motivations behind registration was to achieve compliance in the sale of tobacco products particularly to minors. For example, an outlet may be removed from the register if the proprietor is convicted of any offence provided

for in the Act. The two Irish tobacco manufacturers are now legally bound to comply with a number of public health measures under the European Communities (Manufacture, Presentation and Sale of Tobacco Products) Regulations 2003, SI 425 of 2003, which transposed into national law the 2001 manufacturing directive that related to the printing of large health warnings on packets of tobacco products and the disclosure of tobacco product ingredients, which is a significant step forward. When this Bill is enacted, the Public Health (Tobacco) Acts will ensure the industry is fully responsible for the manufacturing and marketing of its products.

We seek different objectives from different players in this area. For a long time we sought disclosure from the manufactures. The EU introduced measures in respect of marketing, ingredients, nicotine content levels, etc. It is not necessary to have them on the kind of register we envisage for retailers.

**Ms McManus:** The Minister did not address the issue of importers. What registration system exists for importers?

**Mr. Martin:** The European Communities (Manufacture, Presentation and Sale of Tobacco Products) Regulations 2003 would cover importers. I can check that again.

**Ms McManus:** The title of that regulation does not mention importing.

**Mr. Martin:** It can cover that aspect. We have two manufacturers. I can clarify that point for the Deputy.

**Ms McManus:** How can this be clarified? We are on Report Stage and the Bill is to be passed today.

**Mr. Martin:** We can come back again.

**Ms O. Mitchell:** I request that we not come back again.

**Mr. Martin:** The register is for all retailers — restaurants, pubs and shops — and the driving force was to target under-age smoking. There is no need to register the two manufacturers in the country. We know those involved in international manufacture. It is not as though there were invisible tobacco importers all over the place.

**Ms McManus:** How many importers are there?

**Mr. Martin:** I do not know off hand. We can check that.

**Ms McManus:** The Minister should know that.

**Mr. Martin:** There are hundreds of retailers, if not more.

**Ms McManus:** We are trying to regulate to a high level the area of tobacco. This Bill represents tobacco control, as it has never existed before. Surely importing tobacco products is of some concern particularly when we know there is significant smuggling and this could grow if there is severe regulation on the use of tobacco. There is a correlation between an increase in the price of tobacco and smuggling. The importation of tobacco products should be addressed in some way in the Bill.

Perhaps I am being too cautious. Throughout the passage of this Bill the Minister and the Minister of State told us they would be extremely careful to ensure everything was covered. There are significant requirements on retailers, with which I agree. Meanwhile, we do not know how many importers exist. While I do not have this information and do not know how extensive this is, I would like to feel that the Minister for Health and Children knew. If there are safeguards concerning the importation of tobacco products, we should be happy and secure that there will be no problems at that level.

**Mr. Martin:** The European-wide legislation deals with importation. Following regulations we introduced in the past two to three years, every cigarette packet must have particular signage outlining nicotine content, etc. We cannot provide for smuggling as it is a criminal offence. It is alleged that smuggling comes about as a consequence of pricing issues or overregulation. However, it falls to the law enforcers, in particular the Garda, to detect and prosecute any smugglers. Given the Internal Market in the EU, issues relating to importation need an EU-wide response.

**Ms McManus:** While I fully accept smuggling is a criminal offence, it would be helpful if we had registration for importers so that if smuggling exists we can assess whether a legitimate importer is responsible in any way. We need to understand the system involved in the legitimate importation of tobacco products and ensure that such importation is regulated. I would have thought this was an obvious thing to do.

**An Leas-Cheann Comhairle:** The Chair has a difficulty as the Deputy has spoken three times.

**Ms McManus:** I am sorry. The Minister kept interrupting.

**An Leas-Cheann Comhairle:** I have to ask if the Deputy is pressing her amendment.

**Ms O. Mitchell:** May I speak?

**An Leas-Cheann Comhairle:** No.

**Ms McManus:** I do not think I spoke three times. The Minister may have given me information and then I came back.

**An Leas-Cheann Comhairle:** The Minister has spoken twice and he cannot speak again either.

**Ms O. Mitchell:** May I not speak?

**An Leas-Cheann Comhairle:** No.

**Ms O. Mitchell:** What did I do wrong?

**An Leas-Cheann Comhairle:** The Deputy did nothing wrong except she should have offered before Deputy McManus made her third contribution. We are on Report Stage and not Committee Stage.

Amendment, by leave, withdrawn.

**Mr. Gormley:** I move amendment No. 9:

In page 10, line 11, after “prescribed” where it secondly occurs to insert “or any packaging which covers the original packaging bearing the Government health warning”.

When I tabled this amendment on Committee Stage, the Minister of State, Deputy Lenihan, said he would consider it. While he made no promises he said he would consider the objective of my amendment. I will explain what is behind this amendment. Perhaps the Minister’s officials have explained it. It is a practice developing in other countries where those who sell cigarettes in their shops — I refer specifically to France and Spain — also sell packages with the slogan “smoking is cool” or whatever. People buy this packaging when they buy their cigarettes and simply put the cigarette packet into it and it covers the government health warning. It is clear the intention is to stop the Government health warning getting out. For that reason I consider this to be quite a serious issue. It is not a frivolous issue. This is put in context if under the legislation we are banning for example, confectionery shaped like a cigarette. I perfectly understand why the Minister is banning confectionery shaped like a cigarette and I am very sympathetic to the measure. I am quite sure he will understand that I am putting forward this amendment because it is clear that by selling such packaging in cigarette shops people are giving the two fingers to the Government health warnings. It is only a matter of time before this practice becomes commonplace here as well. I ask the Minister not to dismiss this amendment but to give it serious consideration and see it as a constructive suggestion from one Member of the Opposition.

**Mr. Martin:** I have a detailed note on this, a paragraph of which I will read, which gives a new angle on this and is quite humorous in its way. I take the Deputy’s point. However, it is arguable that the measure is proportionate in that it could lead to a legal minefield because there are dozens of products that could be used to mask the warnings. We have increased the warnings and that has reduced the impact of advertising. Is the



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Deputy saying the cigarette packets are put into pouches or something like that?

**Mr. Gormley:** The packaging is made of cardboard. It is exactly like a cigarette pack. The cigarette pack fits into it.

**Mr. Martin:** The same could be achieved with adhesive tape. There is the point that if a person goes to the trouble trying to get rid of what he or she considers to be an obnoxious image of black lungs or, perhaps, the message that smoking kills or harms and so on, the time, effort and expense of purchasing the novelty stickers referred to by the Deputy and affixing them carefully to each side of each packet of cigarettes would only reinforce the health message. They would have to read it before covering it up. The original idea behind the health warning was to try to get it across to consumers so that they can see very clearly when they make their purchase that cigarettes damage health. It is a constant reminder to people.

The fundamental reason I cannot entertain the amendment is that it would lead to a legal minefield in terms of trade barriers in the internal market. It is a bit like the brand-stretching argument. It is arguable that if one type of product is banned someone will produce another type of product with a similar effect.

**Mr. Gormley:** The person who wrote the Minister's note may not be entirely familiar with what I am talking about. Covering up the Government warning is very easy to do. The product is made of cardboard, the same material as the cigarette packet, which fits conveniently into it. The idea is not just to cover the message but to give an alternative message to the effect that smoking is cool. This product is probably aimed at the 20-something market because it is very colourful and so on. However, it is self-evident that this is not acceptable because it goes against Government policy, against what the Minister and responsible Members of the Opposition are trying to achieve.

The Minister says he cannot accept the amendment because it would lead us into a legal minefield. I do not know how it could lead into a legal minefield nor do I believe it would lead into a legal minefield. The internal market is often quoted in this context. The Minister is banning confectionery which is shaped like a cigarette. Will that lead us into a legal minefield? I do not think so. This should not be a legal minefield. This is a product that should be banned because its purpose is to deliberately try to get around the Government health warning. I believe the health messages could be even bigger and more dramatic. Let me emphasise again that I am not referring to stickers. I am familiar with the stickers. ASH has told me they can be bought on the Internet. What I am talking about are very convenient packets, slightly bigger than a

cigarette packet, into which the cigarette packet can be placed and which completely covers up the health warning. That is why I tabled this amendment. It is always very easy for the Government to find reasons not to accept amendments. The Minister accepted an amendment of mine in the past. It would be lovely if, on this occasion, he could accept this amendment.

**Mr. Martin:** I fully accept the motivation behind the amendment. However, I will err on the side of caution by not accepting the amendment.

**Mr. Gormley:** A number of things are happening here, and this legislation is very important. If after a period of time, say six months, it is found that some of what has been predicted has come to pass, will the Minister conduct a review of the impact of this legislation?

**Mr. Martin:** Legislation is under constant review. If new measures need to be introduced I will be open to the idea of introducing new legislation.

Amendment, by leave, withdrawn.

**Mr. Gormley:** I move amendment No. 10:

In page 12, to delete lines 42 to 45 and in page 13, to delete lines 1 to 4.

Deputy McManus tabled a similar amendment on Committee Stage. The Minister of State, Deputy Lenihan, said the machines in question would operate with tokens of some sort. Is that definitely the case?

**Mr. Martin:** Yes.

**Mr. Gormley:** In that case I will withdraw the amendment.

Amendment, by leave, withdrawn.

**Mr. Martin:** I move amendment No. 11:

In page 13, lines 42 to 47, to delete all words from and including "the" in line 42 down to and including "offence." in line 47 and substitute the following:

"each tobacco product sold by him or her, or a reproduction thereof, or

(ii) show the member of the public concerned a pictorial list consisting of visual images of packets of the tobacco products sold by him or her, provided that—

(I) each such image is not greater in size than the size of the packet concerned,

(II) the list does not contain more than one image of the same product, and

(III) the list or each such image contains a warning in such form and of such a type as may be prescribed by those regulations.

(6) A person who contravenes subsection (3) or (4), or regulations under subsection (5), shall be guilty of an offence.”.

Amendment agreed to.

Amendment No. 12 not moved.

**An Leas-Cheann Comhairle:** We now come to amendment No. 13 in the name of the Minister. Amendments Nos. 13 and 19 are consequential on amendment No. 18. Amendments Nos. 20 and 21 are alternatives to amendment No. 19. Amendments Nos. 13, and 18 to 21, inclusive, will be taken together, by agreement. Is that agreed? Agreed.

**Mr. Martin:** I move amendment No. 13:

In page 14, line 47, to delete “(8)” and substitute “(7)”.

This was agreed on Committee Stage. It is a stylistic change — what was subsection (7) will now be numbered subsection (8) and what was subsection (8) will now be numbered subsection (7).

**Caoimhghín Ó Caoláin:** In this, my first contribution on Report Stage, I congratulate the Minister on moving forward this legislation. I indicated on Second Stage that I and my colleagues would support the Bill. I confirm that this evening.

I welcome the position regarding the last amendment from Deputy Gormley because I was concerned that too much prohibition would have residual effects in a number of areas. The clarification was therefore very welcome.

Regarding amendment No. 18, which is grouped with this amendment, I welcome the inclusion of certain institutions and locations where the section will not apply. I acknowledge that the critical mass of the areas for which I argued on Second Stage regarding the earlier statements on the prohibition on smoking in the workplace have been included. I avail of this opportunity to record my thanks to the Minister and commend him on his initiative.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 14 to 16, inclusive, are related and may be taken together by agreement.

**Ms O. Mitchell:** I move amendment No. 14:

In page 15, line 2, to delete “and” and substitute “or”.

I tabled amendments Nos. 14 and 15 on Committee Stage and I am surprised the Minister has not taken them on board. It is difficult to

believe it is intended to make the occupier, the manager and any other person in charge liable, regardless of whether they are on the premises. The section states that each shall be guilty of an offence. I can understand how the person in charge at a particular time, be it the occupier, the manager or someone else appointed by him, would be viewed as guilty of the offence. However, it does not make sense that the owner of a pub who is away playing golf in Florida should be held responsible with the manager of the pub if someone smokes on the premises and that manager does nothing about it. That does not seem reasonable. Was it the intention or was it an oversight?

I also tabled amendment No. 16 on Committee Stage. I do not wish to be difficult but the enforcement provisions are far from robust. There are two regimes of enforcement under two different sets of regulations. This leaves the legislation wide open to legal challenge at a later date. Depending on the kind of premises involved, in one instance a person can be sent to prison and a particular regime of fines applies while if one is in the pub or hospitality industry, the offence is not punishable by a prison sentence. This means problems regarding enforcement already exist.

If we are asking publicans to be the enforcers of the law, we owe it to them to be clear about what it is we are asking of them. It is unique to ask a group of people or an individual to be responsible for the acts of others. When I raised this matter on Committee Stage, the Minister of State, Deputy Brian Lenihan, said it was not at all unusual for publicans to be responsible for public order, etc., on their premises. However, that is quite different from what is required in this section, under which, they will be responsible for public order in so far as they contribute to the failure thereof. Under this provision, Charlie Chawke would have been responsible for his own shooting although he was not responsible and he did not contribute to it in any way. In the case of the smoking ban, a publican who asks somebody not to smoke and takes what would be regarded as reasonable measures, still does not know how far he has to go before meeting the terms of the legislation. We owe it to publicans to be absolutely clear about how far they have to go. Must they, for example, use physical violence, ask someone not to smoke or stop serving someone who is smoking?

Matters are different in places of employment, where there is an employer to employee relationship. In pubs, restaurants and hotels, we are talking about businessmen with their clients. There is a reluctance to go to great lengths to admonish customers because the business depends on their goodwill so that they return and frequent the premises again. It is reasonable that we should make clear exactly what is their responsibility. I accept that the section states that it shall be a defence in proceedings to prove that someone took reasonable measures. However,

[Ms O. Mitchell.]  
they should not have to go to the stage of proceedings. It should be clear for them in the law and not only in guidelines or in what the Minister might say to publicans. It must be clear in the law and I ask the Minister to take the amendment on board and ensure that reasonable and clear responsibilities are placed on publicans.

**Mr. Martin:** If I was to accept Deputy Olivia Mitchell's amendments, it would allow a coach and four to be driven through any proceedings. There is a reasonable defence clause in the legislation which affords a significant degree of protection, once people are behaving reasonably. It is a standard provision in terms of public health legislation on, for example, food safety, to refer to the owner, manager or whoever is in charge.

**Ms O. Mitchell:** That is precisely my point.

**Mr. Martin:** Amendment No. 14 proposes to make only one person responsible for compliance with these public health measures, that is, either the occupier, manager or another person in charge. In proceedings for an offence under this section, an authorised officer would take into account all the details of the case. It may be necessary to initiate proceedings against each of the persons responsible or only one of them. That would be open in terms of the case that one would take. Businesses are run differently and chains of command and lines of communication may vary significantly.

If, for example, the owner of a specified place was not present in that place at the time of an alleged offence, he or she would still be responsible for ensuring that the person left in charge was aware of the public health legislation and was instructed to take all reasonable steps to ensure compliance. Again, the emphasis here would be on building compliance. The provision is similar to that contained in other legislation and it is reasonable. If we were to change it, it would allow people to point the finger at each other and permit a coach and four to be driven through any case taken.

**Ms O. Mitchell:** The Minister stated that it will be open to the enforcing officer to decide which of the people will be held responsible. However, the Bill states that they shall each be guilty which does not allow for any flexibility on the part of an enforcing officer. It, therefore, appears that the legislation does not say what the Minister wants it to say.

**Mr. Martin:** It is to facilitate the implementation. There has to be a policy on the premises, etc. That is the way it works in respect of food safety and so forth.

**Ms O. Mitchell:** It is incorrect. I accept that whoever is in charge of the premises at the time must be the person who is guilty of the offence. However, to say that the occupier, manager or

anyone else will be liable at the same time is incorrect. Perhaps my wording is not what is required but the Minister's wording is certainly not acceptable.

Amendment, by leave, withdrawn.

Amendments Nos. 15 and 16 not moved.

**Mr. Martin:** I move amendment No. 17:

In page 15, line 12, to delete "to, and protecting the health of," and substitute "to and protecting the health of".

This is a minor drafting amendment which was recommended by the Office of the Parliamentary Counsel. The effect of the amendment is to delete two commas in the relevant subsection.

**Mr. Gormley:** Why? I am intrigued by the removal of the commas. What will be the net effect of their removal?

**Ms McManus:** It is bad grammar.

**Mr. Gormley:** That was my impression.

**Mr. Martin:** We are deleting "to, and protecting the health of," and substituting "to and protecting the health of".

**Mr. Gormley:** Will the subsection now read "This section has been enacted for the purposes of reducing the risk to and protecting the health of persons."? Are all the commas being removed from it?

**Mr. Martin:** It is a grammatical change.

**Mr. Gormley:** The sentence does not contain a pause.

**Mr. Martin:** The parliamentary counsel recommended the change. I will get a note for the Deputy.

Amendment agreed to.

**Mr. Martin:** I move amendment No. 18:

In page 15, between lines 12 and 13, to insert the following:

"(7) This section shall not apply to—

(a) a dwelling,

(b) a prison,

(c) subject to paragraph (d), a place or premises, or a part of a place or premises, that is wholly uncovered by any roof, whether fixed or movable,

(d) an outdoor part of a place or premises covered by a fixed or movable roof, provided that not more than 50 per cent of the perimeter of that part is surrounded by one or more walls or similar structures (inclusive

of windows, doors, gates or other means of access to or egress from that part),

(e) a bedroom in—

(i) a premises registered under Part III of the Tourist Traffic Act 1939 in a register established and maintained under that Part,

(ii) a premises for the time being specified in a list published, or caused to be published, under section 9 of the Tourist Traffic Act 1957, or

(iii) any other premises in which a person carries on business, being a business that consists of or includes the provision, in those premises, of sleeping accommodation to members of the public,

(f) a room that, in furtherance of charitable objects, is used solely for the provision of living accommodation,

(g) in premises owned or occupied by a person whose main objects are the provision of education, a room that, in furtherance of those objects (other than objects relating to the provision of primary or secondary education), is used solely for the provision of living accommodation,

(h) a nursing home,

(i) a hospice,

(j) a psychiatric hospital, or

(k) the Central Mental Hospital.”.

Amendment agreed to.

**Mr. Martin:** I move amendment No. 19:

In page 17, to delete lines 1 to 36.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 20 and 21 cannot be moved.

**Mr. Gormley:** Why can they not be moved?

**An Leas-Cheann Comhairle:** The reason is that amendment No. 19 was agreed.

**Mr. Gormley:** I knew something was happening.

**Ms McManus:** The Government always wins. Amendments Nos. 20 and 21 not moved.

**Mr. Gormley:** I move amendment No. 22:

In page 20, to delete line 41.

I regret I was not able to move the two previous amendments as I wanted to discuss the areas in which it is now admissible to smoke, an issue over which the Leas-Cheann Comhairle, with respect,

passed rather quickly. I wanted to move amendments Nos. 20 and 21 for specific reasons.

**An Leas-Cheann Comhairle:** They cannot be moved because amendment No. 19 has been agreed.

**Mr. Gormley:** I regret I cannot speak on the two previous amendments because they are important. I specifically want to talk about the issue of beer gardens, which I raised on Committee Stage and on which I want clarification. Will the Minister confirm that smoking will now be permitted in the beer garden section of a licensed premises and that these will not have no-smoking areas? Will he also confirm that it will be permissible to place chairs and tables in the so-called “outdoor areas” and that people will be permitted to have their drinks in them?

These are important issues, the reason being that, if it is possible for people to have drinks in these areas, and the Minister is aware of the way in which such things work in reality, they will effectively become the smoking section of pubs. This has been my concern, and the reason I asked the Minister whether he had spoken to others about this issue is that I had an opportunity today to speak to Dr. Luke Clancy who is concerned about this issue. The Minister is a busy person and may not have had such an opportunity. I ask him to confirm the two propositions I have made.

**Mr. Martin:** The beer garden issue was defined a long time ago on Committee Stage as the open air. We are going far enough with the legislation and the matter has already been debated in detail.

**Mr. Gormley:** I have every scrap of paper issued by the Department on this legislation.

**Mr. Martin:** The bottom line is that it will be possible to smoke in beer gardens.

**Mr. Gormley:** I have no problem with that, but will they have no-smoking sections?

**Mr. Martin:** One cannot provide for that legally. We have provided for shelters from the rain and cold, as defined, but we cannot legislate for the open air.

**Mr. Gormley:** Everybody, including children, will be able to go into beer gardens and will be subjected—

**Ms O. Mitchell:** One goes out to a beer garden.

**Mr. Martin:** We never envisaged that the legislation would cover beer gardens.

**Mr. Gormley:** Regarding my second point on outdoor areas, will such areas have chairs and tables and will people be able to drink in them?



**Mr. Martin:** It is a matter for the owner of the premises whether he wants to have chairs and tables outside.

**Mr. Gormley:** The area covered by a roof, as described in the legislation.

**Mr. Martin:** The owners of premises can provide whatever facilities they wish. The matter is not for me to determine.

**Mr. Gormley:** The net point, therefore, is that this area, which is described in the legislation, will become the smoking section of pubs.

**Ms O. Mitchell:** Which amendment are we discussing?

**Mr. Martin:** It will not be part of the pub in essence. The yard, footpath or——

**Mr. Gormley:** The area will have a roof.

**An Leas-Cheann Comhairle:** We are slipping into a Committee Stage debate.

**Mr. Gormley:** This issue is important.

**An Leas-Cheann Comhairle:** It should have been teased out on Committee Stage. We are now on Report Stage.

**Mr. Gormley:** I stated on Committee Stage that I was extremely concerned about this aspect of the legislation.

**An Leas-Cheann Comhairle:** The matter does not arise.

**Mr. Gormley:** The Minister is indicating he disagrees with me but he should clarify my question. I fear that publicans will construct such an outdoor area with a roof, walls, partitions, tables, chairs and every other facility they want, and people will drink and smoke in this area, thus creating what is effectively a smoking section of a pub. What is more, the staff must enter this section. I have received all the Minister's press releases on this issue, including one headed, "Minister Martin announces date for going smoke-free at work".

**An Leas-Cheann Comhairle:** We cannot proceed along these lines. The Deputy must address amendment No. 22.

**Mr. Gormley:** Having worked in a pub for many years, from the age of 12 onwards, I have first-hand experience of this matter. The workers will have to enter the smoking section to collect glasses and will be subjected to second-hand smoke. As such, these areas will not be smoke free.

**An Leas-Cheann Comhairle:** The Chair has allowed the Deputy considerable latitude. I ask him to resume his seat.

**Mr. Gormley:** With respect, I am making a valid point. We are about to approve legislation which should not pass until the clarification I require from the Minister is given.

**Mr. Martin:** When the legislation containing the exemptions——

**An Leas-Cheann Comhairle:** This discussion is out of order.

**Mr. Martin:** To clarify the point, the smoke-free workplace relates to enclosed workplaces. The Deputy will recall the major argument we had about ventilation and so forth. The bottom line is that the legislation was never intended to impose a ban in outdoor workplaces.

**An Leas-Cheann Comhairle:** Does the Deputy wish to press the amendment?

**Mr. Martin:** I will clarify the matter for the Deputy later, if he wishes. The structure allowed is limited and will be very draughty.

**An Leas-Cheann Comhairle:** The Chair has been extremely generous on this matter. We cannot proceed in this manner. Deputy Gormley should address his comments to amendment No. 22.

**Mr. Gormley:** I am happy to withdraw the amendment. While some of my colleagues in the Opposition do not share my concerns, I remain extremely concerned about what we are permitting. Given the nature of vintners and publicans, they will do everything possible to create the smoking section they have always sought. These areas will probably become the cool sections of pubs where everyone congregates to have a drink.

**An Leas-Cheann Comhairle:** The Deputy is being repetitive.

**Ms McManus:** The temperature will certainly be cool.

**Mr. Gormley:** We will see how cool it is given how easy it is to create comfortable conditions by bringing in the builders. Bob the Builder will be busy.

**Mr. Martin:** If the Deputy reads the text, he will find it to be restrictive.

**Mr. Gormley:** The Minister will become even more irritated with me now, but before we proceed to Final Stage I would like clarification of this matter because my concerns are shared by others.

**An Leas-Cheann Comhairle:** We cannot return to the Committee Stage debate.

**Mr. Gormley:** Is it possible to delay Final Stage until I receive clarification?

**Mr. Martin:** I have clarified for the Deputy that people will be able to go outside any premises.

Amendment, by leave, withdrawn.

Bill reported with amendments and received for final consideration.

Question proposed: "That the Bill do now pass."

**Ms McManus:** I congratulate the Minister for Health and Children on the introduction of this legislation. He has the support of the Opposition, Deputy Gormley's genuine concerns aside. It is difficult to get right legislation on such an important issue. I hope it is robust enough to stand up to any possible challenge. It is an important health promotion measure which I welcome.

**Ms O. Mitchell:** I wish to be associated with Deputy McManus's remarks and to congratulate the Minister on the introduction of this significant legislation which will have far-reaching effects into the future. Its main impact will be to prevent young people taking up smoking. Other Members have rightly said that many people who currently smoke will do everything possible to get around the ban such as going outside pubs and so on to have a cigarette. Future generations of young people will not have the same incentive to take up smoking as is currently the case for their peers who smoke in pubs. This legislation will, in the long run, bring tremendous health benefits for all. I congratulate the Minister on it.

**Mr. Gormley:** I thank the Minister and congratulate him on the introduction of this important progressive legislation. I am delighted Ireland is the first country in the European Union to introduce such legislation. We are leading the way. This issue of smoking has been of concern to me since my teens when I became obsessed with it. This is a great day. There are problems, such as those to which I alluded, but I hope they can be addressed in the Seanad.

I am quite certain that if we get this right, we will change the pub culture here on which we pride ourselves. Often, that culture leaves a great deal to be desired. This legislation will not impact negatively on vintners and others. It will have quite the opposite effect and I hope more people will go to pubs because of the clear atmosphere in which they can enjoy good food and so on and their clothes will not smell of smoke the next day.

It is essential that we ensure those who work in pubs can work in a smoke-free area. I hope the Minister will have discussions with people such as

Dr. Luke Clancy to ensure we get this right as the Bill goes through the Seanad.

**Minister for Health and Children (Mr. Martin):** I thank Members and in particular the Opposition spokespersons for their strong support for the principles of this legislation and for the detail and attention given to it. I also thank Members for their forbearance through the various Stages of the legislation. Given the nature of the topic, the Bill has drawn particular attention not least from parties who might oppose many of its provisions. I appreciate the sincerity with which people have articulated their views on various aspects of the legislation.

Suffice to say that this journey would not have been possible and would have been far more difficult without the unanimous support of political parties through the committee on health and children and reflected by the vast majority of contributors to the debate in this House. I thank Members for their support.

Question put and agreed to.

#### **Public Service Management (Recruitment and Appointments) Bill 2003: Second Stage (Resumed).**

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

**Mr. Neville:** I am pleased to again speak on this Bill which relates to decentralisation as announced by the Minister for Finance in the budget. I would like to give the Minister of State, Deputy Parlon, an opportunity to respond at the end of Second Stage to the serious concerns expressed yesterday by the Association of Higher Civil and Public Servants and to ask him if this Bill will ever be implemented. Yesterday, delegations of that union accused the Government of treating civil servants like cattle and condemned the programme as announced in the December budget. The Minister will require co-operation from the people directly involved in this programme. Perhaps he will respond to the threat of industrial action in the event of members being adversely affected by the plan?

Ms Martina Feeney of the union's foreign affairs branch said: "We're not cattle, we're people." She also said: "Tom Parlon wants to move where the political grass is greener [referring to the Minister of State in charge of overseeing the programme] but we are not animals, and I'm not Daisy or Marigold." Will this programme be implemented?

Mr. Seán Ó Riordáin the union's general secretary also stated that aspects of the Government's plan did not make sense and that the relocation programme, if handled carefully over an extended time frame, had the potential to be beneficial. We are all agreed it has potential for enormous benefit to different areas but civil servants are concerned about its announcement,

[Mr. Neville.]

execution and time frame. Mr. Philip Crosby, a senior Revenue official said he would have six words for any Fianna Fáil or PD election candidate who canvassed his home and I quote: "Get the hell off my property." How can this plan be implemented if that is the opinion and response of senior people in the Civil Service? Mr. Eamon Corcoran of the union's health and children branch said he would have to suggest a performance review of any staff member who presented a report as poorly thought-out as the decentralisation programme. He stated: "This programme is a disgrace. How anyone can stand over it, I don't know."

The response from senior civil servants to this programme has been so negative the Minister of State should use the opportunity when replying to the Second Stage debate to address the concerns of the Association of Higher Civil and Public Servants as clearly expressed at yesterday's conference. I look forward to the Minister's response in that regard.

There is a great deal of concern that recruitment will be made on the basis of geography rather than centrally through the Civil Service Commission. Will a manager recruit to satisfy a need or will he or she recruit a person with a developmental career in the Civil Service? Concern has been expressed that recruitment will be geared to satisfy a need and that the person recruited will remain satisfying that need for the rest of his or her career rather than, as it currently the case, obtaining skills to allow a move to another area of a Department or to another Department thereby gaining rounded experience with the possibility of promotion to a higher level. Civil servants could be promoted by virtue of their experience in a number of Departments. The Minister should ensure this legislation does not create rigidity, narrow skills and inability to cope with change. An organisation must have the ability to cope with change. Human resource managers and senior management often find it difficult to address the issue of their organisation's ability to cope with change because people have an inherent resistance to it.

Will the Minister address the current problem whereby there is a period of six months between the time a vacancy arises and the time a recruitment is completed and the person is on the job? People have six months to decide to take up a position when they are offered it which means there is a vacancy for a period of six months. That is probably followed by another period during which they give notice to their current section. No private organisation could, under any circumstances, tolerate a vacancy in a senior position for a period of six months.

I implore the Minister to address the concerns expressed yesterday because it will be vital for the successful implementation of his programme.

**Mr. B. O'Keeffe:** I am delighted this Bill has finally come before the House. I was looking over

my notes going back to 1996 and 1999. As a member of a health board, I made the point that it took two years for consultant appointments to be made and there were long waiting lists in terms of interviews being set up. In middle management a case outlined to me indicated that, in five years, an interview process and an appointment had not been made. The Bill is timely in that an Act of the Oireachtas had not been changed since 1926 and it was necessary that the Government should examine this area and, through the social partners, devolve a way of improving and modernising the system of recruitment.

That issue was brought home last week to those of us who are members of the Committee on Health and Children when it was pointed out that allocations were made by the Department of Health and Children for the appointment of a consultant. The health board in question would receive the funding for the consultant and that funding would be in place for two years before the consultant took up the appointment. I have exhorted the Minister for Health and Children to examine the system of appointment in the health services where, in the first instance, the health board must make the application to the Department of Health and Children for the various posts. The Department must then go through the system and decide to allocate funding and, at that stage, the application goes to Comhairle na nOspidéal for approval of the particular post. That process is extremely cumbersome.

This Bill is welcome but, in terms of the Department of Health and Children and the various new agencies being set up, I hope there will be a recommendation to ensure there is proper integration and progress on all the appointments to be made in the health area because the process has not been working as systematically as it should.

There have been, so to speak, two periods in the life of the Local Appointments Commission over the years: the valley periods when recruitment levels were very low but there were no problems with the system, and the Celtic tiger era when massive recruitment took place but which saw inordinate delays. One of the measures in the Bill that appeals to me is that, under the new commission being set up, there is a mechanism whereby it can license out recruitment locally for future appointments, thereby relieving any logjams that might exist in the system. Everybody must welcome that facet of the Bill. At times when recruitment levels are quite low, the commission will be able to deal with that, but when there is a fervour in regard to recruitment, it can be devolved, through licensing, to the local areas.

I have already dealt with the issue of advertising at a Fianna Fáil parliamentary party meeting and with the Minister for Health and Children. The level of advertising in the Sunday newspapers is extraordinary. During the Celtic

tiger years when there was massive employment ongoing in the health system, each health board hospital had a major advertisement in the newspapers, which had to cost hundreds of thousands of pounds. That was money taken out of the system which could have been used at the coalface. I am pleased there has been a radical improvement in that regard in that all the health boards now advertise under the one subhead and similar posts are being advertised. That is welcome because that rationalisation has resulted in significant savings.

I hope the new commission will examine its advertising portfolio in terms of getting value for money. I understand the need for extensive advertising, including abroad, to ensure the best quality candidates are recruited, but it would be interesting to evaluate the amount of money expended by the Local Appointments Commission on that area over the past five years. I am sure the amount would be quite staggering. I hope the new commission will have regard to the level of spending being outlined and better allocate the money it is spending on issues such as this.

I want to refer to the issue of decentralisation, which was raised by Deputy Neville, and the process that forms part of this Bill. This legislation complements what the Government is doing in decentralisation but, listening to Fine Gael Members in particular, I wonder where they stand. Do they stand in favour of the towns that will benefit from the decentralisation programme?

**Mr. Neville:** We stand on the thinking that works. It will not happen. That is the problem.

**Mr. B. O'Keefe:** I know Fine Gael always had a problem with decentralisation because, when the rainbow Government came to power, one of its first acts was to take the decentralisation programme off the map. We had to wait until we were back in Government again before it was reintroduced.

Everybody knows the frustration that is part of living in Dublin. Everybody is aware of the gridlock because they experience it every day. They experience the overpricing of houses that is part of the increasing demand for housing in Dublin, and the cost of living which makes Dublin one of the most expensive cities in Europe.

The current debate in the Civil Service is a healthy one but I suggest to civil servants who have made their homes in Dublin that, while decentralisation is voluntary, there are towns with vibrant communities which are crying out for the type of investment the Government wants to put in place. If the State is saying to investment authorities in terms of incoming employment to locate outside Dublin and not locate in Dublin, it is only consistent for it to indicate to its Civil Service that something must be done, given the unsustainability of what is happening on the

fringes of the capital despite Government directives. The towns which will benefit from decentralisation welcome it. The process of consultation will take place with all the various parties involved under the national wage agreement. The Government will consult its civil servants.

I recall the decentralisation of the Central Statistics Office to Cork. All hell broke loose. Nobody would move. It was too costly. It was this and that. I heard the same arguments about the transfer of the office to Killarney. In both situations 900 people are employed in the Central Statistics Office outside Dublin. I do not hear any of them crying to get back to Dublin from Cork or Killarney.

We have heard of the business of sustainable development. What is it? Dublin is not sustainable as it is currently. However, there are rural towns that can be made sustainable. By the correct policies of decentralisation, that sustainability can be achieved. In those towns we can improve the infrastructure, trade and employment levels. More importantly, we can sustain the communities themselves because the people who are part of the decentralisation programme will find themselves integrating and being part of the fabric of the towns and contributing in a major way to improving the stature, standing and general well-being of local communities.

This is an outstanding Bill and will complement the decentralisation programme that the Government is putting in place. Now at a local level recruitment can take place. The various agencies in those towns will have a licence to recruit. I hear Deputy Neville refer to "recruitment by geography", as if there was something wrong in recruiting local people and getting local commitment from people who are well-qualified and want to live in their immediate communities. What better commitment could there be in future recruitment programmes than to tap into the local community and to employ somebody in, for example, Mullingar, who has the qualifications, motivation and commitment to the community? Why should there not be future recruitment on a geographical basis if people want to live and work in a given area, provided they have the qualifications?

On the Local Appointments Commission it is important to say that, over the years, while criticism has been levelled in terms of how focused it was and the speed in which individuals were recruited, there has never been any question regarding equity and fairness. It must be acknowledged, as a new body takes on this role, that this has never been in question. The LAC has been a tremendous success since 1926 and it would be remiss not to acknowledge the outstanding part it has played in recruitment over the years. I am delighted with the Bill. It is not before its time and very much in keeping with the decentralisation programme and recruitment system that is in place. It shows once again that



[Mr. B. O'Keeffe.]  
the integration of Government between action and act is now taking place.

**Mr. Morgan:** Lower grade civil servants are among the lowest paid workers in the State, yet they are vilified by many politicians within the Government and establishment parties in this House. They seek to scapegoat State workers for various problems, be they revenue shortfalls or even traffic congestion in Dublin. The fiction of a highly paid job for life is used by those who wish to reduce public support for low grade civil servants in case they should ever strike for better pay.

The new recruitment structures set up by this Bill mean it will be extremely difficult to attract people to Civil Service jobs that pay far less than many equivalent positions in the private sector unless this is rectified. Some people within this House have called for public sector employees not to be paid their benchmarking increases. Those who make these demands speak of civil servants as one block of employees, ignoring the fact that there are vast differences in levels of pay between lower civil servants and those on higher grades.

The reason civil servants are leaving Dublin is that they cannot afford to live there, in many cases because of their low wages. For many it is not because they want to go to wherever it is their Department is being relocated. I emphasise "relocated" because there is no evidence of real decision-making in the proposed decentralisation programme. We need to ensure that all workers within the public and private sectors receive a living wage. It is time we ceased to ignore the issue of low pay in the lower grades of the civil service. The Sustaining Progress social partnership deal delivered nothing for those workers, nor for low-paid workers in other sectors. This is its main flaw; it fails to deliver for those who need it most. The partnership process has failed to address the needs of the working poor to ensure better quality and better paid jobs are available to enable all workers to earn a living wage.

What has social partnership done to enhance workers' rights and entitlements? What has it done to ensure better quality of life for workers and their families? It has not even delivered trade union recognition, despite enormous commitments and concessions to employers from the trade union movement. Social partnership fails the low paid who are expected to survive on miserly scraps from IBEC.

With reference to the Civil Service's failure to implement the 3% employment target for people with disabilities in the civil and public service, set in 1977, will this Bill, in any way, lead to an improvement in this regard? Those tasked with recruitment in the Bill would need to make a real effort to increase the levels of disabled people in the Civil Service. More must be done to enable workers, including those with disabilities, to take

up employment. People living in poverty as a result of unemployment, want to work. Many of them cannot, because of disability, poor education and training and career responsibilities for children or older family members.

I am concerned at the provision in the Bill that permits Secretaries General and heads of office to apply to recruitment licences to recruit staff directly. I do not share Deputy Batt O'Keeffe's enthusiasm for the Bill. If this is not managed in an open and accountable manner, it will raise fears of corruption in matters of recruitment, which could be seriously damaging to the reputation of the Civil Service. People are entitled to raise concerns on this issue.

I would like to comment on another employment issue. I refer to migrant workers from the accession states after 1 May 2004. It is deeply regrettable that all other EU states will restrict access to their labour markets for citizens of the accession countries.

Equality between citizens of all member states is a key principle of the European Union. My party is firmly of the belief that the accession states should join the EU on an equal footing to the current members. These restrictions create a second, lower stratum of membership where the citizens of some states have lesser rights, and it will further encourage the creation of a two-tier Europe. Accession states have rightly expressed their annoyance about these restrictions, especially the recent U-turn by Britain, Sweden, Denmark and the Netherlands. It should not be forgotten that the accession states received assurances from many EU members during the accession negotiations in 2001 that restrictions on the movement of workers from the accession states would not be introduced. I call on the Government of this State to use its Presidency of the EU to work with all current members to ensure all restrictions on the free movement of workers from the accession states will be lifted at the earliest possible opportunity and to ensure that equality between workers of all EU member states is restored.

I am also deeply concerned by the indications given by the Taoiseach that this State may introduce welfare restrictions for workers from the accession states in light of the legislation being introduced in the British House of Commons. We do not need to follow the British example. Workers from the new member states cannot be given lesser rights to workers of the current member states simply to ease unfounded fears that workers from those new states will come to this State in greater numbers.

**Mr. Connolly:** This Bill, particularly its provision to allow Government special advisers to be appointed to established Civil Service positions, is in direct contravention of the Ethics in Public Office Act 1995 which was enacted to prevent a Government of whatever political hue from packing the public service with political hacks whose only qualification was that they

licked the appropriate political rear ends. It institutionalises their eligibility for permanent, pensionable Civil Service posts, appointments that will not be at the lower end of the pay scale, with the approval of the proposed commission for public service appointments that is due to replace the Local Appointments Commission, a body with a long and distinguished record of human resources experience in the public service since the State's foundation. The relevant section of the Ethics in Public Office 1995 is also to be scrapped, a retrograde step that will do little to instil public confidence in the integrity of public service appointments.

Since their introduction in the 1970s, special advisers have been the bane of the body politic and, in many cases, did not possess any particular political or specialist expertise apart from their ability to organise a Minister's election campaign, to distribute 30,000 leaflets in a single night or climb the optimum number of trees or poles in the service of the party. The designation of certain individuals as special advisers was, in many instances, the supreme act of political patronage. Some individuals possessed specialist skills which would be useful to a Minister or Department and there were some notable and honourable exceptions to the rule but, in general, special advisers were recruited on a political basis without the bother of submitting to open public service competition as it applied to civil servants generally.

The integrity of the public service and of its recruitment practices is under severe and insidious threat through this Bill institutionalising eligibility for permanent positions without due process. This will enable these political individuals to skirt the normal open recruitment process of the public service purely on the basis of their party allegiance. If that is not institutionalising patronage, I do not know what is. It amounts to blatant patronage of the worst kind, bordering even on corruption, for Ministers to slot their political cronies into permanent public service positions in the dying days of a lame duck Government. This certainly does not constitute best practice and no shadow boxing on the part of the Minister can disguise that fact. How the ghosting of their political friends into permanent public service positions is meant to reform public service recruitment beats me.

This Bill is at variance with established public service practice which requires all permanent and pensionable appointees to be subject to the independent selection process. The bar on the assimilation of special advisers, after they have outlived their political usefulness, into the permanent public service should remain. It is vital that public service recruitment be seen to be free of political interference and, unfortunately, this Bill falls considerably short of achieving that.

Why is it necessary to introduce fines of up to €10,000 and sentences of two years in jail for people who seek to canvass for a public service post? When Ministers make strong

representations on behalf of job applicants, they will not be seen as canvassing for the applicant and will not be subject to the Bill's proposed sanctions or penalties. They are also not considered to be guilty of a criminal offence as members of the public are under this legislation, an anomaly that must be rectified if the Bill is to mean anything.

Appointments to public bodies and State agencies have been long considered to be within the Government's gift and there is a lengthy history of such patronage being abused by successive Governments. One only has to look at appointments to prison visiting committees where geographic location is subordinated to the maximisation of travelling and subsistence allowances. Donegal party activists would be considered appropriate candidates for nomination to visiting committees in Cork or Limerick and Cork or Kerry supporters are favourites for appointment to Castlerea prison visiting committee.

Similar abuse persisted for many years in judicial appointments and in the allocation of State briefs. A person's suitability was determined by their service to the Government party. This situation was remedied in the 1970s by their transfer to the remit of the Director of Public Prosecutions who, by and large, has done an excellent job. Nevertheless, the culture of jobbery, patronage and corruption remains in many respects and is ingrained in the Bill.

Why not make the proposed commission for public service appointments truly independent, similar to the DPP's position in judicial appointments, with transparency, impartiality and accountability apparent for all to see? In the United States, transparency in public service appointments is a byword and candidates for positions are subjected to rigorous scrutiny and questioning before approval. The Government has the opportunity now to remove public service appointments from any suggestion of patronage or jobbery and truly reform the system of public appointments by making them on intrinsic merit, aptitude and skills and abilities.

**Mr. Cuffe:** This Bill is not about reform or modernisation. It is about the pork barrel politics of the current Administration.

**Mr. Durkan:** Yes, the pork barrel is what it is about.

**Mr. Cuffe:** It is about the message that was sent by the Minister of State after the budget: "Welcome to Parlon country".

**Mr. Durkan:** Exactly.

**Mr. Cuffe:** It is about parochial concerns and decisions.

**Mr. Durkan:** The parish pump.

**Mr. Cuffe:** The Local Appointments Commission has a long and honourable tradition that is being jettisoned in the Bill. A previous Government speaker referred to the equity and fairness that characterise the decisions of the commission. That equity and fairness is being discarded. This Bill is being introduced as a sticking plaster to back up the decision in the budget to introduce decentralisation. Decisions are being made on the hoof and civil servants are being left to pick up the pieces.

A year and a half ago the national spatial strategy was introduced but it was ignored in the budget decision to place Departments in towns that were not included in the strategy. In doing that, the strategy was torn up, even though it was a plan based on careful examination of the towns under consideration for development. That was watered down and now this Bill has been introduced to try to justify the decentralisation talked about in last December's budget. It is a step backwards and, like many decisions taken recently, there have been all kinds of stops, starts and U-turns. Bills are required to back up decisions which appear to have been made almost overnight at some stage just before the budget. There is concern about what county the Department of the Marine will be in this week and next. Such decisions are being modified over time and we are losing out on a long and honourable history. That is what this Bill is doing.

At the same time as health boards are being amalgamated to provide economies of scale and a certain coherence to appointments, we are doing the exact opposite with this Bill, namely, devolving power to bodies that I am not convinced have the resources or ability to handle the decisions that will be given to them. The people involved will be under severe pressure from many of those who could benefit from decisions, and I am concerned about that. I have misgivings about conferring all those strong powers on vocational education committees and health boards. We must remember that those bodies have political appointees on them. I am aware that people have been told that they have got the job not by the human resources section of one of those bodies but by a political appointee. I am not convinced that this Bill has enough safeguards within it to prevent those political appointees from positioning themselves as the bearers of good news.

One of this country's finest traditions is that the Local Appointments Commission is above the petty politics and parochial concerns to which I referred. The reasons for the setting up of the Local Appointments Commission and the introduction of city and county managers was the perception and the reality that decisions and appointments were being made for the wrong reasons. That is what we must concentrate on in this legislation. I am not convinced that sections 15 and 16 ensure that there will be no impropriety in the decisions being made.

This Bill, and the decisions that we made on it, are rather akin to those regarding electronic voting. There is a long and honourable tradition of technology and personnel working well. Then suddenly a complete sea change happens overnight. I say the same thing about electronic voting as about this Bill: if it is not broken, do not fix it. I urge the Minister to reconsider the sweeping changes that he proposes in this Bill and ensure that we do not lose the vast knowledge, experience and, above all, untarnished record of the Local Appointments Commission.

**Mr. Dennehy:** Like other speakers, I welcome the opportunity to say a few words on the Public Service Management (Recruitment and Appointments) Bill 2003. First, I will take a few moments to rebut Deputy Morgan's attack on the social partnership. He said that it had failed to deliver for workers. That is not true or accurate. It is important to point out that it might suit some individuals or parties to have strife, conflict and disruption in employer-labour relations and in the labour market generally. It would probably give them a feeding ground and allow them greater scope to get more actively involved in certain areas.

However, that approach has probably been the most successful aspect of this country's great success over the past eight years in particular. It is an undeniable fact that we have had the eight most beneficial and positive years since the foundation of the State. Nobody will argue with that. People might try to analyse the reasons, and we are quite open to that. However, we will have to fight any attempt from whatever group or individuals to undermine that success. It may be said that not every worker or individual capable of working has gained from that approach and the agreements we have put in place. It may be argued that some people benefited more than others. In percentage terms, we have done better than many workers outside this House.

In general, however, the stability provided by social and other agreements has meant that today in this House the concern is about the number of people who may wish to come to Ireland from other countries, whereas ten years ago we were exporting 40,000 people a year. Those of us who had to go and were lucky enough to come back will not allow any party, whatever its approach, to undermine the stability of what has been put in place through such initiatives as social partnership. It has been successful, and we got rid of the old stoppages as far as possible. Some of them were created artificially and caused civil disruption. We are now in a period of success. The hundreds of thousands of new jobs that have been created are the greatest manifestation of the benefits of that approach, and long may that continue.

I see this Bill as part of the wider modernisation of the public service as set out in the Sustaining Progress programme. It must be seen alongside benchmarking and everything



else. The simple fact was that we needed and continue to need change. Some people are unwilling to change; they may be afraid or have got set in their ways. However, extraneous matters are brought in, such as those raised by Deputy Cuffe who was comparing this issue with electronic voting. I have no problem doing the same: both represent progress and welcome change. Deputy Cuffe brought the matter up as part of some other shady scheme.

We heard the same kind of comment broadcast regarding ESB programmes. Looking back at when schemes first started in the country, the company went to places in Waterford and elsewhere and set up fairly small pilot schemes. Almost exactly the same kinds of comments came through: that people's health would suffer, that children would stick forks in the plugs, that the house would burn down around them and so on. People asked how they could ever put up with it and manage in the future. Every imaginable reason that electricity should not be installed was brought up. Now we get the same sort of sometimes stupid, sometimes carefully thought out comments — in nearly all cases negative — against such initiatives as electronic voting. The same is true of progress in this case. All of us involved over the years have seen square pegs put in round holes——

**Mr. Durkan:** I have seen that.

**Mr. Dennehy:** ——often as a result of the centralised appointments commission. My colleague, Deputy Batt O'Keeffe, referred to the ludicrous situation of which everyone who has ever served on a health board will be aware, namely, the two year wait to have an appointment sanctioned for consultants. That is blamed on the administration, and politicians of every hue will hop up and down, say it is crazy, that we must do something and that the appointment is needed, and ask what is holding it up. Comhairle na nOspidéal and the Local Appointments Commission hold up such appointments. It is a crazy situation and the public is suffering. It is time to change that. The success this country has enjoyed for the past eight years means we must put new facilities in place and change what we are doing at present.

Debate adjourned.

### **Private Members' Business.**

#### **Health Care: Motion.**

**Caoimhghín Ó Caoláin:** I move:

That Dáil Éireann,

— recalling:

— the promise by the Fianna Fáil Party prior to the 2002 general election to eliminate hospital waiting lists within two years;

— its promise to extend medical card entitlement to a further 200,000 people;

— that action 89 of the Government's health strategy promised greater equity for public patients in acute hospital services in a revised contract for hospital consultants to be delivered by the end of 2002;

— the promised delivery in the health strategy of a new model of primary care throughout the State;

— noting that:

— according to most recent figures there are 27,212 people on hospital waiting lists;

— while 36% of the population was entitled to a medical card a decade ago less than 30% are so entitled today;

— the consultants' contract has not been renegotiated nor revised;

— there has been minimal progress on primary care since 2001;

— views with concern the continuing drive towards over-centralisation of hospital services including the closure of maternity, accident and emergency and other acute services at hospitals around the State and calls for the restoration of said services at those hospitals affected;

— deplores the continuing failure to reform and resource mental health services resulting in continuing hardship for people with mental illness and the failure of the State to meet international human rights standards in this regard;

— urges a reconsideration of the planned configuration of radiation oncology units in Dublin, Galway and Cork only and calls for the acceleration of plans for the overall improvement in cancer treatment services;

— deplores the mismanagement of our health services at central Government and health board level as shown by the number of investigations into serious incidents, including fatalities, in a number of health board areas, and the delayed and unsatisfactory nature of those investigations;

— considers that reform of health administration structures as proposed by Government will create a democratic deficit;

— affirms that the two-tier, public-private system is inherently inequitable and inefficient and, after decades of underfunding of our health services, the two-tier structure is now causing increased resources to be used in an ineffective manner;

— supports an all-Ireland approach to health care delivery to harmonise and maximise resources on an island-wide basis and urges greater priority for this approach by Government;



[Caoimhghín Ó Caoláin.]

— asserts the basic right of equal access to the best health services for all regardless of ability to pay and seeks the phasing out of the current two-tier public-private system which subsidises the private health care business at the expense of the public system, to be replaced by a truly reformed health service with care free at the point of delivery and funded from general taxation;

— calls for the establishment of a Cabinet committee on health chaired by the Taoiseach to spearhead the phasing in of a reformed health service; and

— demands the resignation of the Minister for Health and Children.

I will share my time with Deputy Crowe and Deputy Ferris.

I regret the Minister for Health and Children is not yet in the Chamber for this important debate. This motion is comprehensive but the two most important words in it are “basic right”. Only a rights based approach can address the complex problems which beset public health in general and the health services in particular in Ireland today. The absence of such an approach has allowed inequality to abound in the delivery of health services and because of inequality we are making the least effective use of the increased resources now being spent on health.

The constitution of the World Health Organisation sets out the fundamental principles which should inform health policy. It states: “The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.” The reality in Ireland today is that the enjoyment of the highest attainable standard of health is subject to distinction based on social and economic condition. The actual structure of our health services sustains that inequality.

Who now denies that there is a two-tier system in our health services? The Government’s health strategy in 2001 admitted that “there are significant inequalities in the system at present” and many of the proposed measures also represent such an admission. However, a decade previously the then Fianna Fáil Minister for Health, Deputy O’Hanlon, not only admitted that we have a two-tier system but defended it. He said in this House: “That has been the position since the foundation of the State and this system, with its integrated mix of public and private care, has served the nation well.” Despite the glaring inequalities which have been exposed in the debate on health in recent years, the unequal model defended by the then Minister, Deputy O’Hanlon, in 1991 and his predecessors and successors has been maintained.

This is the Government’s preferred model for health care delivery in the 21st century. The core of the motion before the House is the rejection of that model, the identification of many of the

inefficiencies and inequities that flow from it and the presentation of a radical alternative. The Government will argue that it has devoted unprecedented resources to health. It has, but this has come after decades of underfunding, and because of the Government’s refusal to challenge the two-tier system vast amounts of public money continue to subsidise the private health care business. Meanwhile public patients suffer.

In 2002, Fianna Fáil made a commitment to the people to “permanently end waiting lists in our hospitals within two years”. That promise becomes due on 17 May next but there are more than 27,000 people on hospital waiting lists. As the Minister stated in reply to my parliamentary question last week, this is a decrease of only 7% since 2002. That is 93% short of what the people were promised. If that rate of decrease were maintained, it would take more than 14 years to end waiting lists.

The lack of coherence in Government policy is shown by the treatment purchase fund. This was supposed to be a temporary measure but the Government now relies on it as its primary means of addressing waiting lists. It is a perfect illustration of the inefficiency that this Government is funding. While beds in public hospitals remain closed due to lack of resources in the public system, treatment is being purchased in the private system. It is a short-term fix while the need to increase bed numbers and staffing levels in the public system is neglected. It is the patients of the future who will suffer as our public health infrastructure is allowed to wither.

The National Economic and Social Forum report, *Equity of Access to Hospital Care*, states that structural change is necessary to address the two-tier public-private system in hospital care and, most significantly, it states that this system is left unchanged in the Government’s health strategy. However, the Government’s amendment to this motion states that the Government relies on that strategy to deliver equity of access. The Government is totally exposed.

The failure to renegotiate the consultants’ contract and to require all new consultants to work exclusively in the public system is in many ways the key to all the other failures of the Government in the health sector. It is, above all, a failure of political will to challenge vested interests and to put the public patient first. I am not advocating a policy of confrontation, but fairness and equity must be at the heart of the system. The privileged position of consultants, their undue power in determining policy and their lack of accountability for work in the public system while profiting from private practice are all inherently unfair and inequitable.

The Minister has described consultants as “kings in their own domain”. He has been thwarted by them on many occasions, for example, in the disgraceful delay in proceeding with the investigation of difficulties among consultants in Cavan hospital. More seriously, the

victims of malpractice in the obstetrics and gynaecology unit at Our Lady of Lourdes Hospital, Drogheda, have been disgracefully treated as a result of the lack of accountability of the professional bodies. The Minister has done precious little to challenge this.

The Minister's party also promised "to extend medical card eligibility to over 200,000 extra people, with a clear priority being given to families with children". In their 2002 programme for Government, Fianna Fáil and the Progressive Democrats promised to "extend medical card eligibility in line with the recommendations of the National Health Strategy". The strategy promises to increase medical card income guidelines. Once again, there has been zero delivery and low income families with children who do not qualify for the medical card are now worse off than they were two years ago.

The failure to extend medical card qualification and the failure to develop primary care as promised makes the closure of services in local hospitals even more grievous. Look at how communities have united in defence of these hospitals. Listen to their voices. The Government has failed to listen to them heretofore. The Hanly report is a recipe for the closure of more services and, possibly, hospitals in a number of locations. Our party welcomed the long overdue reduction of working hours for junior hospital doctors recommended in the Hanly report but we deplore the use of that issue as a trojan horse to close services in local hospitals throughout the State.

Monaghan and Dundalk were the guinea pigs. Monaghan Hospital has had its maternity, paediatric and accident and emergency services taken from it. Primarily, it is women and children who are worst affected by these cuts. This will continue throughout this State if the Hanly plans are implemented. Sinn Féin, in conjunction with local communities and all who wish to see justice and equity in health care delivery, will continue to defend our hospital services and we demand the restoration of those services that have been axed from the hospitals I have mentioned.

This motion is not just about identifying the undoubted failures and broken promises of this Government. It is also about setting out an alternative and urging real public debate. We make no bones about it. The model of health care delivery we advocate will mean that the wealthy in our society will be required to contribute more in taxation than they do at present. All taxpayers, irrespective of income, should be guaranteed that the best use is being made of their money. That is not the case at present. In that context people would not challenge taxation. Instead they would demand a rejection of funding inequity and its twin, inefficiency.

It must be acknowledged that progress has been made in recent years. Tribute should be paid to all those people throughout the health services who have contributed to progress. For a transformed health service we need to harness their talents and their dedication. However, they

need leadership with vision and a strategy based on equality. This Government has given them neither and has broken its commitments to the people.

There can be no confidence in a Minister and a Government with such a record, not only since 2002 but since 1997. That is at the core of this motion and what we seek to address. We want to see the mandate on which the people returned this Government honoured, respected and implemented. That has not happened, nor does the Government intend to do it. Accordingly, we say to the Minister for Health and Children, Deputy Martin, that it is time for him to go.

**Mr. Crowe:** The less well-off in Ireland are dying because they lack access to health care. That was the conclusion of Dr. Jane Wilde of the Institute of Public Health who estimated last May that almost 6,000 people die prematurely each year simply because they are poor.

These figures should shock anyone in civic or political society, no matter what their political beliefs or background. They form one of the most damning, least reported and hidden statistics characterising our health service. Death rates for all diseases among the poorest and most vulnerable section of our society are two to three times higher than for the richest. Unskilled male manual workers are twice as likely to die prematurely than higher professional men.

The two-tier health service is not a soundbite or a slogan but a reality. People suffering from poverty are, in many cases, unable to rear a family on a healthy diet. This is a recurrent theme in health research and is widely known to be associated with a number of easily preventable diseases. Research shows that free school meals are one of the most important nutritional sources for children from low-income families. However, the Government is not prepared to invest adequately in the school meal scheme. People from the lowest socio-economic class are also most likely to suffer from fuel poverty and the medical effects that result from it. Of these, one in four are unemployed and one in five are lone parents.

People living in poverty often feel shut out of the health service. One man told a Combat Poverty researcher that he was due to go into hospital for a bypass. He had already had three heart attacks and was waiting six years. He pointed out that if he had a cheque book he would have been looked after straight away. As cynical as this attitude is, it is accurate.

In many cases we are talking about people who have no savings, no bank accounts and no stock portfolios. They often put their health at risk because they cannot afford to go to a doctor. This is particularly the case with mothers. Money that should be spent on health must be used to pay the rent, pay for heating or to buy food. For these people, good health care insurance is a luxury they can ill-afford.

[Mr. Crowe.]

According to the national anti-poverty strategy, the Government's target is to reduce the gap in premature mortality between the lowest and highest socio-economic groups by at least 10%. It seems that very little progress has been achieved towards this goal.

The most obvious example of the gap between rich and poor in our health service can be seen in our accident and emergency wards, particularly in Dublin. Last May a 79 year old woman from my constituency died after spending five days on a trolley in Tallaght Hospital's accident and emergency unit. Earlier in the same month the hospital, along with other teaching hospitals, had been forced to close 250 beds. Have matters improved since last May? I do not think so. These cuts put tonight's Government amendment which proposes to provide 568 extra beds in its proper context.

The Irish Nurses' Organisation pointed out last week that 155 patients were on trolleys in Dublin accident and emergency departments last Thursday. The Eastern Regional Health Authority reports little progress in opening the 192 beds closed last year due to ongoing funding difficulties. Accident and emergency units and their corridors are places of fear to many patients. They are associated with indignities and extra stress for patients and their loved ones.

Many Deputies could tell horror stories of patients being harassed by drunks or unable to sleep in noisy corridors. This is unacceptable. No Deputy from the Government or the Opposition wants to see anyone belonging to him or her in that situation. While this situation continues in accident and emergency wards, long-stay patients, who literally have nowhere else to go, occupy between 15% and 20% of hospital beds. This blockage in the system highlights the lack of joined-up Government in the health area. Rather than financially equipping and supporting residential homes or carers through the provision of supports enabling families to take their loved ones home, the State prefers to take the easy option and keep patients in hospital beds.

These are the conditions in which we expect our overworked and undervalued health service to operate. I take this opportunity to pay tribute to the work and commitment of the staff of the health service.

I welcome a positive initiative announced in the newspapers at the weekend. The decision to only fund generic medicines, where the option is available, is welcome. This is something Sinn Féin has long advocated in pre-budget submissions. Generic drugs can cost approximately 30% less than brand name drugs. Up to now, the percentage of generic items prescribed under the general medical services scheme has been consistently lower than in Britain or other European countries. The suggestion that the Government is trying to take more vigorous action in this area is positive and I appeal to the

Minister to implement this policy with all possible speed.

When the World Health Organisation met in Jakarta in 1997 it declared that above all, poverty is the greatest threat to health. During the lifetime of this Government we have seen economic policies which have led to a massive and sustained increase in poverty and inequality. Responsibility for this does not rest just with the Minister for Health and Children. However, he is a member of a Cabinet which has widened the gap between rich and poor.

**Mr. Ferris:** One of the most striking features of our hospital system is the level at which consultants use the facilities paid for by taxpayers to give preference to their private patients. I cannot imagine that this would be acceptable in any other branch of the public service. A recent report by the health boards revealed that in some instances over half of those being cared for were receiving private treatment. At St. Nessan's regional orthopaedic hospital in Limerick, 68% of day care patients were private, while in St. John's, 57% of elective admissions were private. Those statistics make a mockery of the guidelines which stipulate there should be a ratio of 80% public to 20% private. The Department is said to be concerned about this and to be reviewing how best to deal with the problem. Surely, it would not be difficult to ensure that consultants adhere to the terms of their contracts in the same manner as any other public employee. They should ensure that public patients attending public facilities receive the treatment for which they are entitled.

I am aware that the majority of private patients only find themselves in such positions because of the inadequacies of the health service. Most private patients have been forced to opt for private care due to the length of waiting lists and other shortcomings in the public system. However, the real issue is that consultants contracted to health boards are abusing that position to boost their own practices. This would not be tolerated in any other branch of the public service and it should not be tolerated in the health service.

One of the reasons for the tolerance of the current level of private practice is the power of consultants. Like members of any other professional body, they are entitled to fight their corner. However, they cannot be allowed to promote those interests at the expense of the public health service to which they are primarily contracted.

People may recall that it was vested interests in the medical profession which obstructed the constitution of the public health care system when it was first proposed in the 1940s. It was this sector more than the bishops which sabotaged Dr. Noel Browne's scheme. They had to be faced down by the then Minister for Health in a Fianna Fáil Government, Dr. Jim Ryan.



A move towards centralisation is apparent within the system, as shown by the way specialist services are being concentrated in certain hospitals. As a result, regional hospitals, such as my local one in Tralee, are in danger of being downgraded. The hospital there is being denied the necessary resources either to maintain existing services or provide those which have been promised. I drew attention to many such examples in the past year. A constant battle must be waged to ensure that existing services are maintained. The level of uncertainty that this creates is unsettling for both the staff and those who rely on the service. Fortunately, most of the concerns raised had a positive outcome, but hospitals should not have to operate in an atmosphere of constant uncertainty over resources.

Centralising specialist services, especially in areas such as oncology and radiology, will result in extremely ill people having to travel long distances to receive the care they require. Such facilities are overly concentrated in the main population centres and we have already seen the tragic consequences of this approach in several parts of the country.

One suspects that the report of groups such as the national task force on medical staffing which recommended the centralisation of services will not be to the benefit of existing services. I have no doubt that the authors of the report were sincere in their expectation that the changes would lead to an improvement in the level of provision. There is a danger that the Government will use reports like this as an excuse to make cuts.

Another issue of concern is the lack of democratic control over health boards. This is not enhanced by removing locally elected representatives from boards. While the system was far from perfect, at least local people felt that, through the people they elected, they had some input in the manner in which the health boards operated. In the absence of local democratic accountability, there is a danger that health boards will come increasingly under the control of the Department and they will lose touch with their original purpose. It is vital that a mechanism exists to scrutinise departmental directives and provide an informed view independent of the Minister.

**Mr. Connolly:** Health care in Ireland has steadily deteriorated in recent years and it has now reached crisis point. Health is a topical issue, but for all the wrong reasons. The issue of health is hardly ever out of the news. This is especially true in my area which comes within the remit of the North Eastern Health Board where we have heard of roadside deaths and roadside births. Consultants have been sacked and suspended. Investigation teams have been set up. We need look no further than Monaghan General Hospital for an example of a malfunctioning hospital. This hospital has been off-call for the past 18 months.

Staff are paid on a 24 hours a day, seven day a week basis, yet an ambulance is not allowed to take a patient to the hospital, which is nothing short of farcical. If someone has a heart attack in the town, he or she can be brought there in a car but, if an ambulance is called, the patient will be brought to Drogheda, Cavan or somewhere else with the attendant medical risks imposed by the delay in getting to a hospital.

Cavan General Hospital is not fit to cater for the current volume of traffic which goes through it. It is similar to Dublin in recent years where trolleys are in widespread use. I do not think patients in any Dublin hospitals have had to lie on mattresses, but we have experienced that. Patients recovering from elective day surgery procedures have been put into a room which they described as a boiler room in which a boiler cut in and out on a regular basis. Is this an adequate hospital service?

Since Monaghan General Hospital was taken off-call in July 2002, elective surgery has been cancelled in Cavan General Hospital on an ongoing basis. That is unacceptable. Last Friday a report to the North Eastern Health Board stated that major surgery will be removed from Cavan General Hospital, a hospital which performed up to 90 major operations per year, and transferred to Our Lady of Lourdes Hospital, Drogheda. A number of hospitals will not be functioning in a year's time if the Minister does not put Monaghan General Hospital back on-call. The extra volume which has gone to Cavan since that time is creating many of the current problems in the North Eastern Health Board.

Up to 120 reports have been commissioned over a period: the Brennan report on health funding, the Prospectus report on health structures, and the Hanly report on medical staffing. Many people, including me, have major difficulties with the Hanly report. People are up in arms about it, including rural general practitioners and consultants. The Hanly report proposes to locate centres of excellence around the coastline. Large areas in the centre of the country will be neglected, which is not acceptable.

The health strategy, which was launched with great fanfare, promised equal access to all, irrespective of geographic location. The stated aim is to treat everybody equally, but this is far from the case. The strategy fails miserably in that regard.

The Hanly report proposed a consultant-led service as the best way forward. Every scratch does not need to be seen by a consultant. Senior registrars in hospitals are more than capable of fulfilling a greater role. There is a role for small hospitals to provide a level of service where an immediate response is required, especially in emergencies cases such as heart attacks, major haemorrhages or when children develop appendicitis or have asthma attacks.

Reference is also made in the Hanly report to smaller hospitals providing accident clinics with nurse practitioners. What is forgotten is that



[Mr. Connolly.]

nurse practitioners must operate under consultants. The absence of consultants at night in smaller hospitals places a question mark over the operation of nurse practitioners. This is one of many flawed aspects of the report. Reference is also made in the report to paramedics. While they do a fantastic job, emergency medical technicians are not trained to the level of paramedics, although they have helped deliver babies.

No financial constraints were attached to the Hanly report. It identified a need for 3,000 more beds in the system, yet there is no indication that they are coming on-stream. In Limerick, for example, there was talk of an extra 300 beds, but there is no sign of them as yet. The accident and emergency department is closing in Ennis General Hospital. The accident and emergency department in Nenagh—

**Mr. Martin:** No, it is not.

**Mr. Connolly:** It is closing. There is no point in denying it.

**Mr. Martin:** Lies and damned lies.

**Mr. Connolly:** It is closing to patients being brought there by ambulance. That will take place. Why are people up in arms about it in that case?

**Mr. Martin:** It is because the Deputy is telling them untruths.

**Mr. Connolly:** I regret that I have no more time.

**Mr. F. McGrath:** I welcome the debate which allows us time to review the dismal record of the Government on the health issue, which was a major concern for many people prior to the previous general election. It is time to look at the facts and the reality for patients. The Government's record in the past two years is a disgrace when we look at what patients experience at present.

I urge the Minister to listen to the following audit. We still do not have an MRI scanner for children in Our Lady's Hospital for Sick Children in Crumlin. Some 27,212 people are on hospital waiting lists. We still have patients on trolleys. In the disability sector, 1,382 persons with intellectual disabilities are on residential care waiting lists, 621 seek day care places and 823 still await respite care.

We have 25,000 elderly people in long-stay beds or nursing homes and a further 13,000 elderly people in need of high to maximum dependency care continue to live at home without back-up services. We have had cuts in home help services while other health boards have made savings of €15 million at a time when our elderly are neglected. This is the record of this Government and it is about time that it decided to live in the real world. It has failed to deliver

despite two years of power and significant extra revenue.

The Government has also failed to abolish the means test for the carer's allowance. This is a further attack on the most vulnerable in our society. The Government's record on resourcing day-care centres in disadvantaged communities is a national scandal. To make matters worse, it has turned its back on the most needy in society.

It is now telling people they do not have the right to a quality health service in their own districts. Instead of working with them, the Government has attacked them and undermined our health care staff. Most recently, our so-called macho boys went out to hammer our 1,500 consultants. Let me remind the Government that these people work 65 hours per week, suffer appalling stress, have shocking resources at their disposal, are vulnerable to multi-million euro lawsuits and pay over €100,000 for their insurance cover although they save thousands of lives each year. However, our Minister and Taoiseach attack them through the media. The consultants will be working in our health service and saving lives for many years after most of the Cabinet members have moved on to other issues.

This kind of debate and the negative attitude of the Government must end. It is the most right-wing Government since the disastrous coalition in 1974. We all remember how bad that was. There is ongoing tension in the health care system between what is the right thing economically and the right thing ethically. Successive Ministers with responsibility for health boast about the amount of money spent on the health service. Although most civilised societies espouse the concept of equality for all, this ideal rarely corresponds with the reality. Issues concerning the allocation of resources for and within the health care system are arguably the most difficult issues facing us today. As a former teacher, I am acutely aware that we also have huge allocation decisions to make in education if we are to ensure that our education system is to be an instrument of equality.

In health care and education, situations present themselves in which decisions must be taken, and alternatives must be selected which will bring advantage to some and which may leave others disadvantaged. A political ideal or a constitutional right might assert that every person has an equal claim to health and education, but this aspiration is not always realised in Ireland. Choices need to be made about which patients and which treatments will be given priority and which students will go to university. In cases where there seems to be a contradiction in choosing some to ensure fair advantage may be given to all, it is essential that we consider, however tentatively, the ethical grounds upon which choices may be made.

There is both an economic and ethical dimension to the problem of allocation. The basic economic problem is how society's scarce resources can be most efficiently allocated, in

light of economic facts and predictions, to satisfy human needs and desires. The key ethical dilemma concerns choosing the means by which we can guarantee justice in the distribution of available resources. It is time we had a vigorous debate on this topic, in which the voices of users and carers are clearly heard and acted upon.

Against such a backdrop, it behoves all of us in politics to provide the leadership society needs if we are to create a just society that all our citizens deserve. We should all remind ourselves of Karl Marx's advice: "Philosophers have only interpreted the world. The point, however, is to change it."

This motion is about change and hence I am giving it my total support. I urge every other Deputy to support it also and I commend Deputies Ó Caoláin, Crowe, Ferris, Morgan and Ó Snodaigh for bringing it before the House.

**An Ceann Comhairle:** I call on Deputy Gormley. He has just under six minutes remaining.

**Mr. Gormley:** Six minutes. I believed I had ten minutes. Nevertheless——

**An Ceann Comhairle:** As as the Deputy knows, there were 40 minutes in the slot.

**Mr. Gormley:** The Ceann Comhairle should not worry. I can deal with it. Flexibility is the name of the game. I warmly commend this motion to the House. It is timely and it speaks for itself in its detail.

Today on Report Stage of the Public Health (Tobacco) (Amendment) Bill 2003 I said I was disappointed with aspects of that Bill. I suppose the main attraction of the Bill for the Minister was that it distracted from the crisis in our health service. The Minister has been living a charmed life. The accident and emergency crisis and the problem of waiting lists are ongoing, yet the focus of attention has been on the so-called smoking ban. As I stated previously, the smoking ban has been somewhat diluted by some of the provisions because we will now have smoking and non-smoking sections in pubs and people will be exposed to secondary smoke.

The Minister knows quite well that smoking and alcohol abuse are the primary sources of much illness in this country. That is why the Public Health (Tobacco) (Amendment) Bill 2003 is so vital. It is vital that we get it right and do not capitulate to vested interests in any way.

This motion is comprehensive and refers to promises made at the time of the general election. These promises have since been abandoned, which would appear be par for the course, but the problem is that people are suffering badly as a consequence. When one considers the enormous wealth we have generated in Ireland and the recently published statistics on our quality of life, one will realise that we rate very badly. One reason is that we do not spend enough on health

The OECD ratings might demonstrate that we reached the EU average but this is simply not the case. We now have a capacity problem and the only way this can be dealt with is by spending a greater percentage of our gross domestic product on health.

It has been claimed very often that we are misspending and misdirecting money. The Brennan report and the Deloitte & Touche report have been commissioned, yet despite very thorough work, no smoking gun has been found. We have often tried to make fall-guys of the health boards. They recently came before the Oireachtas Joint Committee on Health and Children and we quizzed them on why three of them were running a surplus. They are not guilty of misspending but of being over-prudent. The reason they gave us is that they felt under pressure from the Department of Health and Children, which in turn is under the cosh of the Department of Finance.

There is an ideological problem, namely, that the Government is a right-wing Government, as stated by Deputy Finian McGrath. It has a policy of low taxation and low spending and therefore issues such as education, health and the environment do not receive the priority they should.

The publication of the Minister's health strategy was mentioned. I remember the day vividly because the launch was in the Mansion House, accompanied by much fanfare. The lighting arrangements were fantastic and resembled a Pink Floyd concert. Much was spent on it, the spin doctors were present, everything was glitzy and great and it was suggested that the Minister would solve the health crisis. It has not turned out like this.

**Mr. Connolly:** Was Royston Brady's boy band there?

**Mr. Gormley:** He had not entered the Mansion House at that stage but I am sure he would have been there had he the opportunity.

In retrospect, the health strategy produced by the Minister in 2001 looks more like part of an overall strategy to ensure a successful outcome for the Government in the last general election than a long-term programme for reform and investment in the health service backed by serious political commitment to implement it. The demeanour and public utterances of the Minister for Finance, Deputy McCreevy, make it clear that no new Exchequer funding will be forthcoming for the health service until serious structural reforms are implemented.

The Green Party believes that the low tax, low spend economic policies of Fianna Fáil and the Progressive Democrats have limited the options available to the Government to respond to the growing crisis in the health service. The Government's self-serving rhetoric about the need for greater efficiency and accountability in the health system is an attempt to distract from

[Mr. Gormley.]  
the fact that it is not prepared to invest in the kind of health service available in other EU member states. There has been a plethora of reports such as Prospectus, CAPITA, Brennan and Hanly, all of which further centralise the health service. Will they improve the health service? Will they deal with the accident and emergency crisis? Will they deal with the capacity problem? The answer is “no” because that action requires further funding and the Government is not prepared to invest in the health service.

**Minister for Health and Children (Mr. Martin):**  
I move amendment No. 1:

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

“commends the Government and its commitment to provide a high quality health service directed at those most in need and acknowledges:

—that equity of access is one of the key objectives which underlines the health strategy;

—recognises the extensive additional resources, both capital and revenue, which have been allocated to the health services since 1997 and welcomes the increase of over 200,000 patients treated in acute hospitals in that period;

—endorses the innovative health service reform programme which has been initiated by the Government as reflected in the health strategy, Quality and Fairness A Health System for You, and in its consideration of the Brennan and Prospectus reports;

—welcomes the report of the national task force on medical staffing (the Hanly report) which outlines a blueprint for the reduction in the working hours of non-consultant hospital doctors and provides a model for developing services in the regions around the country which includes doubling the number of consultants;

—notes the reduction in waiting lists, and in particular notes the significant reductions achieved in the last year in the number of adults waiting more than 12 months for in-patient treatment in certain specialities, e.g., cardiac surgery down by 78%, gynaecology down by 65%, vascular surgery down by 60%;

—commends the national treatment purchase fund for arranging treatment for over 11,000 patients since July 2002;

—acknowledges the 34% increase from 1,292 to 1,731 in consultant numbers which has taken place in the last six years;

—notes the 32% increase in the number of nurses since 1997;

—endorses the Government’s investment in providing an extra 568 beds for public patients only;

—acknowledges the investment of €46 million into GP co-ops which has provided 24 hour GP availability around the country;

—notes the investment of €400 million in the development of appropriate treatment and care services for people with cancer. This includes an additional 85 consultants;

—commends the €54 million investment in the cardiovascular strategy which has resulted in a 200% increase in cardiology procedures and the recruitment of 109 cardiac rehab staff, 139 health promotion officers and 17 consultant cardiologists around the country; and

—commends and supports the Minister for Health and Children in his approach to modernising the health system through the development and implementation of strategies underpinned by solid investment.”

I thank the Sinn Féin Deputies for tabling this motion for debate. It is a lengthy one full of great detail but ultimately empty of substance because it is not intended to make a constructive contribution to health policy. Its sole purpose is to allow the Deputies to claim that they are committed to action on the many serious health issues facing our country or perhaps more particularly their constituencies. While Sinn Féin likes to claim that it is a unique political force, it has abandoned one tradition about which it has talked at length. This motion confirms that it is no longer concerned about the politics of condemnation. In almost every policy area, Sinn Féin is fine on the attack but does not feel it necessary to propose alternatives. It is the only party in this House that has never proposed an alternative budget.

**Caoimhghín Ó Caoláin:** The Minister was not present. How does he know what we said? He absented himself.

**Mr. Martin:** In this motion alone, it calls for many billions in extra expenditure

**Caoimhghín Ó Caoláin:** How does he know what we said? He absented himself.

**Mr. Martin:** Sinn Féin believes that I should resign because I have not provided it. It presents an image of a country where no choices ever have to be made. To it, details are for other people. Sinn Féin’s lack of interest in having a debate can be seen by the fact that it refuses to acknowledge any progress in any area. It will not let the facts get in the way of its attacks. It crassly misrepresents initiatives which have been taken or are well under way. It will not acknowledge the achievements of the Government which has delivered the largest sustained programme of



real-term increases in the history of our health services.

Approximately 200,000 more people are being treated in our hospitals than were before this Government and the previous Government took office. Last year there was a 42% reduction in the number of adults waiting more than 12 months for in-patient treatment and a 39% reduction in the number of children waiting more than six months. Work is well under way on more than 80% of the health strategy's actions. Exchequer funding for health as a percentage of gross national product is the highest figure for almost 20 years even though we have been through a period of considerable economic growth.

The motion deals with almost every area of the health services and it would not be possible in the time allotted to me to deal with each area in detail. I will, however, try to deal with as many as possible. I will set the areas in the context of the most comprehensive reform programme in the history of our health services and show how progress is being achieved step-by-step and point to areas which need further action. I apologise to no one for the fact that this is the first Government to set out specific service objectives. Unlike the Opposition, we do not seek the easy comfort of trading in vague generalities when specific proposals are required.

People are at the core of delivering more and better services and we have consistently invested in the training and employment of health professionals. The staffing figures for the public health service have increased from approximately 68,000 in 1997 to an unprecedented 95,800. According to the Brennan commission, ten out of every 11 additional employees recruited since 1997 are engaged in duties of direct service to patients and public. There was no evidence to support the perception that administrative staff, rather than those providing a direct service, have disproportionately absorbed additional resources allocated to the health service in recent years. Two thirds of health service personnel formally classified as management-administrative staff directly provide services to the public. It is estimated that only 6% of health service personnel are employed in a purely administrative capacity. These administrative staff work in areas that are critical to the effective running of the health services such as payroll, accounts and human resource management, including training.

Since 1997, an additional 482 consultants have been appointed, representing an increase of 37%. Over the past three years, an average of 106 extra doctors per annum have taken up duty in Ireland as permanent consultants for the first time, a rate of increase unprecedented in our health services. Since the end of 1997 there has been a 130% increase in the number of occupational therapists, a 71% increase in speech and language therapists and a 37% increase in the number of medical-dental personnel working in

the health services, all of whom make a genuine contribution to extra and additional care.

The Opposition likes to claim there is a nursing crisis. It never has the honesty to include the fact that 8,200 more nurses work in the system now. In 1997, there were 25,233 wholetime equivalent nurses employed in the public health system. By the end of September 2003, this figure reached 33,442. The annual number of nurse training places has also increased by 67%. Long-term progress means long-term investment in facilities. Absent from the opening speeches of the Opposition was an acknowledgement that, in the past three years alone, the health capital budget involved €1.7 billion.

**Caoimhghín Ó Caoláin:** The Minister was not present. How does he know what we said? He absented himself. Who is he coddling?

**Mr. Martin:** I was present. I heard Deputies Gormley and Finian McGrath and I heard Deputy Ó Caoláin on the monitor.

**Caoimhghín Ó Caoláin:** How does the Minister know what we said?

**Mr. Martin:** Anybody who is honest about the scale of development will acknowledge that progress is being made in addressing the historical deficits in health infrastructure. A range of major projects have been completed, are in planning or under construction across all health care programmes. Capital funding provided under the national development plan for health services has allowed for the commencement of important initiatives in other health areas such as putting in place new infrastructure to support and develop the area of information and communications technology. A rising population and rising expectations put pressure on our acute hospital system which must be met.

While we must increase overall activity, we must also focus on those who wait the longest. I do not expect the Opposition to use any of its time pointing out that we are seeing a significant reduction in waiting times for public patients. The number of adults waiting more than 12 months for in-patient treatment in the target specialities was cut by approximately 42% last year. At the same time, the number of children waiting more than six months for in-patient treatment in the nine target specialities was cut by 39%. Our single-minded focus on this issue has created this progress with real results.

The national treatment purchase fund will now take a significant lead in reducing waiting times for patients on waiting lists. The number of patients treated by the fund continues to grow. It has arranged treatments for more than 11,000 patients. The fund operates on a patient specific basis. It arranges treatment in a confidential manner and is committed to assuring and monitoring quality standards in clinical treatment and patient care. Health boards outside the



[Mr. Martin.]

eastern region report that, in general, those adults reported to be waiting more than 12 months and children reported to be waiting more than six months have either been offered treatment under the fund or have conditions that are too complicated or outside the remit of the fund. The progress achieved by the fund has halved the qualifying time barrier. Thus, in most instances, the fund will facilitate adults waiting six months for an operation or children waiting three months. The feedback received from patients who had treatment arranged by the fund indicates that they are satisfied with the quality of care they receive. In a survey carried out last year 96% of respondents rated their experience of treatment as good, very good or excellent.

**Caoimhghín Ó Caoláin:** The Minister is perpetuating the private health service.

**Cecilia Keaveney:** At least these people receive treatment.

**Mr. Martin:** These are public patients who have been longest on the list, whom we target specifically and who have now received treatment. It has been a dramatic intervention in that area and has achieved real results.

**Caoimhghín Ó Caoláin:** The Minister is providing opportunities for the private services. The Minister should tackle the nub of it.

**Cecilia Keaveney:** People should tackle those who attack them in the first place.

**Mr. Gormley:** Unfortunately, the Minister will not be present to hear them.

**Mr. Martin:** There has been a significant increase in the number of emergency medicine consultants in the past five years with an increase in posts from 16 in 1999 to 51 in 2004. This equates to triple the number of consultants over the past five years which I oversaw. I wanted to see more consultants. It amuses me that people started putting their hands up when we began to do that.

**Mr. Gormley:** Is the Minister talking about the Minister for Defence, Deputy Smith?

**An Ceann Comhairle:** Deputy Gormley already had his chance.

**Mr. Martin:** Rather than decreasing services, as the Opposition suggests, the Government has clearly invested. We have appointed more clinicians in key areas.

**Caoimhghín Ó Caoláin:** The Minister is presiding over the loss of service.

**An Ceann Comhairle:** Deputy Ó Caoláin, if you do not desist from interrupting, the Chair will have to take appropriate action.

**Caoimhghín Ó Caoláin:** No doubt.

**Mr. Martin:** The provision of private care in public acute hospitals has been a long-standing feature of the Irish health care system. The consultants' common contract includes a provision to allow consultants treat private patients in public hospitals. This did not occur today or yesterday. Beds in public hospitals are designated public or private. The references to a two-tier structure fail to recognise that while half of the State's population have private health insurance only one fifth of beds in public hospitals are designated for private use and that public hospital charges for the care and treatment of privately insured persons contribute in excess of €150 million annually to public hospital income.

The challenge is to ensure that the established mix is kept in check and continues to provide an appropriate balance in national arrangements. The Government's health strategy, Quality and Fairness — A Health System for You contains a commitment to improve access to hospital services for public patients. We will achieve this goal through a series of integrated measures. An extra 568 acute hospital beds are in use as a result of the investment of €118 million. This is a central part of the health strategy that we have implemented in hospitals throughout the country.

**Aengus Ó Snodaigh:** They are the same ones the Minister closed last year.

**Mr. Martin:** I also provided an additional €12.6 million to facilitate the discharge of patients from hospital to more appropriate accommodation. Again these beds have been put in place all around the country.

I am committed to ensuring that private practice within public hospitals will not be at the expense of fair access for public patients. The negotiation of a new consultants' contract is one of the key objectives outlined in the health strategy. The key factor necessary for the achievement of this objective is the co-operation of the medical organisations, namely the IMO and the Irish Hospital Consultants Association. It was necessary to take into account the recommendations of the Hanly report before negotiations could begin. It is surely common sense to have a detailed description of the desired staffing model for hospitals before negotiating the required contract. As a result of the process we have used to get to this stage, we have a recommended model which is backed up by detailed studies of best practice fully involving the medical professionals.

A management team, comprising officials from my Department, the Health Service Employers Agency, health boards and hospitals, has met on

a number of occasions since then to produce a management position paper. The management team met the IMO and IHCA in December 2003 to discuss the selection of an independent chairman, the setting of an agenda and the agreement of a timeframe for forthcoming substantive negotiations. It was intended that negotiations would get under way in February 2004. However, notification has been received from the IHCA that due to my decision to proceed with the introduction of the new clinical indemnity scheme, it is currently not in a position to send a delegation to negotiations on a new contract. I regret this decision and I take this opportunity to invite the IHCA and IMO to proceed with these important negotiations.

Ultimately the Government had to act on the basis of the wider public interest and put in place the arrangements, which it believes are in the best interests of patients, hospitals, taxpayers and doctors. I reject the unfounded accusation by Deputy Finian McGrath of alleged attacks I have made on consultants. I have not done so.

**Mr. F. McGrath:** It has been reported extensively in the media.

**An Ceann Comhairle:** I ask Deputy McGrath to allow the Minister to speak. He had his opportunity.

**Mr. Martin:** That is not the same as the Minister saying it. The Deputy should check the record. The introduction of the clinical indemnity scheme was necessary to protect the taxpayer.

**Mr. F. McGrath:** It should have been done better.

**Mr. Martin:** Surely someone who aspires to be on the left wing of the House would consider this a most noble objective in itself.

**Aengus Ó Snodaigh:** The Minister is being protected by the Chair.

**Mr. Martin:** The Opposition decries the Government as being very right wing. Our measure was clearly designed to protect patients, the taxpayer and ultimately the consultants.

The Sinn Féin Deputies, no doubt to be joined by most of the Opposition, have continued with their attempt to crudely misrepresent and ignore the contents of the Hanly report. There is no drive towards centralisation in hospital services. At the core of the Hanly report is the retention and development of local access to acute hospital care. The report recommends the decentralisation of a large proportion of the elective care and other services currently delivered in large acute hospitals to smaller, local hospitals. Currently, hospitals such as Limerick Regional Hospital and St Vincent's Hospital deliver a volume of in-patient, day-care and out-patient workload almost five times as large as that delivered in hospitals like those in Ennis, Nenagh

and Loughlinstown. Properly resourced, local hospitals such as these can do much more and eliminate the need for people to travel outside their own region for most procedures.

The report addresses the key issue of how to provide safe, high quality acute hospital services, 24 hours a day, seven days a week, and do so as the working hours of our junior doctors are reduced in line with EU law to 48 hours a week. In response, the Hanly report recommended that we put in place a consultant-provided service, harness the contribution of all our hospitals and provide a wider range of appropriate services and procedures in local hospitals, including that in Loughlinstown, which will mean a better service for patients. Deputies have deliberately refused to acknowledge this. I challenge anyone to tell me how doubling the number of consultants in a given region will lead to a reduction in services. It is the big lie that is being peddled by the Opposition because the local elections are coming and winning local election seats is more important than the truth.

**Ms O. Mitchell:** That is not the big lie and the Minister knows it.

**An Ceann Comhairle:** The use of the word "lie" is not appropriate in the House.

**Mr. Martin:** That is what is going on here. The debate——

**An Ceann Comhairle:** I ask the Minister to withdraw the word "lie" please.

**Mr. Connolly:** He can leave it in, it is all right.

**An Ceann Comhairle:** The Minister used the word "lie".

**Mr. Gormley:** The Minister said it was a big lie.

**Mr. Martin:** I was referring to the general debate outside the House, not to what has been said here tonight.

**An Ceann Comhairle:** I require the Minister to withdraw the word.

**Mr. Martin:** There is crass misinterpretation outside the House.

**An Ceann Comhairle:** Withdraw the word "lie".

**Mr. Martin:** Outside the House statements have been made.

**An Ceann Comhairle:** Withdraw the word "lie".

**Mr. Martin:** I withdraw the word "lie". There is a crass misinterpretation of what is going on. The Hanly report will result in a dramatic change for those in the west and the mid-west. What has

[Mr. Martin.]  
been the history of patients in those regions? It has meant trips to Dublin on an ongoing basis for a whole range of cancer and heart services.

**Mr. Gormley:** Patients still have to go from Donegal to Galway.

**An Ceann Comhairle:** Deputy Gormley, I ask you to allow the Minister to continue without interruption.

**Mr. Martin:** That is the history and that is what we want to and will change. We have begun that change over the past five years. Galway University Hospital now provides radiotherapy and will soon provide heart surgery. The big story for the west is that the Fianna Fáil-Progressive Democrats Government was the first one in the history of the State to introduce a full range of services so the people of the west will no longer have to habitually travel to Dublin for a range of services.

**Cecilia Keaveney:** Hear, hear.

**Mr. Martin:** The Opposition condemns that and has attempted to do so on an ongoing basis.

**Ms O. Mitchell:** We are not talking about that.

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

**Mr. Martin:** The Hanly report recommends investment in local hospitals to provide more services for patients, including elective medical and surgical procedures, out-patient services, pre-natal and post-natal maternity services and better access to diagnostic facilities. It states that a full range of acute hospital services should be available within each region so that patients should not have to travel outside their region other than for specialised supra-regional or national-level services.

**Aengus Ó Snodaigh:** Unless they live in Monaghan.

**Mr. Martin:** The Hanly report does not propose the closure of any hospital and the Opposition should acknowledge this.

**Aengus Ó Snodaigh:** Certain members of the Cabinet should acknowledge it also.

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

**Mr. Martin:** Nor does it propose that any accident and emergency departments or maternity units should close.

**Mr. Connolly:** It is not possible to give birth at 1 o'clock in the morning.

**Mr. Martin:** Instead, the report makes specific recommendations for reorganising seven general hospitals in only two health board regions — the east coast and mid-west — and sets out a series of principles for the future organisation of hospital services nationally. The current and future role of hospitals outside the mid-west and east coast will be examined as part of the preparation of a national hospital plan by the recently established acute hospital review group.

Last Friday I established the groups, which will guide the further implementation of the report in the two areas, the mid-west and east coast. Every hospital in the regions is represented on these groups and each group consists of representatives of the public interest. There are no diktats, just an opportunity for regions to help deliver more and better services in the context of 24-hour medical cover in hospitals. For the first time in more than three decades we now have a commitment to support all hospitals and to develop regional services. The crass cynicism of many Opposition politicians would be difficult enough to take, but particularly so because they have again refused to present credible alternatives.

**Caoimhghín Ó Caoláin:** That is wrong.

**Mr. Martin:** The fact that this motion seeks to condemn our record on cancer services shows how little its framers know about the facts. The Government is committed to the ongoing development of cancer services. Since 1997, there has been a cumulative additional revenue investment of approximately €550 million in the development of these services, including €15 million which was allocated this year. This substantial investment has enabled the funding of 87 additional consultant posts in key areas such as medical oncology, radiology, palliative care, histopathology and haematology.

**Caoimhghín Ó Caoláin:** It is in the brochure.

**Mr. Martin:** An additional 245 clinical nurse specialists have also been appointed in the cancer services area. In the same period, approximately €87 million in capital funding has been allocated specifically for the development of cancer-related initiatives.

The benefit of this investment is reflected in the significant increase in activity which has occurred. The key goal of the national cancer strategy in 1996 was to achieve a 15% decrease in mortality from cancer in the under 65 age group in the ten-year period from 1994. The recently published Deloitte evaluation of the 1996 national cancer strategy demonstrated that this figure was achieved in 2001, three years ahead of target. If Sinn Féin was interested in a constructive debate it would have had the grace to admit this.

The Government agrees that a major programme is now required to rapidly develop clinical radiation oncology treatment services to modern standards. Furthermore, the Government has agreed that the first phase of such a new programme should be the development of a clinical network of large centres in Dublin, Cork and Galway providing services for adjoining regions. These centres will collectively have the staff and treatment infrastructure to permit a rapid increase in patient access to appropriate radiation therapy and will form the backbone of the future service expansion. In addition, the Government has also decided that in the future development of services, consideration should be given to developing satellite centres in Waterford, Limerick and the north-west.

I am committed to seeking additional Exchequer resources to implement the report's recommendations. In 2004, ongoing revenue funding of €3.5 million is being made available for the supra-regional centres in the south and west. Immediate capital developments in the south and west will result in the provision of an additional five linear accelerators. This represents an increase of approximately 50% in linear accelerator capacity. We will also provide for the appointment of an additional five consultant radiation oncologists. We currently have ten consultant radiation oncologists nationally. This will result in significant improvements in the numbers of patients receiving radiation oncology in the short term. Regarding the eastern region, I have asked the chief medical officer of my Department to advise on the optimum location of two radiation treatment facilities in Dublin. A detailed request for submissions is being finalised at present. This has been endorsed internationally as a signally significant policy platform and blueprint for the development of radiotherapy services across the country. People should avoid undermining what is a very significant achievement for the sake of short-term electoral gain.

**Ms O. Mitchell:** The Minister should not lecture us.

**Caoimhghín Ó Caoláin:** The Minister has the gall to say that.

**Mr. Martin:** We have a great opportunity to get it right in terms of radiotherapy treatment.

**Mr. Gormley:** The Government is getting it wrong. It should get it right.

**Mr. Martin:** We are getting it right. Repeatedly Opposition politicians ignore the people who know about these matters; they say they are just consultants and that what they are saying is rubbish.

**Caoimhghín Ó Caoláin:** Does the Minister not do that? Is he not responsible?

**Ms O. Mitchell:** The Minister is in charge.

**Mr. Martin:** We are bringing about a dramatic improvement in access to radiotherapy treatment and facilities. I announced the extension of the national breast screening programme in March last year. Under the extension, two static units are proposed in host hospitals in Cork and Galway at which breast surgery will be performed for women in the south, west, mid-west and north-west. Under the extension, approximately 150,000 women in the target population aged 50 to 64 years will be eligible for screening. Detailed planning is under way regarding the roll-out of the programme.

In another major achievement in public health, we have had significant success on one of the most feared illnesses, meningitis. There has been a dramatic 96% reduction in the number of cases owing to the success of the meningococcal group C immunisation campaign which I launched in October 2000. This campaign, which targeted children and young adults up to 22 years of age was implemented in three phases, the final phase of which was completed early in 2002. The meningitis C vaccine which costs more than €70 million is now incorporated into the primary childhood immunisation programme. It is a very good example of value for money and has had a profound impact in terms of saving lives and reducing morbidity from meningitis C in particular. We await a vaccine for meningitis B.

In the context of the cardiovascular health strategy we are told that all we have done is commission reports. There is a dramatic story to tell regarding cardiovascular health, which is the biggest killer in Ireland. We have appointed 139 health promotion officers providing guidance on smoking cessation and 113 primary care and pre-hospital care personnel. The Heartwatch programme which I introduced in October 2002 is recruiting 14,000 patients with identified coronary heart disease and diabetes and 328 hospital-based professionals have been employed. Funding has been provided for the employment of 17 additional cardiologists, the largest ever unprecedented increase in cardiologists across the country in the history of the State. A total of 109 additional cardiac rehabilitation staff are now employed, so that today most acute hospitals treating people with heart disease have developed structured cardiac rehabilitation services.

To those who say this or that hospital is to be downgraded, I say that we have invested to the degree that these hospitals now have cardiac rehabilitation. In Ennis and hospitals across the country there are cardiac rehabilitation facilities because of the investment we put in and which is ignored whenever we have a debate on these issues. It is having a dramatic impact in terms of the quality of care. The immediate benefits include: stronger intersectoral partnership in Irish health promotion; reductions in emergency call-to-treatment times; regional self-sufficiency for



[Mr. Martin.]

non-invasive diagnostic procedures; increased availability of new services such as chest pain clinics and cardiac rehabilitation; about a 200% increase in certain cardiology procedures with something like a 24% reduction in the waiting list for cardiology procedures; a 47% increase in the frequency of prescriptions for cardiovascular disease for people covered by the General Medical Service Payments Board; a dramatic increase in prescriptions of statins, and so on; and an increase in the numbers now being detected with treatable conditions such as chronic heart failure. We are well on the way to reducing our status as the top country in the EU in terms of heart disease.

In terms of smoking prevalence, we have had singular success in terms of the broad range of measures we have introduced ahead of other countries in Europe, particularly in terms of reducing in the last four years alone the incidence of smoking by anything up to 5%, which is quite a significant increase in a short timeframe. That has not happened because of idleness. It is because of clear action and intervention and taking on the interests in terms of the tobacco issue, which will ultimately have a profound impact in reducing heart disease.

Regarding the primary health care strategy, we have again achieved significant progress. In October 2002, I approved the establishment of an initial group of ten primary care teams — one in each health board area. These projects are building on the services and resources already in place in the locations involved so as to develop a primary care team in line with the interdisciplinary model described in the strategy. In addition, in the hospital reform programme that is being undertaken, we are preparing specific plans in the Mid-Western Health Board and East Coast Area Health Board to improve primary care facilities there as well.

The GP out-of-hours co-operative is not about reports. It is about real action on the ground and real development. The GP out-of-hours co-operatives, which started in Ireland in 1999, are now in place in 23 out of 26 counties. I provided for the support and development of out-of-hours co-operatives on a national basis and prioritised them. Up to €46.5 million has been allocated. We now have out-of-hours co-operatives in all of the health board areas. The majority provide full out-of-hours cover. Unfortunately the ERHA is the one area which provides limited hours of operation. That is not the fault of the Government. There are issues that need to be dealt with. The level of patient satisfaction with the service offered by the co-operatives is very high from both the patient and provider perspectives.

Cross-Border initiatives have also been referred to. Sinn Féin likes to present itself as the only group interested in developing all-Ireland services. I have worked with Sinn Féin Minister, Bairbre de Brún, on an ongoing basis. We have

significantly ramped up cross-Border co-operation and we have been pushing forward forcefully in this area.

Discussions have been taking place between the North Eastern and North Western Health Boards and their equivalent health boards in Northern Ireland for some time on the question of cross-Border out-of-hours services for patients in the peripheral Border areas. A submission is being made to progress the initiative by the Northern Ireland boards under INTERREG. CAWT, Co-operation and Working Together, has been working with the departmental officials, North and South, since the NSMC health co-operation agenda got under way. By virtue of its remit of encouraging, facilitating and developing cross-Border co-operation in the development of health and social services, CAWT was appointed by the two health Departments to project, manage and co-ordinate the development of a number of proposals currently under consideration. These projects relate to a cross-Border first responder scheme, emergency planning community fora and major incident emergency plan. There have been other developments in the context of dermatology and other specialties utilising resources on both sides of the Border. We are totally committed to that.

The proportion of medical card holders has fallen as the country's economy has improved, and the economy has grown dramatically owing to the policies of the current Government. The unemployment rate has been halved. The numbers in employment since 1997 have increased by over 400,000.

**Ms O. Mitchell:** I thought employment was falling. What about the past two years?

**Mr. Martin:** If there are 400,000 extra people working it is logical that as a result of that, more people would be outside the medical card scheme because of income thresholds and so on. Equity in the health services is addressed by more than the medical card scheme. The many improvements in publicly-funded services which have been put in place since 1997 and which have borne fruit in terms of, for example, reduced waiting lists and increased public hospital activity as a result of the implementation of the cancer and cardiovascular strategies, have brought significant benefits for public patients.

In addition, while the percentage of the population covered by medical cards has decreased with the growing economy, the resources devoted to the general medical services scheme have increased very significantly over the last number of years to over €1.1 billion this year. This again shows the Government's commitment to covering the cost of medical services for the less well-off. In the programme for Government, we are committed to expanding that during our term of office.

The first national goal of the national health strategy, Better Health for Everyone, deals

explicitly with population health and the issue of health inequalities in Ireland. It sets out a range of actions which are specifically directed at disadvantaged groups and which are concerned with ensuring that these groups do not continue to suffer ill health. This is the most important action we can take for disadvantaged groups to ensure that they do not get sick in the first instance.

Following an extensive consultation process with disadvantaged groups, carried out under the auspices of the working group on NAPS and health, NAPS health targets were included in Building an Inclusive Society, the Government's review of the national anti-poverty strategy, and taken on board in the national health strategy. Actions to reduce inequalities include implementing a programme of actions to achieve NAPS health targets for the reduction of health inequalities, specifically targets to reduce gaps in premature mortality between the highest and lowest socio-economic groups and between Travellers and the rest of the population.

**An Leas-Cheann Comhairle:** The Minister should conclude.

**Mr. Martin:** The Opposition's approach is to promise everything but never provide a framework within which anything can be achieved. We have taken a different and more difficult road of publishing the most comprehensive reform programme in over 30 years. Our current structures cannot achieve the level and quality of care we want because they were not designed to do so. The programme involves the radical restructuring of the health service and the Department of Health and Children. It is a significant change management programme involving an organisation with a budget of over €10 billion per annum and staffing in excess of 100,000. The implementation of the reform programme is under way and will result in a single unitary national structure for health service planning and delivery. The key elements will include: a major rationalisation of existing health service agencies, including the abolition of the existing health board-authority structures; the establishment of a health services executive, which will be the first ever body charged with managing the health service as a single national entity—

**Caoimhghín Ó Caoláin:** And an end to all democratic accountability.

**Mr. Martin:** —the establishment of a health information and quality authority to ensure that quality of care is promoted throughout the system; and the reorganisation of the Department of Health and Children to ensure improved policy development and oversight. The new structures are to be operational on 1 January 2005, which is an ambitious target by anyone's standards. The

Cabinet committee on health has been up and running for some time.

**Mr. F. McGrath:** People are still lying on trolleys.

**Ms O. Mitchell:** The Minister has used approximately five minutes of Opposition time.

**Mr. Martin:** I will let the Opposition worry about protecting the *status quo*. We will get on with reforming structures so that more money goes straight to where it is needed, namely, direct patient care. In these Private Members' debates on health, the method of attack frequently changes as another bandwagon presents itself.

**Caoimhghín Ó Caoláin:** That is shameful.

(Interruptions).

**Mr. Martin:** What never changes is an absolute refusal to acknowledge progress where it exists or the reality of the initiatives which will deliver further progress. I thank the Deputies opposite for tabling the motion.

**Caoimhghín Ó Caoláin:** It is time to go, Minister.

**Ms O. Mitchell:** I wish to share my 20 minutes — I presume we will still have that amount of time — with Deputy Neville.

I thank Sinn Féin for the opportunity, yet again, to speak on the issue of health in this House. On the numerous occasions we have had these debates, each of us has related the shortcomings of the health service, the litany of failures, shortages, rationing, increased charges, inaccessibility, inequity, queuing, queuing to queue and misery of the long-term ill and the disabled and those who are lost in the community, who do not appear in any statistics and who are suffering most under this regime. We have all seen patients lying on trolleys. These people are the visible, tangible and quantifiable manifestation of all that is wrong in the health service. In many instances, however, the real suffering caused by what is happening in the health services is evidenced by the people who have fallen through the safety net and who are being discharged from hospitals into totally inadequate care.

The stories to which I refer are told in the House, in newspapers and on television. However, the Minister behaves as if none of them has anything to do with him. It is as if he is in denial. He appears to believe that if he does not acknowledge a crisis, there will be none. Listening to him tonight, one would think that everything in the garden is rosy and that we have a health service that is almost the envy of the world. It makes one wonder why we would come into the House to criticise it.

The Minister is increasingly out of touch with reality and disconnected from what is happening

[Ms O. Mitchell.]

in the health service for which he holds responsibility. He floats in a little world of his own above all the chaos and misery. He moves from one carefully managed press conference to another, making self-congratulatory speeches and announcements about his reform programme, the money he has spent, his strategies and what he has done in the past and will do in the future. These speeches are undoubtedly delivered with the greatest of sincerity but they in no way relate to what is happening in the health service. Neither do they reflect the litany of human misery stories that every other public representative hears each day but which strangely the Minister never appears to hear.

There is a frightening divergence between what the Minister and his increasingly dysfunctional Department say is happening and the position in our hospitals and communities. The only explanation for this divergence is that the Minister is either grossly incompetent or is so out of touch with what is happening in hospitals and the health service that he is truly delusional. One way or another, members of the public have decided that this emperor has no clothes, and it is too late for him to try to change their minds. They will never be persuaded that he will do the business for them.

They believed the Minister in the past when he promised them a world-class service but gave them shortages and service rationing of Soviet proportions. They believed him when he promised 200,000 extra medical cards. Since then, far from expanding the service he has withdrawn 46,000 medical cards. They believed him when he promised 3,000 additional beds but instead he closed 200 beds in Dublin. They believed him when he promised enhanced GP services in an almost utopian single-site range of multidisciplinary paramedical services, but instead, general practice is in virtual crisis throughout the country and even the few pilot sites about which he boasts were not funded. They believed him when he promised equity and increased access. However, when it eventually emerged hidden in the Hanly report, the reform programme suggested closing two thirds of the country's accident and emergency departments, effectively reinforcing regional disadvantage, despite the fact that it is supposed to enhance regionalisation. They believed him when he promised an IT strategy for the health service which was to be published in 2001, but in 2004, it has still not appeared.

It is said that if one cannot measure it, one cannot manage it, and that is certainly true of the health service. The Minister cannot measure the number of patients, the number on waiting lists, the demand for services, the number of doctors and nurses, the number of deaths or the number of people aged over 70. He cannot count, cost or screen. He has no databases, he cannot record or retrieve information, he has no patient identifier system and he cannot do recalls. All the Minister

can do is blunder from one uninformed decision to another. He then has the brass neck to inform us that e-health will be the highlight of the EU Presidency and is one of his major priorities.

As if that was not enough, the much talked about reforms which were to revolutionise the health service are floundering on the altar of inaction. The only action on the horizon is that designed to get rid of elected members of health boards, and one can see why this is being done. The only element of accountability, the only people who might be in a position to ask the difficult questions on behalf of the public are to be removed in the first stage of reform. The bureaucrats, managers and administrators will undoubtedly remain in place. These are the people who are charged with making the system less bureaucratic. To help them reduce bureaucracy, streamline administration and minimise the structures in the health service, the Minister and his Department are already planning to establish a further dizzying number of new bodies. The Department will be at the top, and beneath it will be the interim health service executive, the national hospitals office, the four regional health offices, the health reform project office, the national steering committee, the acute hospitals review group, the Hanly implementation committees and the Minister's 13 planning committees. While these committees are involved in endlessly meeting and making submissions to each other and securing their long-term futures, the real, urgent and difficult issues will be ignored.

The Minister has made tough statements about equity of access and limiting consultants' contracts so that they will only be able to do public work. However, we were left waiting for decisions in this regard and matters were just left hanging. Nothing ever happened, no decisions were made, there was no clarity and no indication of whether there is Government thinking on this matter. Into this vacuum came the private sector, making major investment decisions and doing what the Minister should have done. The Minister should at least give some indication of what will be Government policy in the future but instead there has been total silence, which is his way of dealing with difficult issues. Procrastination, obfuscation and "Get it off my desk at all costs" is the thinking which characterises the Minister's style of leadership.

Zero progress has been achieved on the European working time directive due to be implemented in August next, which is the most critical and immediate area of public policy and on which clear thinking, leadership and decision making are most needed. Of greater concern is that there is no sense of urgency.

In almost every hospital, especially outside Dublin, there is a rising sense of panic and a slowly dawning realisation that no doctors will be available to run its service come August, yet nobody seems to care and nobody is doing anything about it. Those working in hospitals



foresee the closure of their accident and emergency departments, maternity services, wards and, ultimately, hospitals. They will close not as a result of Government policy or any Government decision but simply because no one has planned to stop it.

In the two pilot regions in which the Hanly report structures are to begin in August, no more progress has been achieved and no more decisions taken than anywhere else. August is looming but not a single extra consultant, bed, ambulance or anything else has materialised. In short, the promise of the Hanly report is turning out to be precisely as people feared, namely, a ploy to close services in some areas with no concomitant improvements elsewhere. While this may not be what the Minister intended, his incompetence and indecision have meant it is precisely what people are getting.

The motion calls for the Minister to resign. I disagree because he should not be let off so easily. This is his mess and he should clean it up. His predecessor described the Department of Health and Children as Angola, which is possibly the case because of the number of landmines in it, many of which were laid by the current Minister, who should not leave the Department until every one of them has been removed or the electorate has thrown him out of office.

**Mr. Neville:** I welcome the opportunity to speak to the motion and thank Sinn Féin Deputies for introducing it. I wish to address the part of it which “deplores the continuing failure to reform and resource mental health services resulting in continuing hardship for people with mental illness and the failure of the State to meet international human rights standards in this regard”.

The Minister continues to ignore his responsibility for mental health services. In 2004, apart from a small extra allocation to the Central Mental Hospital, no increase was made to the financial allocation for the mental health service in 2003. The Government has again chosen to ignore the great stress, pain and suffering caused by the scandalous lack of resources available to deliver a semblance of a mental health service. The proportion of the health budget devoted to mental health now stands at just 7%, yet one in four people will suffer from a psychiatric condition at some time in their lives.

The Minister has again abandoned any policy to reduce the incidence of suicide. The recent announcement of a new national strategy committee is a smokescreen for inactivity. There is no need to formulate a national strategy on suicide when such a strategy has been in place since January 1998, the date on which the report of the national task force on suicide was published by the then Minister for Health and Children, Deputy Cowen. This report made 86 recommendations on ways to prevent suicide and parasuicide, yet six years after its publication, the

Minister has decided that a strategy committee should be formed to implement them.

I will cite comments made by then Minister when he launched the national task force report on 27 January 1998. He stated:

I attach great importance to the formulation of a suicide prevention-reduction strategy as outlined in this report. In order to tackle this growing tragedy in our society, it is essential that a clear, systematic approach aimed at the prevention of suicide and suicidal behaviour is put in place. My Department will immediately write to all the statutory agencies with jurisdiction in suicide prevention strategies, encouraging them to pursue the implementation of the recommendations in their respective areas as a matter of urgency. I have already instructed my Department to put in place a mechanism to co-ordinate and monitor progress in this area.

Six years later, we learn that a strategy committee must be established to do this.

In response to the publication of the national task force report in 1998, the chief executive officers of the health boards established the national suicide review group. The terms of reference of the group were to review trends in suicidal behaviour, co-ordinate research and make recommendations to health board chief executive officers. It was a toothless organisation which, again, provided cover for the inactivity of the Minister. Despite being hailed as the engine for implementing the recommendations of the national task force on suicide, six years later a second organisation is being established to do precisely that. This approach is a smokescreen for inactivity and allows the Minister to refer to the work of the new national strategy group when queried on suicide prevention. The recommendations of the national task force on suicide are as relevant and urgent today as they were in 1998. The strategy must be simply to introduce the 86 recommendations it made.

Society will be judged on how it protects and deals with its weakest members. Surely those with psychiatric illness are among the weakest in society. The Government practically ignores this group and mental health services are neglected and in a crisis characterised by decreasing funding, inequitable distribution of resources, antiquated and poorly maintained facilities and poor community support services. This has resulted in low staff morale, insufficient treatment and care programmes and higher involuntary admission rates to hospital.

The internationally respected psychiatrist, Professor Anthony Clare, has stated that the mentally ill are now the most systematically stigmatised group in our society and are the lepers of today. The Government stands condemned for its neglect of the mental health sector and its failure to vindicate the human rights of people with mental illness. Amnesty International's concerns in this regard prompted



[Mr. Neville.]

it to declare last year as the year of mental health and it campaigned to promote the human rights of those who suffer from mental illness.

A rapid response is required in community settings and early intervention services are needed in the mental health area. There is overwhelming evidence that psychiatric services concentrated on rapid response in community settings are superior to more conventional services. I call on the Government to introduce an early intervention service to provide a rapid response service for patients with severe mental illness, thus ensuring that patients are visited at home and other appropriate settings, including general practice.

Community-based day centres are rarely located in hospitals. These services should be styled on the hospice home service. Early intervention teams should be multidisciplinary and include senior psychiatrists, psychiatric nurses, social workers, psychologists, occupational therapists and an administrator. The overall philosophy should be to treat all mental disorders outside a hospital in the first instance, with particular emphasis on working with other agencies, providing home treatment where necessary, and taking a collaborative approach to care which involves the patient as an active participant in treatment decisions.

After-care services should be available to patients discharged from hospitals following treatment for psychiatric illness. We know that people who leave psychiatric institutions within two weeks are between 100 and 200 times more likely to take their lives than the general public. The introduction of this early intervention service should be carefully planned with particular emphasis on manpower planning.

Long-stay accommodation is, for the most part, in an unacceptable state. Some institutions are in bad need of repair and symbolise a different era. All psychiatric institutions in a poor state of repair should be closed down where practicable or refurbished where this is not practicable. They should be replaced by modern, purpose-built hostels for long-stay patients.

Acute patient units should be provided in general hospitals for patients in need of acute, short-stay treatment. Modern specialist facilities should be made available for the relatively small number of long-term severely disturbed patients. Younger patients, functionally psychotic patients and patients with intellectual disability should be segregated to ensure they do not share the same ward.

An awareness campaign is urgently needed to address negative attitudes to mental illness. The low level of public awareness of all areas of the mental health service limits access to the service for those in need of it. The Minister should, through the media, introduce a public awareness campaign on all aspects of mental illness and on positive mental health issues.

There is a serious lack of psychiatric services for prisoners. While Ireland has the second lowest crime rate in Europe, it also has the highest prison suicide rate. A small task force should be established to examine and make recommendations on the provision of psychiatric services to prisoners who suffer from a mental illness. There are no psychiatrists, psychologists or mental health services staff on the committee established by the Minister for Justice, Equality and Law Reform to examine the treatment of mental illness in prisons. It is a disgrace that our prisons continue the use of padded cells for those who are suicidal or suffering from severe mental health problems.

The practise of discharging prisoners who are homeless and suffering mental illness back onto the streets is also a disgrace. Each health board should provide specialised hostel accommodation for at least three months to those discharged from mental institutions.

Debate adjourned.

### Adjournment Debate.

#### Job Losses.

**Mr. Ferris:** I am grateful for the opportunity to raise the serious crisis in employment currently facing County Kerry. At the end of 2003, there were more than 7,000 people on the live register in Kerry, the seventh highest in the State. As a proportion of the labour force, this puts Kerry among the two or three worst affected counties.

Since Christmas, a further 248 jobs have been lost at the Sports Sock Company's plants in Tralee and Cahirciveen, Goblin in Tralee and Imperial Schrade in Listowel. These losses bring the number of unemployed in Kerry to an extremely worrying level. The decline in the number of tourists coming to Kerry, and north Kerry in particular, coupled with the adverse effects on the tourist market over the past number of years, through no fault of the local tourist boards, is alarming. There are currently 3,000 people unemployed in Tralee; 1,300 in Killarney and more than 1,100 in Listowel. One of the most worrying aspects is that in 2003 almost no new jobs were created and those created were outweighed by losses.

I raised the lack of IDA success in bringing jobs to Kerry with the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Harney, on a number of occasions last year. Not only did she inform me that the IDA had brought no new jobs to the county, but she said there had been only two visits by companies to Kerry during an 18-month period. I am not advocating we become totally dependent on foreign inward investment, although it will have to play a part if current job levels are to be tackled. We also need

to encourage and support the establishment of local enterprise and small businesses.

I am also concerned that the Minister has refused to meet with Tralee Town Council to discuss the jobs crisis. The invitation was passed at the council's meeting last November with the support of all parties. The Minister, however, has refused to meet the council. The Progressive Democrats do not have elected councillors in Tralee but I can assure the Minister that members of the other Government party were extremely annoyed at her refusal and have cited it as evidence of a lack of interest in the situation and a lack of will on her part to address the crisis. The Minister has no difficulty flying by helicopter to Leitrim to open a pub and with having a State car to bring her home, yet she will not meet the democratically elected councillors of Tralee Town Council. The Minister's refusal to meet the council is an affront to democracy and an insult to the electorate.

I ask the Minister to reconsider her position and to meet with the council to hear at first hand the views of those attempting to cope with the social and human costs of the high level of unemployment in Kerry and, in particular, Tralee where 3,000 people are unemployed. Unemployment not only brings poverty and deprivation, it has a seriously demoralising impact on the community as a whole. I can attest to the grey mood that has gripped the town in the face of a series of major job losses. The same story can be told of every other large town and rural community in the county. I call on the Minister to address the situation as a matter of urgency and to ensure that her Department devotes more resources to turning it around.

I cannot emphasise enough the demoralising situation which exists in Kerry. People are also conscious that other companies may be experiencing difficulties. Given the loss of 248 jobs since Christmas and the possibility of more job losses by the end of this year, it is imperative the Minister agrees to invest resources and to do everything possible to turn this crisis around.

**Minister of State at the Department of Transport (Dr. McDaid):** I wish to extend the Tanáiste's apologies for her inability to be here this evening. I also wish to point out to the Deputy in reply to his remarks about the Tanáiste not meeting with elected representatives, that she would meet them if such a meeting were to provide a positive outcome. My constituency is also experiencing problems of unemployment. Even today 120 jobs have been lost in Letterkenny.

Members can blame the Government for its failure to bring jobs into the county but they cannot blame it for decisions taken in board rooms in other countries. We, as politicians, cannot take the blame in that regard.

I thank the Deputy for raising this matter on the Adjournment. The Tanáiste is conscious of the adverse effects on workers and their families

in Kerry of job loss announcements in companies such as the Sports Sock Company's plants in Caherciveen and Tralee, Rosenbluth in Killarney in January last and the recent announcement of job losses at Imperial Schrader at Listowel. However, she would point out that the number of people on the live register in the south-west region actually fell in the year to January 2004, with 1,177 work permits issued to companies in Kerry in 2003. This does not suggest a jobs crisis.

Finding alternative employment for the workers affected by these job losses is a priority for FÁS and the State development agencies. FÁS is making available its full range of support services including skills analysis, training and job placement to the staff of the affected companies. IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions. The agency, through its project divisions and network of overseas offices, is actively marketing County Kerry to overseas investors as a potential location for foreign direct investment. However, the current economic slowdown has meant that there are less companies actively seeking to invest overseas and, consequently, fewer companies are visiting Ireland. Ultimately, decisions regarding where to locate a project, including what areas to visit as potential locations, are taken by overseas investors.

In 2003, five overseas investors visited Kerry, including two visits to north Kerry. In addition to targeting potential new projects, IDA Ireland and Enterprise Ireland are working with the existing base of companies in the county with a view to supporting such companies with potential expansions and diversification of activities. There is a diverse range of companies located in Kerry, representing a number of industry sectors including manufacturing, international services, engineering, pharmaceuticals and consumer products. IDA and Enterprise Ireland believe that a number of these have the potential to expand and/or take on additional responsibilities or activities.

To continue to enhance the attractiveness of Kerry as a location for inward investment, IDA commenced site development works in 2002 on its business and technology park at Tiernaboul, Killarney. This site development work, which is now complete, involved significant landscaping, access development and site clearance, all of which has resulted in upgrading the overall appeal of the location. In addition, a local group of business people has completed a new building of 14,716 sq. ft. on a site acquired from IDA Ireland on the Business and Technology Park, and IDA Ireland is actively marketing this facility as an alternative property solution to present to potential investors.

IDA Ireland believes that these investments, together with other available facilities such as Kerry Technology Park in Tralee, where Shannon Development has invested €8 million, will put Kerry in a position to compete more

[Dr. McDaid.] competitively for inward investment in the manufacturing, ICT, software and international services sectors. The designation of both Tralee and Killarney as hub towns under the Government's national spatial strategy will also add to the attractiveness of the county for overseas investment.

IDA Ireland believes that regions need magnets of attraction, some compelling business reason or unique selling proposition that will attract investors. The challenge of achieving high value FDI into regional locations is considerable; nevertheless, progress is being made. Each region needs a hub of attraction around which, for approximately 40 to 50 kilometres in every direction, the region can grow through attracting a wide range of enterprises, both local and international, which emerge because of the integrated competitive strengths of that region.

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

The Tánaiste is confident that the strategies and policies being pursued by the State development agencies in Kerry, together with the ongoing commitment of Government to regional development, will bear fruit in terms of investment and jobs for the people of Kerry.

### **Schools Building Projects.**

**Mr. M. Moynihan:** I thank you, a Leas-Cheann Comhairle, for allowing me the opportunity to raise the issue of the further development of facilities at the Christian Brothers secondary school in Charleville, County Cork. This is the alma mater of Éamon de Valera and the Cathaoirleach of Seanad Éireann, Senator Rory Kiely.

I want to bring to the attention of the House, the Minister and the Department that three junior cycle classes are accommodated, and have been so accommodated for the past 15 years, in a prefabricated building, which is a most unsuitable environment. The Charleville CBS will consider a further prefabricated building as an option for further expansion.

In a secondary school which teaches a foreign language through to leaving certificate level there are no language laboratories. There are no art or technical graphics specialist rooms. A converted classroom is used currently for these facilities. Woodwork cannot be offered on the timetable due to lack of facilities, and this also reduces the school's competitiveness in securing new student numbers. There is no major gym or assembly hall. There is a lack of space for physical activities and PE can only be offered to junior certificate classes. The parents' council, the staff and the pupils have great difficulty with this aspect of the school's lack of facilities. We often read about obesity levels and lack of fitness in our young

people and it is unacceptable that Charleville CBS does not have proper facilities. I ask the Minister and the Department to give serious consideration to that aspect.

There are no canteen facilities in the school and I am aware from many visits to Charleville CBS that the classrooms are used as eating facilities, which is totally unacceptable. There are no facilities to include pupils with disabilities and this school is one of the schools in my area which has two storey accommodation. It was built in the late 1960s and nothing has been done to the school since that time.

We would like a clear indication from the Minister and the Department on the future of Charleville CBS. What initiative does the Department intend to take in regard to maintaining a top class education facility in Charleville, which is what the Charleville CBS has been for many years?

There is no need for me to outline the school's long list of academic achievements on the part of its pupils, both here and throughout the world, despite the lack of facilities and investment by successive Governments over the years. This school has a fantastic academic record and I urge the Minister and the Department to seriously examine this problem with a view to getting investment back into the school.

**Dr. McDaid:** I thank Deputy Moynihan for raising this matter as it affords me, on behalf of the Minister for Education and Science and the Department, to outline to the House their strategy for capital investment in education projects and the current position regarding the application received in the Department for refurbishment and remedial works at the Christian Brothers secondary school in Charleville, County Cork.

I am aware this matter has been raised by Deputy Moynihan on a number of occasions. As the Deputy stated, the school in question is an all-boys' secondary school, one of three post-primary schools serving the needs of the Charleville area. The other schools are St. Mary's secondary school, which is a girls' school operated by the Mercy Sisters, and Mannix College, which is a co-educational school operated by County Cork VEC.

Enrolments at the Christian Brothers' school and in the Charleville catchment area generally have been declining in recent years. The current enrolment in the Christian Brothers' secondary school is 220, while the combined enrolment in the three schools is 782 pupils. The combined figure is expected to fall to approximately 750.

The application to upgrade and refurbish facilities at the Christian Brothers' secondary school is currently being examined in the planning and building unit of the Department of Education and Science in conjunction with the feasibility study carried out at this school. This process involves consideration of all relevant factors, including enrolment and demographic



trends in the area, and the overall accommodation requirements of this centre. A decision on the application will be made in light of the school's accommodation needs, as pointed out by the Deputy, and the overall needs of the centre, having regard also to the availability of capital resources.

A key strategy will be grounded on the budget day announcement of multi-annual allocations for capital investment in education projects. All projects that do not go to construction as part of the 2004 school building programme will be re-evaluated with a view to including them as part of a multi-annual building programme from 2005 onwards. I have no doubt Deputy Moynihan will make representations in that regard.

In the meantime, the CBS authorities were approved for funding under the 2003 capital programme to address the replacement of the main electrical board, refurbishment of the science laboratories and emergency lighting and fire alarm system for the overall school. Towards the end of that year the school authorities advised the Department that it had not progressed these works and would not be in a position to draw down the funding allocated in 2003. Due to the nature of the works required, the school authorities were given approval by the Department to carry out the works during 2004 and a commitment was given that the funding earmarked for 2003 would be made available in the current year under specified conditions. I take this opportunity to thank Deputy Moynihan for raising this matter in the House.

### **Job Losses.**

**Ms O'Sullivan:** I welcome the opportunity to raise this issue in the House, along with my colleague, Deputy Pat Breen. It relates to Shannon Airport and the latest blow in the announcement by Aer Lingus that it intends to compulsorily relocate 29 staff to Dublin and to seek 102 redundancies at the airport. That is in the context of the intention of the Minister for Transport, Deputy Brennan, to renegotiate the bilateral aviation agreement with the US Government.

Aer Lingus's slashing of jobs at Shannon Airport reached alarming proportions last week when it told the 29 cabin staff that they would be compulsorily relocated to Dublin followed by the announcement that it is seeking 102 redundancies. This is the latest and most damaging in a series of moves to centralise Aer Lingus's operations in Dublin. Already management, staff, pilots and some cabin crew have been relocated. The number of cabin crew based in Shannon has been cut in half. It is no secret that the national airline has been campaigning to have the 50-50 stop regime renegotiated. The Minister appears to have bought the line that the company is simply seeking to gain extra routes and that it is fully committed to Shannon. I heard the Minister saying that again on Question Time in response

to Deputy Pat Breen. I hope the Minister of State will convey the views expressed in the House because it is disappointing that the Minister is not present to hear what we are saying. Apparently, he does not hear what anyone says regarding Shannon.

All the evidence is that Aer Lingus has every intention of centralising its operations at Dublin Airport and drastically reducing its operations at Shannon. Why else would it shed so many jobs when there is extra business to be fought for? The unfairness of this is that more than half the transatlantic passengers last year chose to use the Shannon gateway. Aer Lingus's strategy appears to be to force many of them to come in and out through Dublin simply for the convenience of the company and to prepare it for privatisation. It is not for the benefit of the passenger.

The workers at Shannon took the pain and helped to turn the airline around from being a loss-maker to returning profits of almost €100 million. The Minister needs to wake up to what Aer Lingus is up to before he sells out the mid-west and the west. We depend on the transatlantic routes for more than 40% of Shannon's business. More than 40,000 jobs in the west depend on Shannon's continued activity. This is not scaremongering; this is survival. A man whose job is in an industry reliant on access through Shannon to the US seriously posed the question to me last week whether they want us all to move to Dublin and where they were going to put us.

A spatial strategy is supposed to be in operation. Great play is being made about the decentralisation of civil and public servants, which may or may not prove to be a pipedream. At the same time, one of the few policy instruments that has been successful in maintaining regional balance, the dual gateway transatlantic equality of access, is to be ditched. It is wrong to blame this on the EU open skies policy, as the Minister repeatedly does. Mr. van Hassell of the European Commission's transport department has made it clear that the dual gateway is not an obstacle to open skies competition rules because all airlines must abide by the same regulations.

The Minister must be open and transparent in the steps he proposes to take over the next few months. I urge him to look at the reality of what Aer Lingus is doing to Shannon rather than simply believing its propaganda. He should take renegotiation of the bilateral agreement off the agenda. He is railroading through his agenda in the absence of a properly worked out business plan for Shannon's future, any assessment of the regional implications of proposed changes, or without acceptance by Aer Lingus, the national airline, to comply with the national spatial strategy. Aer Lingus's announcements in the past week must be a wake-up call to the Government to reappraise its strategy on Aer Lingus and Aer Rianta.



**Mr. P. Breen:** Like my colleague, Deputy O'Sullivan, I am disappointed that the Minister for Transport, Deputy Brennan, has not taken the time to be in the House to deal with this important issue. It is an issue that not only affects the people of the mid-west but of the whole country. Shannon Airport is a perfect example of balanced regional development, decentralisation and spatial strategy. It has underpinned the development of tourism and US foreign direct investment in the western seaboard and has offered transatlantic services over the past 60 years. It has a modern terminal capable of accommodating up to five million passengers, US immigration facilities, unrestricted operational conditions with no curfews or slotting, good road networks around the airport and easy parking. Above all else, it has a 3,200 m. runway that can accommodate any aircraft type. One might call it a jewel in the crown and many countries would envy Shannon Airport.

Unfortunately, the Government has no commitment to it nor does it care about Shannon or its future. Since 11 September 2001, there has been an erosion of services from Shannon by the national carrier, Aer Lingus. All the 27 services announced last year to continental Europe are out of Dublin and Cork. Aer Lingus, which contributed so much and was the foundation stone of Shannon 60 years ago, now seems to be running away from its responsibilities as the national airline and consolidating its business in Dublin to prepare for a long-term privatisation agenda. It is doing so with the Government's approval.

It is a sad state of affairs when US officials are unaware that no special case is being made by the Irish Government for Shannon in the Ireland-US talks. It is a sad state of affairs that at EU level no special case has been made for Shannon in the open skies discussions, despite the fact that Commissioner de Palacio says that Shannon has a special case. It is sad when the media contacted the Minister of State's Department last week regarding the proposed job losses at Shannon — where Aer Lingus proposes to cut 50% of its staff — and were told by an official that this was an operational matter for the national airline.

**Dr. McDaid:** It is an operational matter.

**Mr. P. Breen:** That is a sad state of affairs. The Minister of State should have been in Shannon last Friday, as I was with the Aer Lingus workers, to see the grim faces as they left the meeting not knowing their future. Individual workers wondered how they would pay the mortgage if they were to be among the 103 the company proposes to let go, how they would educate the family, etc. This is not an operational matter. It is a matter of national importance and the Minister for Transport has a responsibility to these workers who have given so much to this company over the years. In the debate earlier the Minister informed me that Aer Lingus says it is

committed to Shannon Airport. These are feeble words and are not good enough. The Minister has the ultimate responsibility for this semi-State body and he must ensure that Aer Lingus and Willie Walsh commit themselves to Shannon. They should get a business plan in place immediately, obtain guarantees to build on transatlantic services out of Shannon after the open skies negotiations and abandon the proposed job cuts.

Deputies will recall how quickly the Minister acted last year against Dublin City Council when it erected the traffic direction signs around the city without his approval. The Minister must act as quickly with Aer Lingus. Other rumours persist, such as more job cuts in the cargo and maintenance sectors of Aer Lingus and in Aer Rianta, despite that the Minister said during his negotiations with the unions that there would be none. Unless he acts immediately and comes clean on this, he will lose all trust and will become a modern-day Pontius Pilate washing his hands of Shannon and flying in the face of balanced regional development by refusing to stand by his west of Ireland roots. What is good for Aer Lingus may not be good for the rest of the country.

**Dr. McDaid:** I thank the two Deputies for raising the matter of Shannon on the Adjournment. In light of the apparent lack of information at their disposal, I point out to them that I and the Minister attend all the Council of Ministers meetings in Europe. I have attended every one of them and I categorically deny that no case has been made for Shannon Airport with the EU and the US. I cannot imagine what would have happened to Shannon in recent years without the Government. To say, as Deputy Pat Breen has, that the Government does not care for Shannon is pure political opportunism of the cheapest type——

**Mr. P. Breen:** It is not political opportunism.

**Dr. McDaid:** ——and I hope he will listen to the reply that I am about to give on what exactly is happening. Neither of the Deputies understands what exactly is happening with regard to EU-US negotiations and what it would mean for this country if we were not present at those talks.

**Ms O'Sullivan:** Of course we do.

**Dr. McDaid:** No, the Deputies do not. The European Court of Justice ruled on 5 November 2002 on a case taken by the European Commission against eight member states, not including Ireland, on those states' open skies agreements with the USA. The court ruled that the designation of national airlines in those member states' bilateral air transport agreements is contrary to the right of establishment provided for under the treaties establishing the European Union. This means that member states must allow

any European airline established in their country to enjoy the benefits of that member state's bilateral agreements. I am sure the Deputies understand what that means, that British Airways or Air France have the same rights if they are operating from this country.

**Ms O'Sullivan:** The Minister of State is deliberately misrepresenting us.

**Mr. P. Breen:** What deal was done? What did the Government get?

**Dr. McDaid:** This legal principle applies to each member state's bilateral agreements with every third country, not just the USA.

In response to the court's ruling, the European Commission then reactivated a proposal to give it a mandate to negotiate an open aviation area agreement with the USA. This was a long-standing proposal and the Minister considered that it was only a matter of time before such a mandate would be given to the Commission.

Under the mandate, the EU and US territories would be treated as one single aviation area. Such an open aviation area agreement between the EU and US would satisfactorily solve the legal problems highlighted by the court with the USA and is a pragmatic response to the difficulty of up to 15, and shortly 25, member states having to simultaneously change their agreements with the USA in an integrated way.

The mandate given to the Commission envisages a liberalised regime in which airlines may operate services in both Europe and the USA as well as between them. The intention is that European and US airlines are not constrained as to the destinations to which they fly, just as they are not so constrained within Europe today.

When deciding what position he should adopt at the Transport Council in June 2003 on behalf of Ireland, the main issues the Minister took into account were the ruling of the European Court of Justice last November, the impact on Shannon Airport and its hinterland, the impact on tourism of increased access to Ireland, the opportunities for Aer Lingus to increase its business on trans-Atlantic routes and Ireland's wider relationship with Europe. The Minister also had to consider that an EU-US liberalised market is the inevitable outcome of this whole process in Europe.

At the Transport Council, the Minister stated that he would not oppose the wish of all the other member states to grant this mandate to the Commission to negotiate an EU-US agreement. The Minister also reiterated his concerns about the impact an EU-US agreement might have on Shannon Airport and that he will carefully assess the draft agreement which ultimately emerges from those negotiations.

Rounds of negotiations between the EU and US sides have taken place in October and December 2003 and in February this year. The

Transport Council on 8 and 9 March will consider the progress so far, and following that, the EU and US sides will meet again at the end of this month to review the outcome of the Council. During these negotiations, a special committee made up of all member states is assisting the European Commission. Ireland is represented on this committee by a senior official from the Department of Transport.

It is unclear how long these negotiations will take. There are signs that an interim agreement could be reached on some issues. However, it will be a matter for the Transport Council next week to determine if the outline of a deal that is on offer could serve as a basis for a substantive deal between the EU and the US. If the Council determines that what is on offer is sufficient as a first step in EU-US aviation relations, it is possible that a deal could be reached by June of this year.

As the Minister has previously indicated to the House, he has authorised his officials to seek negotiations with the US on possible phased amendments to the Ireland-US bilateral agreement. No dates have yet been finalised for such negotiations. The purpose of negotiations with the US authorities, which the Deputies want us to abandon, is to ensure that an Irish dimension is agreed between Ireland and the US for inclusion in the EU-US deal. If the Minister were to abandon the intended negotiations with the US authorities there is a grave threat that the EU-US negotiations would not take account of Irish requirements. That is the bottom line.

The Department of Transport has also been in contact with the European Commission to inform it of the intended negotiations with the US. While the Minister has stressed to the Commission the importance of the Shannon issue for the Irish authorities, he believes that the best prospects for achieving the most advantageous outcome for Irish aviation and tourism, including Shannon Airport, lie in direct talks between Ireland and the US.

There is no question of the Minister or the Government abandoning Shannon Airport. On 5 February the Minister met the Aer Rianta unions for further discussions on the dual gateway status of Shannon. There will be further discussions with the unions and the Shannon board designate before the Minister's negotiating position is finalised. The House will appreciate that it would not be appropriate for the Minister to publicise his negotiating position in advance.

I want to refer to concerns expressed about recent announcements by Aer Lingus regarding job transfers and job losses at Shannon Airport. I do not wish to comment on individual industrial relations matters as these are day to day operational matters for the company.

**Mr. P. Breen:** The Minister for Transport is responsible for Aer Lingus.

**Dr. McDaid:** There is a range of industrial relations machinery available to assist in resolving these matters and some of the issues are in the Labour Relations Commission as we speak. However, Deputies must clearly appreciate that Aer Lingus operates in an environment which is becoming more and more competitive with ongoing pressure to reduce fares. This can only be achieved if costs are reduced. Nevertheless, Aer Lingus is committed to maintaining

operations at Shannon, especially US services. The more efficient the Aer Lingus operation at Shannon, the better the business case for retaining and indeed expanding services at Shannon.

**Mr. P. Breen:** Fewer jobs mean fewer services.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 3 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 21, inclusive, answered orally.*

*Questions Nos. 22 to 107, inclusive, resubmitted.*

*Questions Nos. 108 to 115, inclusive, answered orally.*

### National Car Test.

116. **Mr. Neville** asked the Minister for Transport the plans he has to review the NCT contract; and if he will make a statement on the matter. [6593/04]

**Minister of State at the Department of Transport (Dr. McDaid):** The car testing contract with National Car Testing Service was signed in December 1998. In accordance with it, NCTS is obliged to provide a car testing service for the State until 31 December 2009. Under the terms of the contract the performance of NCTS is subject to an annual review which can cover the results of NCT inspections, planned or random sample test inspections, customer satisfaction surveys, the audited financial statements, the company's financial position, customer complaints, the extent of compliance with performance standards and quality accreditation matters.

The main inputs to the annual review are generated by the Department's rolling supervision of the NCTS with the assistance of a consortium consisting of the Automobile Association and PricewaterhouseCoopers. The consortium provides the Department with the necessary engineering, financial, legal, operations research and market research inputs in order to gauge the company's performance against the specified performance standards.

In addition the contract provides for a mid-term review to take place five years into the contract. While the mid-term review will cover matters dealt with in annual reviews, its overall focus will be more strategic in nature.

It is my intention, prior to the mid-term review, to seek comments from all interested parties for consideration as part of the review.

### Rail Services.

117. **Mr. Kehoe** asked the Minister for Transport the plans he has to introduce public service contracts into the rail service; and if he will make a statement on the matter. [6731/04]

**Minister for Transport (Mr. Brennan):** I set out my proposals for public transport reform in a

statement to the Public Transport Partnership Forum in November 2002. As outlined in that statement it is my intention to establish an independent authority to procure public transport services and regulate the public transport market. I also proposed that all DART and suburban rail services in the greater Dublin area would be provided subject to a multi-annual public service contract negotiated by the independent authority with Iarnród Éireann.

In reply to recent questions, I have stated that it is now my intention that the independent authority will have a national remit and consequently all rail services in the State will be covered by multi-annual public service contracts between the independent authority and Iarnród Éireann. It is my intention to proceed with legislation to give effect to these and other public transport reforms during 2004.

### Public Transport.

118. **Mr. Perry** asked the Minister for Transport if he has satisfied himself with the procedure for the location of bus termini; and if he will make a statement on the matter. [6737/04]

152. **Mr. P. McGrath** asked the Minister for Transport the plans he has to review the procedure for the location of bus stops; and if he will make a statement on the matter. [6732/04]

190. **Mr. Murphy** asked the Minister for Transport the plans he has to review the procedure for the location of bus termini; and if he will make a statement on the matter. [6735/04]

198. **Mr. G. Mitchell** asked the Minister for Transport if he has satisfied himself with the procedure for the location of bus stops; and if he will make a statement on the matter. [6734/04]

370. **Mr. Durkan** asked the Minister for Transport if he has satisfied himself that all bus stops are located in such a way as to meet adequate health and safety standards; and if he will make a statement on the matter. [7053/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 118, 152, 190, 198 and 370 together.

The power to determine the locations for the provision of bus stops and termini is vested in the Garda Commissioner under section 85 of the Road Traffic Act 1961. Under that section the commissioner may issue a direction to a bus operator identifying the specific location of bus stops and termini in respect of any bus route and in that context may determine that certain stops may only be used for passengers boarding or leaving buses. I understand that the gardaí engage in a consultation process with both the local authority and the bus service provider before issuing a direction under section 85. In addition, section 86 of the 1961 Act empowers the commissioner to make by-laws relating to the use



[Mr. Brennan.]

of bus stops and termini and such by-laws have been in place since 1962.

The Road Traffic Act 2002 introduces a number of significant changes to the provisions established in the 1961 Act. In the first instance, section 16 of the 2002 Act provides that responsibility for the determination of the location of bus stops and termini will be transferred from the Garda Commissioner to road authorities. This new approach reflects the evolution of policy and the development of the role of local authorities generally in regard to traffic regulation and management since the passage of the 1961 Act.

Second, section 20 of the 2002 Act provides that the Minister for Transport will in future provide for the regulation of the use of bus stops and termini. This is to ensure that the controls to be applied to the use of facilities will be contained in the same statutory framework that applies to traffic regulation generally.

Arising out of the recent tragic accident on Wellington Quay, Dublin, on 21 February last, and in addition to the Garda investigation, Dublin Bus has launched its own company inquiry to determine the cause and the circumstances surrounding the accident. The inquiry will investigate the circumstances of the accident to establish its causes and any contributory factors and will make recommendations to prevent a recurrence. Any such recommendations, which refer to the location of bus stops and termini or to the use of such facilities, will inform the development of the new statutory arrangements envisaged under the Road Traffic Act 2002.

#### **Rail Services.**

119. **Mr. Gormley** asked the Minister for Transport the status of the strategic rail review; and if he will make a statement on the matter. [6818/04]

**Minister for Transport (Mr. Brennan):** The strategic rail review provides the Government with a policy framework for the future development of passenger and freight services in Ireland over a 20 year period in a manner consistent with the national spatial strategy.

The board of Iarnród Éireann has considered the findings of the strategic rail review and the company's prioritised investment programme up to 2008, based on the review, has been submitted to my Department for consideration in the context of the multi-annual envelope for capital expenditure in transport. Elements of the programme include: DART upgrade project; upgrade of the Kildare line; rolling stock acquisition programme for inter-city and suburban rail services; and safety investment.

Recent projects completed include increased capacity on Dublin outer suburban services and new commuter services on the Limerick to Ennis and the Mallow to Cobh routes.

#### **Air Services.**

120. **Mr. P. Breen** asked the Minister for Transport if his attention has been drawn to the fact that there are discussions at EU level regarding the possibility of introducing intra-PSOs between European countries and third countries; if, in the event of full open skies, he will consider PSO status for essential routes between Shannon Airport and the US; and if he will make a statement on the matter. [6563/04]

**Minister for Transport (Mr. Brennan):** The PSO regime enables EU member states to subvent certain types of air services within their countries, which would otherwise not be provided commercially. I am very doubtful that the European Commission would encourage the extension of this concept to international air services, much less to services between Europe and the USA.

#### **Road Safety.**

121. **Mr. M. Higgins** asked the Minister for Transport if his attention has been drawn to the National Roads Authority road accident facts 2002 which stated that the elimination of single carriageway stretches of national roads could save up to 50 lives per year; and if he will make a statement on the matter. [6775/04]

**Minister for Transport (Mr. Brennan):** I am aware that the National Roads Authority has highlighted the significant safety dividend expected to be gained from the upgrade of the national roads network as provided for in the National Development Plan 2000-2006. In particular, the upgrading of key inter-urban routes to motorway-high quality dual carriageway standard will remove the risk of head-on collisions and conflicts associated with junctions and right-turning manoeuvres. The NRA has estimated that the better safety record of these types of roads will result in a saving of over 50 lives annually once the routes have been completed. To maximise the increased safety benefit, road safety audits are carried out on all new schemes on national roads. Work on improving the safety of the existing national road network is carried out through accident black-spot remedial schemes, traffic calming, road safety research, and the provision of safety barriers in central reservations.

#### **Public Transport.**

122. **Mr. Hayes** asked the Minister for Transport his plans to introduce new rural transport initiatives; and if he will make a statement on the matter. [6727/04]

**Minister for Transport (Mr. Brennan):** Under the rural transport initiative, RTI, 34 rural community groups are currently being financed to operate pilot rural transport services in their areas. Area Development Management Limited,

ADM, administers the initiative on behalf of my Department.

Some 2,500 transport services are currently being provided on approximately 380 new rural routes established under the initiative and 20,000 people are using the RTI transport services every month. The RTI is now in operation in almost all counties and the free travel scheme of the Department of Social and Family Affairs was extended to the RTI in 2003.

ADM recently commissioned an external body to undertake a full appraisal of the RTI to measure its effectiveness in addressing the transport needs of rural Ireland. The appraisal is due to be completed by the summer and I will consider the outcome of the study when it is completed. While the national development plan earmarked €4.4 million for the scheme, €3 million has been provided annually for the scheme since 2002.

### **Traffic Management.**

123. **Mr. Stagg** asked the Minister for Transport the progress to date in establishing a dedicated traffic corps as promised in the programme for Government; the outstanding issues to be resolved; when he expects proposals to be finalised; and if he will make a statement on the matter. [6799/04]

**Minister for Transport (Mr. Brennan):** The programme for Government contains a commitment relating to the establishment of a dedicated traffic corps. As I have indicated in the House, I support the implementation of this proposal through the formation of a corps that will be separately identifiable and visible.

A consultation process involving my Department, the Department of Justice, Equality and Law Reform and the Garda Síochána in regard to the establishment of a dedicated traffic corps is being progressed. The question of the relationship that the corps will have with the gardaí, and in particular whether it will be under the overall control of the commissioner, is central to the development of this proposal.

The establishment of a dedicated traffic corps which is independent of the Garda would require the introduction of legislation, in particular to establish powers and functions of the corps and its accountability.

A working group has been established to urgently consider the options available in terms of progressing this proposal. This group comprises representatives from the Department of Transport, the Department of Justice, Equality and Law Reform, the Garda Síochána, the Dublin Transportation Office and the Office of the Director of Traffic.

### **Public Transport.**

124. **Mr. Coveney** asked the Minister for Transport his plans for the development of the metro; and if he will make a statement on the matter. [6723/04]

130. **Mr. Eamon Ryan** asked the Minister for Transport when he expects the business case proposal for the first stage of the Dublin metro to go to Cabinet for a decision; and if he will make a statement on the matter. [6810/04]

147. **Mr. Broughan** asked the Minister for Transport the extent and detail of discussions had with the Department of Finance over the costs of the proposed metro link between Dublin city centre and Dublin Airport; if the construction of the metro link will only be undertaken as part of a wider scheme to build an underground system; and if he will make a statement on the matter. [6768/04]

173. **Mr. Stanton** asked the Minister for Transport his plans for the development of the airport metro; and if he will make a statement on the matter. [6615/04]

180. **Mr. Timmins** asked the Minister for Transport if he has satisfied himself that he can deliver the Dublin metro by 2007; and if he will make a statement on the matter. [6739/04]

185. **Mr. Broughan** asked the Minister for Transport when he expects to bring to the Cabinet his final proposals for the construction of a metro link between Dublin city centre and Dublin airport; and if he will make a statement on the matter. [6767/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 124, 130, 147, 173, 180 and 185 together.

The programme for Government contains a commitment to develop a metro, with a link to Dublin Airport. The proposal for a metro in Dublin is part of the Dublin Transportation Office's strategy, A Platform for Change. The current proposal is the first phase of the metro in the DTO's strategy. However, it is important to note that the Railway Procurement Agency's, RPA's, business case shows a positive economic case for a link between the city centre and the airport as a stand-alone project. It is, therefore, not dependent economically on a wider underground system being built.

I understand that the metro will take approximately four years to build from the date all the necessary authorisations and approvals are granted. As the project will be a public private partnership, there is a strong incentive for the bidders to minimise the construction period as payment will not commence until the service is in operation.

As discussions with the Department of Finance are ongoing as part of the deliberative process, it would not be appropriate for me to comment on the extent and details of the discussions in advance of Government consideration on the matter. I expect to bring my proposals on the metro to the Government in the coming weeks.

### **State Airports.**

125. **Ms B. Moynihan-Cronin** asked the

[Ms B. Moynihan-Cronin.]

Minister for Transport his plans for the future of Aer Rianta International in the context of his plans to restructure Aer Rianta; and if he will make a statement on the matter. [6791/04]

143. **Mr. Noonan** asked the Minister for Transport his plans for Shannon Airport; and if he will make a statement on the matter. [6616/04]

165. **Mr. Deenihan** asked the Minister for Transport his plans for the future of Shannon Airport; and if he will make a statement on the matter. [6756/04]

166. **Ms B. Moynihan-Cronin** asked the Minister for Transport his plans for the future of a hotel group (details supplied) in the context of his proposals to restructure Aer Rianta; and if he will make a statement on the matter. [6790/04]

172. **Ms Enright** asked the Minister for Transport his plans for Dublin Airport; and if he will make a statement on the matter. [6617/04]

195. **Mr. Allen** asked the Minister for Transport his plans for Cork Airport; and if he will make a statement on the matter. [6618/04]

362. **Mr. Durkan** asked the Minister for Transport the outcome of discussions he has had with Aer Rianta management and staff in regard to the future of the airports at Dublin, Cork and Shannon; and if he will make a statement on the matter. [7044/04]

**Minister for Transport (Mr. Brennan):** I propose to take Question Nos. 125, 143, 165, 166, 172, 195 and 362 together.

I refer the Deputies to the answer I gave to priority Questions Nos. 109 and 344 today.

### Driving Tests.

126. **Mr. J. Bruton** asked the Minister for Transport the plans he has to address the driving test backlog; and if he will make a statement on the matter. [6620/04]

148. **Ms Enright** asked the Minister for Transport his plans to address the driving test backlog; when he plans to introduce legislation; and if he will make a statement on the matter. [6601/04]

150. **Mr. Deasy** asked the Minister for Transport the plans he has to reduce the waiting time for a driving test in both the Waterford city and Dungarvan, County Waterford test centres to bring them in line with other test centres in the country; and if he will make a statement on the matter. [6520/04]

168. **Ms Lynch** asked the Minister for Transport the number of applicants awaiting driving tests at the latest date for which figures are available; the current waiting time in each test centre; the efforts his Department is making to clear the backlog of driving test applications; and

if he will make a statement on the matter. [6787/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 126, 148, 150 and 168 together.

The number of applicants awaiting a driving test at 25 February 2004 is 120,058. This is a reduction of some 5,000 on the figure relating to May 2003. Of these, 21,103 have been given test appointments and a further 13,715 have indicated that they are currently not available to be tested. The current average waiting time and numbers awaiting a test at each driving test centre as at 25 February 2004 is set out in the following table.

The current waiting times are due to the unprecedented level of some 234,000 test applications received in 2003. This represents a 21% increase on 2002 applications. However, indications are that applications have now fallen to normally expected levels. I anticipate that the current waiting times will improve over the coming year.

Sanction for a bonus scheme for driver testers was obtained from the Department of Finance in May 2003. Under the terms of the scheme set out by the Department of Finance, the bonus scheme terminated in November 2003. I have requested my officials to examine the potential for initiating a further bonus scheme in order to address the backlog.

In addition to the bonus scheme, eight retired driver testers were re-employed with effect from 13 October 2003. Driver testers continue to deliver additional tests by working overtime on Saturdays and at lunch time.

Preparation of legislation to establish the Driver Testing and Standards Authority, which will take on responsibility for conducting driving tests and will have more flexibility to respond to variations in demand, is at an advanced stage and I expect to be in a position to submit the text of the Bill to Government shortly.

Centre	Numbers awaiting a test	Average weeks waiting
<i>North Leinster</i>		
Finglas	8,288	33
Dundalk	2,948	38
Mullingar	1,632	38
Navan	4,463	44
Raheny	7,337	43
<i>South Leinster</i>		
Churchtown /Rathgar	11,212	40
Gorey	1,985	39
Naas	6,604	48
Tullamore	1,632	35
Wicklow	2,355	47
Tallaght	8,811	49

Centre	Numbers awaiting a test	Average weeks waiting
<i>West</i>		
Athlone	676	8
Birr	938	28
Castlebar	2,230	33
Clifden	350	14
Ennis	818	11
Galway	2,643	30
Loughrea	834	11
Roscommon	902	26
Tuam	1,105	29
<i>North West</i>		
Ballina	1,153	29
Buncrana	562	22
Carrick-on-Shannon	1,212	38
Cavan	1,948	44
Donegal	1,021	29
Letterkenny	1,843	30
Longford	1,010	36
Monaghan	1,248	41
Sligo	1,347	27
<i>South East</i>		
Carlow	2,522	43
Clonmel	2,031	42
Dungarvan	1,820	49
Kilkenny	2,494	41
Nenagh	728	43
Portlaoise	1,512	39
Thurles	1,286	46
Tipperary	1,153	49
Waterford	3,486	47
Wexford	2,435	37
<i>South West</i>		
Cork	6,615	31
Killarney	1,988	36
Kilrush	479	29
Limerick	3,920	37
Mallow	2,034	32
Newcastle West	1,610	32
Shannon	1,027	32
Skibbereen	1,799	38
Tralee	2,012	40

Note: The average waiting time is derived having regard to waiting times experienced by individual applicants who have undergone a driving test over the previous four week period in the test centre.

### Rail Network.

127. **Mr. J. O’Keeffe** asked the Minister for Transport if he will approve funding for the western rail corridor; and if he will make a statement on the matter. [6605/04]

154. **Mr. Rabbitte** asked the Minister for Transport his response to a submission from the

campaigning group West on Tract that the cost of reopening the Sligo-Limerick rail link would be less than €250 million; the role and remit of the new feasibility group to examine the feasibility of the rail link; the funding he intends giving the group; the timescale in which he will ask it to report; and if he will make a statement on the matter. [6785/04]

163. **Mr. Ring** asked the Minister for Transport the plans he has to progress the western rail corridor in view of the strategic rail review; and if he will make a statement on the matter. [6624/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 127, 154 and 163 together.

At the invitation of a number of the groups advocating the western rail corridor, I recently carried out an extensive tour of the corridor and visited many of the former railway stations on the line. My purpose in visiting the west was to meet and listen to those who are putting forward this rail proposal and to see for myself what is involved in the restoration of the line.

Deputies will recall that the western rail corridor was not included in the recommended investment strategy in the strategic rail review published last year. However, the review did conclude that the proposal was in line with the aims of the national spatial strategy.

The review further concluded that the viability of such rail proposals is critically dependent on the local and regional planning authorities incorporating the proposals into regional, county and local development plans. Specifically, what is needed here is the integration of transport proposals, such as the western rail corridor, with land use strategies that could provide the basis for sufficient rail demand that, in turn, would make the economic case for proceeding with the proposal. The viability of all rail proposals, including the western rail corridor, is crucially dependent on the creation of sufficient critical mass that would justify the development of rail as the appropriate transport option.

In my recent visit to the former railway station in Kiltimagh I said that I could see the potential of the western rail corridor and that I would wish to provide every possible opportunity for the viability of the case to be brought forward. Accordingly, at the request of the various groups promoting the western rail corridor, I propose to establish shortly an expert working group to examine the potential for the western rail corridor. I will be announcing the composition and remit of the group in the coming weeks. Any decisions in regard to the western rail corridor will have to be made on the basis of the ongoing work of the working group.

In this regard I note that all the regional authorities are currently drafting regional planning guidelines as part of the implementation of the national spatial strategy at the regional level. One of the core issues that the western rail



[Mr. Brennan.]  
corridor working group will have to carefully consider is the extent to which the rail proposal is facilitated by the land use strategies emerging from these guidelines.

### Road Safety.

128. **Mr. Coveney** asked the Minister for Transport when he intends to roll out fixed speed cameras; and if he will make a statement on the matter. [6724/04]

**Minister for Transport (Mr. Brennan):** The Minister for Justice, Equality and Law Reform and I have jointly determined to consider the engagement of the private sector in the operation of speed cameras. A working group representing our Departments and other interested parties is currently examining a range of issues, including the parameters for operation and deployment of speed cameras and the interaction of any private sector operation with other agencies. In addition to the practical arrangements, the engagement of the private sector in the operation of speed cameras must be supported by new primary legislation and I intend to bring the necessary legislative proposals needed to facilitate this before the Oireachtas later shortly.

### Air Services.

129. **Mr. Penrose** asked the Minister for Transport when he expects to bring proposals for the future of Aer Lingus to the Cabinet; the extent and nature of consultations between his Department and the Aer Lingus board on this issue; the contents of the report given to him by the CEO and chairman in September 2003; and if he will make a statement on the matter. [6782/04]

361. **Mr. Durkan** asked the Minister for Transport his plans for the future of Aer Lingus; and if he will make a statement on the matter. [7043/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 129 and 361 together.

In light of the continuing turnaround in Aer Lingus's performance, last July I asked the chairman of the national airline to examine and report back to me on future options for the company. The chairman furnished his report to me at a meeting on 16 September 2003. In summary, having taken account of the Government decision in 2001 to facilitate private sector as well as staff investment in the airline, the report concluded that, given the performance of the airline, improving investment market conditions and increasing airline valuations in a traditionally volatile sector, the company's view is that the private sector investment process should be initiated without delay and the process would coincide with the completion of the ESOP and the issuance of 30.5 million shares to the

ESOT to increase the employee shareholding from 4.76% to 14.9%.

Of the five strategic options evaluated, the company's view is that the best option is a two-phased approach with phase one involving a private placement to institutional investors, that is, pension funds etc., followed by an IPO within 18 months to two years.

Following receipt of that report, I engaged an independent corporate finance consultant to examine the sale options contained in the report, the views expressed by analysts and the transparency and accountability requirements when disposing of a State asset. The consultant broadly supported the case made in the Aer Lingus report for a two-phased approach involving a private placement followed by an IPO.

I consider the Aer Lingus report and the independent consultant's report to be an important input into my deliberations on the future options for the airline. When all the matters have been fully considered, I will be bringing specific proposals to Government.

*Question No. 130 answered with Question No. 124.*

### Rail Services.

131. **Mr. Gormley** asked the Minister for Transport if the provision of a rail service from Dublin to Navan is being considered by his Department; and the steps required to introduce such a service. [6817/04]

**Minister for Transport (Mr. Brennan):** The strategic rail review examined the feasibility of restoring rail services to Navan via two routes, a Clonsilla to Navan link and a Drogheda to Navan connection. The review concluded that there was no economic case for reopening either link. I understand however, that once the regional planning guidelines for the greater Dublin area are adopted in the coming months, Irish Rail is planning to examine the possibility of reopening part of the Clonsilla to Navan line, as far as Dunboyne.

132. **Mr. Costello** asked the Minister for Transport if he intends to take advantage of the relaxation of EU rules on state borrowing to press for funding for major infrastructural projects in his Department, such as the Dublin metro and various road projects; and if he will make a statement on the matter. [6769/04]

**Minister for Transport (Mr. Brennan):** The new guidance from EUROSTAT on the treatment of public private partnership-funded infrastructure is welcome. It clarifies the ground rules for the accounting treatment of PPP transactions *vis-à-vis* the GGB and, in particular, the requirements relating to the real and substantial transfer of risk to the private partner. The implications of the new guidelines will be

considered on a case by case basis in respect of PPP projects under the national roads programme and other major infrastructural developments such as the Dublin metro. In the first instance, of course, projects proposed for funding by way of PPP must be examined to ensure they represent good value for money.

#### **Dublin Port Tunnel.**

133. **Mr. R. Bruton** asked the Minister for Transport his plans to address the height of the Dublin Port tunnel; and if he will make a statement on the matter. [6611/04]

**Minister for Transport (Mr. Brennan):** My Department engaged Atkins to review the feasibility, safety implications and cost of raising the height of the Dublin port tunnel. They were requested to review a range of options for increasing the operational height of the tunnel, their feasibility, having regard to the state of implementation of the current design and build contract and the likely additional costs and impact on the project completion date.

The final report was received from Atkins on 8 December 2003. I am currently reviewing the findings of the report and have sought further information from the NRA pertaining to its conclusions with a view to reaching a final conclusion on this issue as soon as possible.

#### **Driving tests.**

134. **Mr. J. Bruton** asked the Minister for Transport if he intends to abolish provisional driving licences; and if he will make a statement on the matter. [6619/04]

161. **Mr. S. Ryan** asked the Minister for Transport the measures he has taken in regard to his announcement of December 2002 of his intention to deal with the problem of the large number of provisional drivers on roads here; and if he will make a statement on the matter. [6796/04]

182. **Mr. Crawford** asked the Minister for Transport his proposals for a review of the provisional driver licence system; when he expects the review to be completed; when he expects to have specific proposals in this regard; and if he will make a statement on the matter. [6722/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 134, 161 and 182 together.

Over the years various changes have been made to the regulatory conditions under which provisional licences have effect. As part of an integrated approach to improving the quality of driving standards in the interests of road safety, I am considering whether further changes to driver licensing regulations are desirable. In particular, I wish to bring in measures that will reduce long-term reliance on provisional licences, address the disproportionately high number of road accidents

involving motorcyclists and ensure that learner drivers make adequate preparation for their driving tests.

I am also reviewing the provision whereby holders of second provisional licences for cars are not required to be accompanied by a person who holds a driving licence for that category of vehicle with a view to ending this arrangement. All other provisional licence holders other than drivers of motorcycles and work vehicles must be accompanied by a qualified driver at all times when driving in a public place.

I intend to submit detailed proposals for a package of driver licensing reforms to Government shortly.

I refer the Deputies to my reply to Question No. 126 on today's Order Paper.

#### **National Car Test.**

135. **Mr. Neville** asked the Minister for Transport the plans he has to review the pass-fail criteria of the NCT; and if he will make a statement on the matter. [6594/04]

137. **Mr. Crawford** asked the Minister for Transport the plans he has to review the NCT system; and if he will make a statement on the matter. [6725/04]

**Minister of State at the Department of Transport (Dr. McDaid):** I propose to take Questions Nos. 135 and 137 together.

I have no plans to review the criteria for refusal of a national car test certificate. The NCT was introduced in order to implement the requirements of EU Directive 96/96/EC relating to the roadworthiness testing of passenger cars. The directive specifies the items to be tested as part of a vehicle test. The NCT reflects both the requirements of the directive and those laid down in national regulations relating to the standards which a vehicle must meet for use on a public road.

#### **Public Transport.**

136. **Ms Burton** asked the Minister for Transport the position concerning his Department's discussions with the CIE group of unions in regard to the restructuring of the CIE groups of companies; and if he will make a statement on the matter. [6765/04]

139. **Mr. McCormack** asked the Minister for Transport his plans for bus deregulation; and if he will make a statement on the matter. [6613/04]

141. **Mr. Gogarty** asked the Minister for Transport if he proposes to achieve his target of 25% of bus services in Dublin being open to competitive tender by the allocation of exclusively new bus routes to this open competition; and if he will also need to open up some existing bus services to ensure that the target is reached. [6816/04]

179. **Mr. Costello** asked the Minister for Transport his plans for the privatisation of one quarter of existing bus routes throughout the country; the basis for his view that this will improve services; his proposals for regulation of the bus markets; if he will report on the state of discussions with the unions in this regard; and if he will make a statement on the matter. [6770/04]

192. **Ms O. Mitchell** asked the Minister for Transport his plans for bus deregulation; and if he will make a statement on the matter. [6614/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 136, 139, 141, 179 and 192 together.

I refer the Deputies to my reply to Question No. 111.

*Question No. 137 answered with Question No. 135.*

#### **Penalty Points System.**

138. **Mr. Hogan** asked the Minister for Transport his plans to review the penalty points system; and if he will make a statement on the matter. [6728/04]

174. **Mr. Rabbitte** asked the Minister for Transport if he has decided on a definite date for the computerisation of the penalty points system; the number of drivers who have received penalty points to date; if there have been any disqualifications to date based on the number of points received; the timetable for the extension of the system to other road offences; and if he will make a statement on the matter. [6786/04]

193. **Mr. Kehoe** asked the Minister for Transport when he intends to roll out the other offences under the penalty points system; and if he will make a statement on the matter. [6730/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 138, 174 and 193 together.

Penalty points are being applied to the driving licence records of those convicted of speeding, seat belt wearing and insurance offences, and to those who pay a fixed charge to the Garda — in the case of speeding and seat belt wearing offences — to prevent the instigation of court proceedings.

The full application of the penalty points system will be achieved when the relevant IT systems being developed by the Department of Justice, Equality and Law Reform and the Garda are completed. The question of reviewing the system will be considered against the background of its full operation.

It is now one year and four months since penalty points were first introduced. At the end of January, 2004 over 107,000 drivers have received penalty points since the introduction of the system in October 2002. At the end of

January, no driver had accumulated the 12 point threshold which leads to automatic disqualification.

*Question No. 139 answered with Question No. 136.*

#### **Railway Stations.**

140. **Mr. Perry** asked the Minister for Transport his plans for the development of Spencer Dock; if he has had discussions with Irish Rail on the issue; and if he will make a statement on the matter. [6718/04]

**Minister for Transport (Mr. Brennan):** Irish Rail has submitted a short-term investment priorities plan to my Department for consideration. The plan includes proposals for the development of a railway station at Spencer Dock. The specific elements of the plan are being discussed by Irish Rail and my Department at present.

*Question No. 141 answered with Question No. 136.*

#### **National Car Test.**

142. **Ms McManus** asked the Minister for Transport if his attention has been drawn to recent reports that local authorities and car testing centres are misleading motorists throughout the country with regard to current NCT certificate requirement to tax a car; the action he has taken to address this confusion; and if he will make a statement on the matter. [6788/04]

**Minister of State at the Department of Transport (Dr. McDaid):** Responsibility for motor tax policy and administration of motor tax is a matter for the Minister for the Environment, Heritage and Local Government. Motor tax renewal notices are issued by the vehicle registration unit of the Department. A valid NCT certificate has not been needed to tax a car since December 2001. This change in the regulation was made clear to all motor tax offices at that time and has been reiterated on a number of occasions since then.

At my request, NCTS is amending its information leaflet for customers so as to clarify the position. The reference in motor tax renewal notices to the necessity to have a NCT certificate in order to tax a liable vehicle will also be omitted as soon as the present stocks have been exhausted.

Notwithstanding this, the requirement remains under the Road Traffic Act 1961 for a vehicle liable to testing to be covered by a valid NCT certificate when it is used in a public place. A person not having a test certificate for a liable car is open to a fine of up to €1,500 or to a term of imprisonment not exceeding three months or both.

*Question No. 143 answered with Question No. 125.*

### **Driving Licences.**

144. **Mr. Naughten** asked the Minister for Transport the mechanisms in place to re-issue lost driving licences, when the local authority has failed to maintain a record; and if he will make a statement on the matter. [6551/04]

178. **Mr. Allen** asked the Minister for Transport the plans he has to put mechanisms in place where the issuing authority has no record of a driving licence; and if he will make a statement on the matter. [6606/04]

194. **Mr. Naughten** asked the Minister for Transport the plans he has to put a system in place to re-issue lost driving licences when the local authority has failed to maintain a record; and if he will make a statement on the matter. [6550/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 144, 178 and 194 together.

Under the Road Traffic Act 1961 and the Road Traffic (Licensing of Drivers) Regulations 1999 to 2001, it is a matter for the appropriate licensing authority to determine the eligibility of a person for a duplicate driving licence and to issue licences. I have no plans to change this arrangement.

### **Air Services.**

145. **Mr. Howlin** asked the Minister for Transport his view on the collapse of a Cork based airline (details supplied); if he has established the reasons for the collapse; the effect this may have for the Irish airline industry in general; and if he will make a statement on the matter. [6778/04]

**Minister for Transport (Mr. Brennan):** The Cork based regional airline, Jetmagic, announced the suspension of its operations on Wednesday, 28 January 2004. The company has not yet had a meeting of shareholders and until that meeting happens a final decision on the company cannot be taken. A spokesperson for the airline has informed my Department that all of the airline's passengers have returned home, and that where advanced credit card bookings were made, that those moneys are being refunded.

Two of the airline's three aircraft have been repossessed by the Swiss leasing company which provided them, with the third aircraft due to be returned to the leasing company following maintenance to its engine. One aircraft had been impounded by Aer Rianta, but Aer Rianta and the Swiss leasing company reached a mutually satisfactory settlement.

The airline's own view of why it collapsed is that expected passenger demand did not materialise, especially in terms of business travel and the company's projections regarding traffic

to London in particular were not realised. The company also cited competition on some of its routes as impacting on their business forecast for 2004.

The Commission for Aviation Regulation became aware towards the end of last year that Jetmagic was facing financial difficulties. The CAR contacted the company regarding concerns it had about the financial situation and asked the company to improve its balance sheet position. Jetmagic subsequently confirmed to the CAR that it had received additional investment from some of its shareholders. It is now clear that those additional funds were not sufficient for the ongoing viability of the company.

It is regrettable that this new Irish airline did not succeed. Its efforts illustrate the competitive nature of the airline business today. That competition, of course, has been very positive for the growth and cost of Irish aviation in recent years. Jetmagic's experiences do not necessarily mean that other start-up airlines, Irish or otherwise, will not succeed. An airline's choice of market, services and business strategy, *inter alia*, will determine its success.

### **Driving Tests.**

146. **Mr. Stanton** asked the Minister for Transport the plans he has to reform the driving test; and if he will make a statement on the matter. [6621/04]

**Minister for Transport (Mr. Brennan):** The requirements of the practical driving test are set out in the relevant EU directive. A number of improvements to the practical driving test are in the course of implementation on foot of amendments agreed at EU level. These changes relate to random checks on mechanical aspects of vehicles which have a bearing on road safety such as tyres, steering, brakes, engine oil, coolant, washer fluid, lights, reflectors, indicators and horn. A study to assess the impact of these additional requirements is almost completed by my Department.

In addition, my Department, in conjunction with the Office of Public Works, is arranging for the implementation of improvements to truck tests, such as parking safely for loading-unloading at a loading ramp and coupling and uncoupling the vehicle.

*Question No. 147 answered with Question No. 124.*

*Question No. 148 answered with Question No. 126.*

*Question No. 149 answered with Question No. 115.*

*Question No. 150 answered with Question No. 126.*

### **EU Presidency.**

151. **Mr. S. Ryan** asked the Minister for



[Mr. S. Ryan.]

Transport his priorities for the remainder of the Irish Presidency of the European Union; the events that have been arranged by his Department; and if he will make a statement on the matter. [6795/04]

**Minister for Transport (Mr. Brennan):** I presented Ireland's Presidency programme for the transport sector to the Regional Policy, Transport and Tourism Committee of the European Parliament in Brussels on 21 January 2004. The full text of that address is available on my Department's website at *www.transport.ie*.

In addition to the formal Presidency programme, I have made road safety a key transport theme of the Presidency. With that in mind I am holding an event in Dublin Castle on 6 April to sign the European Road Safety Charter.

*Question No. 152 answered with Question No. 118.*

*Question No. 153 answered with Question No. 115.*

*Question No. 154 answered with Question No. 127.*

#### **Traffic Management.**

155. **Mr. Durkan** asked the Minister for Transport the extent to which he has resolved transport difficulties, existing or anticipated, in respect of the competition between road and rail traffic at the Red Cow roundabout; and if he will make a statement on the matter. [6821/04]

**Minister for Transport (Mr. Brennan):** In parallel with the opening to traffic of the Dublin Port tunnel in 2005, Dublin City Council will be introducing a heavy goods vehicle traffic management strategy to ensure that maximum traffic benefits are secured from the DPT. The development and implementation of that strategy are primarily matters for Dublin City Council.

I understand that the position relating to the Red Cow roundabout is that the upgrade works proposed at the roundabout as part of the overall M50 upgrade project are intended to remove as much traffic as possible from the signal-controlled environment through the provision of additional structures and free-flow slips that are separated from other traffic movements. That will significantly increase the overall capacity of the interchange and reduce the Luas-car interface so that both the road and Luas network will have increased capacity to maintain a satisfactory level of service. The proposed works will reduce significantly the volume of traffic interfacing with Luas, that is, traffic crossed by Luas. Subject to satisfactory progress in planning and design and securing An Bord Pleanála approval, it is expected that work on upgrading the Red Cow interchange will commence in Spring 2005 and be completed by spring 2007.

In the meantime, both the Railway Procurement Agency, RPA, and Dublin

Transportation Office, DTO, are satisfied that Luas, despite the current unsatisfactory traffic conditions at the Red Cow junction, will be able to operate satisfactorily using existing traffic signal sequences, pending the upgrade of the junction as part of the M50 upgrade project. The trams are driven in much the same way as a car or a bus in that drivers yield to other traffic if they are confronted with a red light.

#### **Traffic Regulations.**

156. **Mr. Sherlock** asked the Minister for Transport when he intends to introduce height restrictions for trucks; and if he will make a statement on the matter. [6798/04]

**Minister for Transport (Mr. Brennan):** To facilitate and inform the public consultation process on the question of the possible reintroduction of a maximum height for vehicles, I have decided to publish draft regulations together with a background paper which will outline the considerations of the various interests involved in the matter. I expect to be able to issue the draft regulations and information paper in the near future.

#### **Public Transport.**

157. **Mr. R. Bruton** asked the Minister for Transport the financial mechanisms in place to review infrastructural projects; and if he will make a statement on the matter. [6612/04]

**Minister for Transport (Mr. Brennan):** I refer the Deputy to my answer to Question No. 132 of 28 January 2004, in which I outlined the financial mechanisms in place in my Department to review infrastructural projects.

#### **Road Network.**

158. **Ms O'Sullivan** asked the Minister for Transport if his attention has been drawn to reported comments at a symposium in Dublin Castle earlier in 2004 from a European expert on transport stating that the national roads programme here failed every single one of 27 indicators of good transport policy; and if he will make a statement on the matter. [6794/04]

**Minister for Transport (Mr. Brennan):** I understand that, in the context of a presentation to the conference on investment in sustainable development held in Dublin on 2 February 2004, the vice-president of Transport and Environment Europe, a European non-governmental organisation focusing on transport and environmental issues, reviewed information on 27 indicators relating to transport and the environment published by the European Environment Agency as part of its reported mechanism, TERM, on the impact of transport on the environment.

The indicators are European-level indicators which relate to the transport sector overall. I understand that the presentation referred to by

the Deputy related to trends at European level regarding the integration of transport and environmental policies generally and not to the national roads programme in Ireland.

### Public Transport.

159. **Mr. P. McGrath** asked the Minister for Transport if he intends to bring forward integrated ticketing and smart card technologies; and if he will make a statement on the matter. [6733/04]

196. **Mr. Murphy** asked the Minister for Transport if he intends to bring forward integrated ticketing and smart card technologies; if money has been allocated for this purpose in his Department's Estimates for 2004; and if he will make a statement on the matter. [6736/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 159 and 196 together.

The Railway Procurement Agency, RPA, has statutory responsibility for the implementation of an integrated ticketing system based on smart card technologies for initial deployment in the Dublin area. The RPA has set a target date of 2005 for the launch of the full smart card based integrated ticketing system in Dublin. It continues to examine all options to expedite the delivery of integrated ticketing with a view to bringing forward the proposed launch date. An important step will be the launch later this year by the Railway Procurement Agency of smart cards on Luas services.

The allocation for integrated ticketing in the 2004 Estimates for my Department is €9.5 million.

### Road Safety.

160. **Mr. J. O'Keeffe** asked the Minister for Transport his views on whether confusion exists as to the entitlement of motorists to use the hard shoulder between motorway and non-motorway roads; and his further views on whether it is in the interests of road safety to clarify this confusion and to apply similar regulations to both. [6824/04]

**Minister for Transport (Mr. Brennan):** There are clear distinctions between the rules governing the use of motorways and other roads and I am not aware of difficulties being experienced by motorists in the use of hard shoulders on motorways as distinct from all other roads. The Road Traffic (Traffic and Parking) Regulations 1997 to 1998 establish that vehicles are prohibited from using the hard shoulders on motorways. The only exception to that rule occurs where a vehicle is broken down, on which occurrence the driver is required to obtain assistance to facilitate the early removal of the vehicle from the motorway.

No similar prohibitions apply to roads other than motorways. Hard shoulders on such roads serve a number of functions, including the

facilitation of pedestrians, cyclists and slow moving vehicles, all of which are not allowed to enter a motorway. I will arrange for a review of the traffic and parking regulations to be undertaken later this year and, in that context, I will examine any submission the Deputy wishes to make about the issue raised in this question.

Question No. 161 answered with Question No. 134.

162. **Mr. Gilmore** asked the Minister for Transport the expected publication date of the blueprint for improved truck safety; and if he will make a statement on the matter. [6774/04]

**Minister of State at the Department of Transport (Dr. McDaid):** I have no plans for the publication of a document concerned specifically with truck safety. The Programme for Government states that a three year road safety strategy will be developed and will target speeding, drink driving, seatbelt wearing and pedestrian safety in order to reduce deaths and injuries. The strategy will outline a range of issues that it is intended will be pursued over the three year period 2004-06. In overall terms, measures will focus on the areas of education, enforcement, engineering and legislation and will target the key areas of speeding, driving while intoxicated and seatbelt wearing. The strategy will set targeted reductions in the numbers of deaths on the roads and implementation of the measures set out in the strategy will lead to increased safety on the roads for all road users, including truck drivers. I expect the strategy to be published shortly.

I am committed to ensuring that vehicles used on Irish roads conform to high safety standards both in terms of the vehicles themselves and the driving of them. Vehicle safety is being addressed primarily through the implementation of EU measures and the updating of national regulations. Safety standards for new motor vehicles are constantly being improved through the operation of the EU motor vehicle type approval system, which specifies harmonised standards for motor vehicles and motor vehicle components in the EU, and is reflected in the setting of revised standards for new vehicle entry into service. Vehicle testing also makes a valuable contribution to road safety by identifying defective vehicles and by developing an appreciation of the importance of regular service and proper maintenance of vehicles.

Question No. 163 answered with Question No. 127.

### Light Rail Project.

164. **Mr. Deasy** asked the Minister for Transport the supervision role of his Department in the Luas project; and if he will make a statement on the matter. [6609/04]

**Minister for Transport (Mr. Brennan):** The Railway Procurement Agency is responsible for

[Mr. Brennan.] the delivery of the Luas project. The agency has confirmed that it complies with the requirements of the code of practice for the governance of State bodies, including conformity with the guidelines for the appraisal and management of capital expenditure in the public sector.

A light rail monitoring committee is in place and comprises representatives of my Department, the Department of Finance and the Railway Procurement Agency. Independent technical experts, who report to the Department on a monthly basis, assist the light rail monitoring committee. The RPA also reports on programme and budgetary issues to my Department on a monthly basis.

Luas passenger services will commence on the Tallaght line at the end of August 2004 and on the Sandyford line at the end of June 2004. The RPA has informed me that the project is within the €691 million budget and €84 million risk provision as notified to the Government in 2002.

*Questions Nos. 165 and 166 answered with Question No. 125.*

#### **Road Network.**

167. **Mr. O'Dowd** asked the Minister for Transport the progress on the delivery of the inter-urban motorways; and if he will make a statement on the matter. [6623/04]

171. **Mr. O'Shea** asked the Minister for Transport if the new target date of 2007 set for the completion of full motorways compares with the projected timetable provided in the national development plan; and if he will make a statement on the matter. [6793/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 167 and 171 together.

The current position with the upgrading of the five major inter-urban routes to motorway or high quality dual carriageway standard is that the M1 is expected to be completed by end 2006. Work is underway on major projects on the N7 — Monasterevin bypass and Limerick southern ring road, phase 1; on the N8 — Cashel bypass; and on the N4-N6 — Kilcock-Kinnegad. Work is expected to start this year on the Dundalk western bypass and Dundalk to Newry sections of the M1, the Fermoy bypass on the N8, Waterford city bypass on the N9-N25 and the Naas Road widening on the N7. Completion of these projects will eliminate many of the major bottlenecks on these routes.

In addition it is expected that compulsory purchase orders and environmental impact statements for the remaining projects in planning on these routes will either be approved by, or be before, An Bord Pleanála by end 2004. With regard to the national roads programme overall, it should be noted that since 2000 a total of 37 projects, over 250kms, have been completed.

Work is in progress on 17 projects, 150kms, and another 16 projects, 150kms, are at tender stage.

On the basis of current planning and funding the NRA estimates that the completion of these routes, other than the M1, will extend to 2010 compared to 2006 as mandated in the NDP. In response to a request from me, the NRA is considering, in the context of the multi-annual programme being prepared in response to the announcement by the Minister for Finance of a multi-annual funding framework for capital investment, the scope to bring forward the completion of the Cork-Dublin and Galway-Dublin routes to 2007.

*Question No. 168 answered with Question No. 126.*

#### **Traffic Regulations.**

169. **Mr. Cuffe** asked the Minister for Transport if it will be possible under new speed regulations to introduce 30 kph speed limits on sections of the city centre road network such as along the city quays or on streets such as Pearse Street, Westmoreland Street and College Green. [6813/04]

**Minister for Transport (Mr. Brennan):** A broadly based working group established last year to review speed limit policies, against the backdrop of the adoption of metric values for speed limits, has presented a comprehensive report that incorporates a wide range of recommendations. The report is available on my Department's website and copies have been forwarded to the Oireachtas.

The working group recommended that a default speed limit of 50 kmh should apply in built-up areas. This value is very similar to the current default speed limit of 30 mph in built-up areas. In addition a particular recommendation has been made with regard to the introduction of a special low speed limit of 30 kmh for some residential areas that meet certain criteria, in particular where appropriate traffic calming measures are provided. The working group envisaged that the application by local authorities of this special low speed limit would be subject to guidelines to be issued by my Department.

I have given careful consideration to the working group's recommendations. I intend to bring the necessary legislative proposals needed to support new speed limit structures based on the working group's report before the Oireachtas shortly.

#### **Roads Funding.**

170. **Mr. O'Shea** asked the Minister for Transport the details of the agreement reached between his Department and the Department of Finance on a multi-annual funding arrangement for the National Roads Authority; and if he will make a statement on the matter. [6792/04]



**Minister for Transport (Mr. Brennan):** The multi-annual funding framework for capital investment announced by the Minister for Finance in Budget 2004 provides for a total investment of €8.2 billion, £6.857 billion. Exchequer and €1.35 billion provide sector funding in the national roads development programme over the period 2004-2008. My Department and the Department of Finance are currently preparing an agreement to underpin the funding envelope for capital investment in the transport sector including national roads. It is envisaged that the agreement will incorporate provisions relating, *inter alia*, to the annual funding levels, contractual commitments and reporting and monitoring arrangements. As part of the process the NRA are preparing a multi-annual funding plan for the 2004-08 period.

*Question No. 171 answered with Question No. 167.*

*Question No. 172 answered with Question No. 125.*

*Question No. 173 answered with Question No. 124.*

*Question No. 174 answered with Question No. 138.*

#### **Road Traffic Offences.**

175. **Ms Burton** asked the Minister for Transport his views on figures released by the Garda showing that over the Christmas 2003 period, while the number of motorists breath tested fell, the number of arrests did not fall in proportion; if his attention has been drawn to the fact that officers stated that there is no apparent reason for this discrepancy; and if he will make a statement on the matter. [6766/04]

**Minister for Transport (Mr. Brennan):** Enforcement of traffic laws generally is a matter for the Garda Síochána. In addition the question of making a determination as to whether or not a person may be charged with an offence under the road traffic Acts is also a matter for the Garda acting in consultation with the Director of Public Prosecutions.

I understand that the Garda made some data available to the press relating to the provisional results of the operation of their traffic enforcement campaigns over the Christmas period. I understand that the data issued by the Garda Síochána included statistics showing that the number of persons who were required to undergo roadside breath tests exceeded the number of arrests made for drink driving offences in the same period. In general terms, trends in the figures relating to the number of roadside tests administered and the number of those arrested over a specific time period may differ for a number of reasons including timing factor

concerning the administration of tests, subsequent arrests and prosecutions.

#### **Regional Airports.**

176. **Mr. McCormack** asked the Minister for Transport his plans for the development of regional airports; and if he will make a statement on the matter. [6604/04]

**Minister for Transport (Mr. Brennan):** The programme for Government provides for the continued support of our six regional airports. My Department provides a range of financial mechanisms in support of this objective.

With regard to capital funding, grant-aid of approximately €9.2 million has already been approved under first round allocations under the regional airports measure of the NDP. The primary objective of this measure is to facilitate continued safe and viable operations at the regional airports. A further round of projects will be considered for funding under the measure later this year.

My Department also administers a grant scheme to assist the regional airports with marketing, safety and security related current expenditure. The total amount provisionally allocated in the Estimates for 2004 is €2.24 million and the individual amounts for each airport will be determined shortly.

The Government's commitment to regional airports will continue. However, the scale of Exchequer assistance to the regional airports will have to be carefully assessed in line with general airport and aviation policy and the availability of Exchequer funds.

#### **Taxi Regulations.**

177. **Ms McManus** asked the Minister for Transport when the new legislation barring those with criminal records for serious offences such as murder, rape, sexual assault and some traffic offences, will take effect; the measures required from the Garda to ensure the full implementation of the new regulations; and if he will make a statement on the matter. [6789/04]

**Minister for Transport (Mr. Brennan):** Under existing provisions in the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002 all applicants for licences to drive small public service vehicles, taxis, hackneys and limousines, must satisfy the Garda Commissioner that they are a fit and proper person to hold a licence, and that they have an adequate knowledge of general traffic regulations, the regulations relating to public service vehicles and the area in which they propose to make services available as a driver of a small public service vehicle. All applicants for such licences are vetted by gardaí for the purpose of establishing if applicants are fit and proper persons to hold such licences.

The Garda Commissioner may at any time revoke a licence to drive a small public service vehicle if he considers that the holder of the



[Mr. Brennan.]

licence is no longer a fit and proper person to hold such a licence. It is of course open to individual licence applicants to appeal Garda decisions to refuse or revoke a licence to the courts.

Section 36 of the Taxi Regulation Act 2003 provides for a system of automatic disqualification from applying for or holding a small public service driver or vehicle licence in respect of persons who have been convicted of one of a range of very serious offences, including murder, manslaughter and various sexual, drug trafficking and other offences. A person who is affected by these provisions can request the courts to allow them to apply for a licence in certain restricted circumstances. In addition, where a person has been convicted of one of a number of other serious traffic offences after the commencement of the relevant subsection, he or she will be disqualified for holding a licence to drive a small public service vehicle for a period additional to any driving disqualification that is applied.

I will make a decision regarding the timing of the commencement of the above provisions following the completion of consultations between my Department and the Garda, the Courts Service and other interested parties and the putting in place of appropriate administrative and other arrangements to facilitate their full implementation.

*Question No. 178 answered with Question No. 144.*

*Question No. 179 answered with Question No. 136.*

*Question No. 180 answered with Question No. 124.*

### **State Airports.**

181. **Mr. M. Higgins** asked the Minister for Transport his position on the status of the Shannon stopover; if he intends entering into negotiations with Aer Lingus and US authorities to alter the US-Ireland bilateral trade pact on the Shannon stopover to halve the number of US flights into Shannon Airport; and if he will make a statement on the matter. [6776/04]

**Minister for Transport (Mr. Brennan):** I refer the Deputy to my reply to a Priority Question on this subject.

As I previously indicated to the House on a number of occasions, I have authorised my officials to seek negotiations with the US on possible phased amendments to the Ireland-US bilateral agreement. No dates have yet been finalised for such negotiations.

My Department has also been in contact with the European Commission to inform it of the intended negotiations with the US. While I have on several occasions stressed to the Commission

the importance of the Shannon issue for the Irish authorities, I believe that the best prospects for achieving the most advantageous outcome for Irish aviation and tourism, including Shannon airport, lie in direct Ireland-US talks.

On 5 February I met with the Aer Rianta unions for further discussions on the dual gateway status of Shannon. There will be further discussions with the unions and the Shannon board designate before my negotiating position is finalised. I am sure the Deputy will appreciate that it would not be appropriate to publicise my negotiating position in advance.

*Question No. 182 answered with Question No. 134.*

### **Legislative Programme.**

183. **Mr. J. O'Keeffe** asked the Minister for Transport if he will amend the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002 to make it clear that a person who uses a wheelchair can be regarded as a fit and proper person for the grant of a hackney vehicle licence, despite being unable to climb up and down stairs for the purpose of providing assistance to the hirer in loading and unloading luggage. [6823/04]

**Minister for Transport (Mr. Brennan):** I have no proposals to amend the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002 in this regard.

As indicated in my reply to Question No. 134 of 28 January 2004, there are separate requirements for the granting of a hackney licence in respect of the vehicle and the granting of a small public service vehicle driver's licence in respect of the driver of the hackney.

A hackney vehicle licence may be granted by the local licensing authority in respect of a particular vehicle following the presentation of a vehicle test certificate and a certificate of suitability issued in respect of the vehicle by the national car testing service, NCTS, demonstration that the use of the vehicle as a hackney is covered by insurance and the payment of the appropriate licensing fee of €250. Accordingly, a person who uses a wheelchair can be granted a hackney vehicle licence, subject to compliance with these requirements.

A hackney may only be driven by a person who holds a current small public service vehicle driver's licence. Under the public service vehicles regulations, the consideration of applications for the grant of a small public service vehicle driver's licence is administered by the Garda Commissioner. Applicants are required to have a current driving licence and must satisfy the Garda Commissioner that they are a fit and proper person to hold a licence to drive a small public service vehicle, that they have an adequate knowledge of general traffic regulations, the regulations relating to small public service vehicles and the area in which they propose to make services available as a driver of a small

public service vehicle. In these circumstances, it is a matter for decision by the Garda Commissioner as to the fitness of each individual applicant to be licensed to drive a small public service vehicle.

### **Light Rail Project.**

184. **Ms O. Mitchell** asked the Minister for Transport his plans for the Luas intersection at the Red Cow roundabout; and if he will make a statement on the matter. [6608/04]

**Minister for Transport (Mr. Brennan):** The position in regard to the N7-M50 junction, Red Cow roundabout, is that it is part of the overall plans for the upgrade of the M50. The National Roads Authority and South Dublin County Council are currently preparing plans, including a motorway order and environmental impact statement for the N7-M50, Red Cow, junction. The upgrade works at the Red Cow interchange are intended to remove as much traffic as possible from the signal controlled environment through the provision of additional structures and freeflow slips that are separated from other traffic movements. This will significantly increase the overall capacity of the interchange and reduce the Luas-car interface so that both the road and Luas network will have increased capacity to maintain a satisfactory level of service. The proposed works will reduce the volume of traffic interfacing with Luas, that is, traffic crossed by Luas, by more than half. Subject to satisfactory progress in planning and design and securing An Bord Pleanála approval, it is expected that work on upgrading the Red Cow interchange will commence in spring 2005 and be completed by spring 2007.

In the meantime, both the Railway Procurement Agency, RPA, and the Dublin Transportation Office, DTO, are satisfied that Luas, despite the current unsatisfactory traffic conditions at the Red Cow junction, will be able to operate satisfactorily using existing traffic signal sequences, pending the upgrade of the junction as part of the M50 upgrade project. The trams are driven in much the same way as a car or a bus in that tram drivers yield to other traffic if they are confronted with a red light.

*Question No. 185 answered with Question No. 124.*

### **Cycle Facilities.**

186. **Mr. Eamon Ryan** asked the Minister for Transport if his Department will enter into discussions with cycling campaign groups to discuss their concerns with regard to current regulations regarding the mandatory use of certain cycle lanes; and if he will make a statement on the matter. [6809/04]

**Minister for Transport (Mr. Brennan):** The statutory basis for the use of cycle tracks is set out in the Road Traffic (Traffic and Parking)

Regulations 1997 and 1998. A design manual for cycle facilities, entitled Provision of Cycle Facilities — National Manual for Urban Areas, was published in March 1998 by the Dublin Transportation Office, DTO, in association with the then Department of the Environment and Local Government. The manual comprises a comprehensive set of guidelines for the design and provision of cycle facilities and is intended to be of assistance to local authorities in ensuring that such facilities are implemented to a uniform and high standard. The 1998 manual is currently being reviewed by the DTO and is expected to be finalised later this year.

My Department, in conjunction with the DTO, is prepared to meet with cycling campaign groups to discuss any concerns they have in regard to road traffic issues.

*Question No. 187 answered with Question No. 115.*

### **State Aid to Ryanair.**

188. **Mr. Howlin** asked the Minister for Transport his position on the European Commission decision on grant aid received by a company (details supplied) from the Government of Wallonia, Belgium, to fly to Charleroi Airport; and if he will make a statement on the matter. [6777/04]

**Minister for Transport (Mr. Brennan):** As the Deputy will appreciate, it would not be appropriate for me to comment on the specifics of the European Commission's recent decision in regard to Charleroi Airport in Belgium since the decision concerned a matter which was solely within the Commission's competence, related to another member state of the European Union and could well be appealed to the European Court of Justice.

I understand that the full text of the decision on the Charleroi case is not yet available but the main findings were summarised in a lengthy press statement by the Commission early last month. It seems clear from that statement that the decision relates only to the particular circumstances of the Charleroi case, albeit that, as such, it could have a precedent effect for other cases. The decision does not, however, set out more general ground rules or guidelines for State-owned airports on an EU-wide basis and I understand that the Commission may be giving consideration to such guidelines.

The member states and the Commission should now take this opportunity to reflect on how the right balance can be achieved between the needs of low cost airlines and the longer term needs of airports in the context of balanced regional development. In this regard, I intend to use the Irish Presidency to have a discussion about these important issues at the Transport Council meeting next week.

### Rail Network.

189. **Mr. Timmins** asked the Minister for Transport his plans for the development of the Phoenix Park tunnel; if he has had discussions with Iarnród Éireann on the issue; and if he will make a statement on the matter. [6738/04]

**Minister for Transport (Mr. Brennan):** Consistent with the Dublin Transportation Office's "Platform for Change", Iarnród Éireann recently completed a study on the feasibility of providing an interconnector tunnel from Heuston Station to the docklands. At my request this study also examined the question of increased use of the Phoenix Park tunnel for passenger services between Connolly and Heuston stations. The completed study has been submitted to my Department and discussions have taken place, with Iarnród Éireann in particular, on to the timescale for the commencement of work on the project.

The company is looking at the potential of the Phoenix Park tunnel when the second phase of the DART upgrade programme is completed in 2007 and extra rail paths into Connolly Station become available.

*Question No. 190 answered with Question No. 118.*

### Public Transport.

191. **Mr. Durkan** asked the Minister for Transport if he has satisfied himself that full health and safety standards prevail throughout the road and rail public transport system; and if he will make a statement on the matter. [6822/04]

368. **Mr. Durkan** asked the Minister for Transport if recent steps have been taken or are likely to be taken to maximise health and safety factors at bus stops and railway stations; and if he will make a statement on the matter. [7051/04]

369. **Mr. Durkan** asked the Minister for Transport if all railway stations comply with adequate health and safety standards; and if he will make a statement on the matter. [7052/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 191, 368 and 369 together.

Safety on the rail network is the statutory responsibility of Iarnród Éireann and the Railway Procurement Agency. Iarnród Éireann has assured me that all railway operations on its network operate to strict standards which are in place to ensure the highest level of safety for its customers and staff, and similar standards are being put in place in respect of Luas.

The Government places the highest priority on the safety of our railways and has supported a detailed railway safety programme in recent years. In the five year period to the end of 2003, in excess of €600 million was invested by Government in infrastructural safety and the

development of safety management systems within Iarnród Éireann.

The railway safety task force has been reconvened with a remit to make recommendations to Government on a follow-on railway safety programme covering prioritised investment and safety management measures for the five year period 2004 to 2008. I expect the work of the task force to be completed shortly.

In addition, the Railway Safety Bill, when enacted, will provide an up-to-date framework within which railway undertakings must demonstrate safety adequacy and provides for a railway safety commission, which will have the appropriate powers to monitor and enforce compliance. The Bill also places duties on railway undertakings, their staff and third parties and requires railway undertakings to put in place formal safety management systems.

On State companies providing bus services, both Bus Éireann and Dublin Bus operate to the highest safety standard and have high training standards for their drivers. Safety of customers and staff takes precedence over all other matters.

All bus stops are sited following consultation with the Garda Síochána and the local authority and are only put in place after the Garda Síochána issues a statutory request for the stop. Safety considerations are taken fully into account in siting bus stops. In the light of the recent tragic events, it is proposed that the Department will request Dublin Bus, Bus Éireann, the RPA and Iarnród Éireann to provide an assurance that facilities for passengers boarding and alighting from buses, trams and trains conform to the appropriate safety standards.

*Question No. 192 answered with Question No. 136.*

*Question No. 193 answered with Question No. 138.*

*Question No. 194 answered with Question No. 144.*

*Question No. 195 answered with Question No. 125.*

*Question No. 196 answered with Question No. 159.*

### Road Traffic Offences.

197. **Mr. Gilmore** asked the Minister for Transport the action he intends to take to prevent the practice of truck drivers removing devices from their vehicles which restrict their speed; his views on whether there is a correlation between this practice and recent statistics from the National Roads Authority showing that 89% of all articulated lorry drivers break speed limits in 30 mph zones, 81% on motorways, 74% on dual carriageways and 74% on ordinary national primary main roads; and if he will make a statement on the matter. [6773/04]



**Minister of State at the Department of Transport (Dr. McDaid):** The fitting and use of speed limitation devices on vehicles is governed by the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 1993. The regulations provide that goods vehicles over 12,000 kg. shall, at all times when used in a public place, be equipped with a speed limitation device the set speed of which does not exceed 85 kph. The use of a vehicle subject to these regulations in a public place where a speed limitation is not fitted or, where fitted, is not functioning correctly are offences under the Road Traffic Acts. For a breach of the regulations, one will be liable to a fine not exceeding €800 in the case of a first offence, a fine not exceeding €1,500 in the case of a second or subsequent offence, and to a fine of €1,500 or to a term of imprisonment not exceeding three months or to a fine of €1,500 and a term of imprisonment not exceeding three months in the case of a third or subsequent offence in a period of 12 consecutive months. In addition, the Road Traffic Act 2002 provides that certain offences relating to speed limitation devices will attract between one and three penalty points.

The annual roadworthiness test for vehicles requiring speed limiters includes a check to establish that such a device is fitted and operating correctly.

Under current speed limit regulations 50 mph is the maximum speed limit for goods vehicles over 3,500 kilograms. It cannot be said that the findings from the NRA survey of speeds in rural and urban areas in 2002 confirm significant non-compliance with the speed limiter regulations. While the report does show that high proportions of articulated vehicles exceeded the speed limits with average speeds of 38, 53, 52 and 53 mph recorded for these vehicles on urban national roads, motorways, dual carriageways and national primary roads, respectively, none of these averages exceeds the 85 kmph or 53.15 mph limits at which speed limiter devices in these vehicles are required to be set.

*Question No. 198 answered with Question No. 118.*

### Community Employment Schemes.

199. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment

if she will review the criteria for eligibility of community employment schemes, to remove the three year cap and make allowance for workers over 50 years old to have unlimited time to work on community employment projects; and if she will make a statement on the matter. [6531/04]

206. **Mr. Kehoe** asked the Tánaiste and Minister for Enterprise, Trade and Employment, further to Question No. 146 of 11 February 2004, when the current review of the structure of the CE programme will be complete and changes to be made confirmed; and if she will make a statement on the matter. [6841/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** I propose to take Questions Nos. 199 and 206 together.

The future structure of the community employment programme is under review by a group of senior officials and FÁS who are expected to report to Ministers on the outcome of their deliberations shortly. The outcome of this review will inform any future adjustments in the structure and the terms and conditions of participation on community employment.

### EU Directives.

200. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures her Department has transposed following direction from the European Union since June 2002; and the measures which remain to be transposed into law. [6532/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The following tables detail the directives, under the aegis of my Department, that have been transposed in the period 1 June 2002 to date and are awaiting transposition.

A total of 41 directives were transposed in the period 1 June 2002 to date. The position of directives remaining to be transposed indicates a total of 23 directives to be implemented. Details of the directives still to be transposed, including, in so far as it has been decided, the proposed transposition instruments, are available on my Department's website at [www.entemp.ie/ecd/eudirectives.htm](http://www.entemp.ie/ecd/eudirectives.htm).

I am satisfied that my Department is giving all due priority to the task of implementing the provisions of EU directives in light of the available resources.

### Directives transposed since June 2002 to date

Directive Number	Title
1998/6/EC	Directive 1998/6/EC on requirements to indicate product prices Directive S.I. No. 639 of 2002
1998/50/EC	Council Directive 98/50/EC of 29 June 1998 amending Directive 77/187/EEC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses S.I. No. 131 of 2003
1998/71/EC	Directive 1998/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs S.I. No. 39 of 2001



Directive Number	Title
1999/44/EC	Directive 1999/44/EC on certain aspects of the sale of consumer goods and associated guarantees S.I. No. 11 of 2003
1999/45/EC	Directive 1999/45/EC of the European Parliament and of the Council of 31st May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations S.I. No. 62 of 2004
1999/70/EC	Council Directive 1999/70/EC concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP Protection of Employees (Fixed-Term Work) Act, 2003
1999/92/EC	Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15th individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) S.I. No. 258 of 2003
1999/103/EC	Directive 1999/103/EC on units of measurement S.I. No. 619 of 2002
2000/13/EC	Directive 2000/13/EC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs S.I. No. 483 of 2002
2000/31/EC	Directive 2000/31/EC of the European Parliament and of the Council of June 2002 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market S.I. No. 68 of 2003
2000/35/EC	Directive 2000/35/EC of the European Parliament and of the Council on combating late payment in commercial transactions S.I. No. 388 of 2002
2001/7/EC	Commission Directive 2001/7/EC of 29 January 2001 adapting for the third time to technical progress Council Directive 94/55/EC on the approximation of the laws of Member States with regard to the transport of dangerous goods by road S.I. No. 29 of 2004
2001/17/EC	Directive 2001/17/EC of the European Parliament and of the Council of 19 March 2001 on the reorganisation and winding-up of insurance undertakings S.I. No. 168 of 2003
2001/29/EC	Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society S.I. No. 16 of 2004
2001/41/EC	Directive 2001/41/EC of the European Parliament and of the Council of 19 June 2001 amending for the twenty-first time, Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations, as regards substances classified as carcinogens, mutagens or substances toxic to reproduction S.I. No. 220 of 2003
2001/58/EC	Commission Directive 2001/58/EC of 27 July 2001 amending for the second time Directive 91/155/EEC defining and laying down the detailed arrangements for the system of specific information relating to dangerous preparations in implementation of Article 14 of European Parliament and Council Directive 1999/45/EC and relating to dangerous substances in implementation of Article 27 of Council Directive 67/548/EEC (safety data sheets) S.I. No. 116 of 2003
2001/59/EC	Commission Directive 2001/59/EC of 6 August 2001 adapting to technical progress for the 28th time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances. S.I. No. 116 of 2003
2001/60/EC	Commission Directive 2001/60/EC of 7 August 2001 adapting to technical progress Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations S.I. No. 62 of 2004
2001/62/EC	Commission Directive 2001/62/EC of 9 August 2001 amending Directive 90/128/EEC relating to materials and articles intended to come into contact with foodstuffs S.I. No. 542 of 2002
2001/90/EC	Council Directive 2001/90/EC of 26 October 2001 adapting to technical progress for the seventh time Annex 1 to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (creosote) S.I. No. 220 of 2003
2001/91/EC	Commission Directive 2001/91/EC of 29 October 2001 adapting to technical progress for the eighth time Annex 1 to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (hexachloroethane) S.I. No. 220 of 2003
2001/101/EC	Commission Directive 2001/101/EC amending Directive 2000/13/EC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs S.I. No. 257 of 2003

Directive Number	Title
2001/107/EC	Directive 2001/107/EC of the European Parliament and of the Council of 21 January 2002 amending Council Directive 85/611/EEC on the co-ordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) with a view to regulating management companies and simplified prospectuses S.I. No. 497 of 2003
2001/108/EC	Directive 2001/108/EC of the European Parliament and of the Council of 21 January 2002 amending Council Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), with regard to investments of UCITS S.I. No. 212 of 2003
2002/16/EC	Directive 2002/16/EC of 20 February 2002 on the use of certain epoxy derivatives in materials and articles intended to come into contact with foodstuffs S.I. No. 76 of 2003
2002/17/EC	Directive 2002/17/EC of 21 February 2002 amending Directive 90/128/EEC relating to plastic materials and articles intended to come into contact with foodstuffs S.I. No. 542 of 2002
2002/45/EC	Directive 2002/45/EC of the European Parliament and of the Council of 25 June 2002, amending for the twentieth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (short-chain chlorinated paraffins) S.I. No. 220 of 2003
2002/51/EC	Directive 2002/51/EC of the European Parliament and of the Council of 19 July, 2002 relating to the reduction of the level of pollutant emissions from two or three-wheel motor vehicles and amending Directive 97/24/EC S.I. No. 570 of 2002
2002/61/EC	Directive 2002/61/EC of the European Parliament and of the Council of 19 July, 2002, amending for the nineteenth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (azocolourants) S.I. No. 220 of 2003
2002/62/EC	Commission Directive 2002/62/EC of 9 July, 2002 adapting to technical progress for the ninth time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (organostannic compounds) S.I. No. 220 of 2003
2002/78/EC	Commission Directive 2002/78/EC of 1 October, 2002 adapting to technical progress Council Directive 71/320/EEC relating to the braking devices of certain categories of motor vehicles and their trailers S.I. No. 570 of 2002
2002/80/EC	Commission Directive 2002/80/EC adapting to technical progress Council Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles S.I. No. 570 of 2002
2003/2/EC	Commission Directive 2003/2/EC of 6 January 2003, relating to restrictions on the marketing and use of arsenic (tenth adaptation to technical progress to Council Directive 76/769/EEC) S.I. No. 503 of 2003
2003/3/EC	Commission Directive 2003/3/EC of 6 January 2003, relating to restrictions on the marketing and use of “blue colourant” (twelfth adaptation to technical progress to Council Directive 76/769/EEC) S.I. No. 503 of 2003
2003/11/EC	Commission Directive 2003/11/EC of the European Parliament and of the Council of 6 February 2003, amending for the 24th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances S.I. No. 503 of 2003
2003/19/EC	Commission Directive 2003/19/EC adapting to technical progress European Parliament and Council Directive 97/27/EC relating to the masses and dimensions of certain categories of motor vehicles and their trailers S.I. No. 421 of 2003
2003/28/EC	Commission Directive 2003/28/EC of 7 April 2003 Adapting to Technical Progress for 4th time to technical progress Council Directive 94/55/EC on the approximation of the laws of Member States with regard to the transport of dangerous goods by road S.I. No. 29 of 2004
2003/34/EC	Directive 2003/34/EC of the European Parliament and of the Council of 26 May 2003; amending for the 23rd time Council Directive 76/796/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction) S.I. No. 503 of 2003
2003/36/EC	Directive 2003/36/EC of the European Parliament and of the Council of 26 May 2003; amending for the 25th time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction -c/m/r) S.I. No. 503 of 2003
2003/76/EC	Commission Directive 2003/76/EC of 11 August, 2003 amending Council Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles S.I. No. 421 of 2003
2003/77/EC	Commission Directive 2003/77/EC of 11 August, 2003 amending Directives 97/24/EC and 2002/24/EC of the European Parliament and of the Council relating to the type-approval of two or three-wheel motor vehicles S.I. No. 421 of 2003

## Directives awaiting Transposition

Directive Number	Title
1994/48/EC	Directive 94/48/EC of the European Parliament and of the Council of 7 December 1994 amending for the 13th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations
1999/36/EC	Council Directive 1999/36/EC of 29 April 1999 on transportable pressure equipment
2000/34/EC	Directive 2000/34/EC amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive
2001/2/EC	Commission Directive 2001/2/EC of 4 January 2001 adapting to technical progress Council Directive 1999/36/EC on transportable pressure equipment
2001/45/EC	Directive 2001/45/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual directive within the meaning of Article 16(1) of Directive 89/391/EEC).
2001/65/EC	Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions
2001/84/EC	Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art
2001/86/EC	Council Directive 2001/86/EC supplementing the Statute for a European company with regard to the involvement of employees
2001/95/EC	Directive 2001/95/EC to amend Directive 92/59/EEC adopted in June 1992 to harmonise the measures of the Member States aimed at imposing a general obligation to market only safe products, to ensure both a consistent and high level of protection of consumer health and safety throughout the EU and the proper functioning of the internal market.
2002/14/EC	Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community
2002/44/EC	Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibrations) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)
2002/50/EC	Commission Directive 2002/50/EC of 6 June 2002 adapting to technical progress Council Directive 1999/36/EC on transportable pressure equipment
2002/74/EC	Amending Council Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer
2003/6/EC	Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation (market abuse)
2003/10/EC	Directive 2003/10/EC of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)
2003/18/EC	Directive 2003/18/EC of the European Parliament and of the Council of 27 March 2003, amending the Council Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work.
2003/53/EC	Directive 2003/53/EC of the European Parliament and of the Council of 18 June 2003: amending for the 26th time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement)
2003/58/EC	Directive 2003/58/EC of the European Parliament and of the Council of 15 July 2003 amending Council Directive 68/151/EEC as regards the disclosure requirements in respect of certain types of companies
2003/72/EC	Council Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of employees
2003/105/EC	Commission Decision of 17 February 2003 recognising in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of spiromesifen and metrafenone in Annex I to Council Directive 91/414/EEC
2004/1/EC	Commission Directive 2004/1/EC amending Directive 2002/72/EC as regards the suspension of the use of azodicarbonamide as blowing agent
2004/13/EC	Commission Directive 2004/13/EC amending Directive 2002/16/EC on the use of certain epoxy derivatives in materials and articles intended to come into contact with foodstuffs.
2004/14/EC	Commission Directive 2004/14/EC amending Directive 93/10/EEC relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs

### Work Permits.

201. **Mr. P. Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a work permit will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [6582/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** A work permit application in respect of this person was received on 22 December 2003 and is being processed. More information concerning the application was requested from the employer on 4 February 2004 and is awaited.

202. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the procedures whereby the spouses of non-EU work permit holders are now entitled to apply for employment here; and if she will make a statement on the matter. [6587/04]

203. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the criteria for spouses of persons with work permits entering the country and obtaining a work permit in their own right; the restrictions on the issuing of such permits; and if she will make a statement on the matter. [6628/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I propose to take Questions Nos. 202 and 203 together.

On 18 February 2004 I announced the introduction of an initiative to facilitate easier access to the Irish labour market by spouses of certain skilled non-EEA nationals working in Ireland. This change will apply to the following: spouses of persons on working visas or work authorisations, that is, health professionals; construction professionals; IT professionals; and spouses of persons on intra-company transfer for longer than one year; and spouses of certain research specialists. A spouse of any of these categories of workers will still require a job offer from an employer in any sector. The employer then applies for a work permit from my Department. This process will be made as simple and as straightforward as possible. The operational details of the scheme are being finalised with relevant Departments and the Garda national immigration bureau and will be announced shortly.

### Labour Market Developments.

204. **Mr. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her Department's estimate for the impact of EU enlargement from 1 May 2004 on the labour market here, especially for the period up to the end of 2005; and the statistics on the number of non-EU workers employed here by non-EU contractors. [6636/04]

### Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

Over the past three years, the number of new work permits issued in respect of non-EEA workers including accession state nationals has been dropping from 29,500 in 2001 to 23,300 in 2002 and was just under 22,000 last year. Of these, it is estimated that more than 3,000 represent workers changing jobs each year. While the number of new permits has been falling, the annual number of renewals has been rising steadily from 6,500 renewals in 2001 to more than 25,000 last year.

One of the effects of accession will be that the demand for non-EEA labour is expected to reduce when, from 1 May 2004, employers will be able to hire workers directly from the accession states without the need for work permits. My Department is advising employers to source necessary foreign labour requirements from this source and preference is being given to work permits in respect of accession state nationals. It is expected that any increase in the inflow of accession state nationals will be offset by the reduction in permits issued in respect of non-EU nationals after 1 May 2004.

Several non-EU contractors are involved in major infrastructure projects in this country and have received work permits to employ non-EEA workers. Some of the work permits sought by these contractors are in respect of workers already in their employment abroad. While no information is available on the total number of such contractors, I am informed that the number is small.

### Regional Aid.

205. **Mr. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the operation of the EU's multisectoral framework on regional aid for large investment projects which has recently come into force; and the reason the Government agreed to this framework in view of the adverse impact this may have on the work of IDA Ireland especially in sourcing external investment for unemployment blackspots in the Dublin region. [6637/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** In March 2002, the European Commission approved new rules to establish a faster, simpler and more accountable control system of government support to large investment projects in the EU. The multisectoral framework on regional aid for large investment projects is intended to create greater transparency and reduce the overall level of subsidies granted in the EU. The new framework entered into force generally on 1 January 2004.

In November 2001, during the course of negotiations on the new framework, I made representations to the European Commission on several issues such as the number of notifiable cases, the level of aid allowed, criteria for



[Ms Harney.]

disallowing all aid in certain cases and the publication of information on all cases of significant size. As a result of my representations, favourable changes came about in all four areas, including the removal of the aid ban on projects of greater than €100 million, which would produce proprietary products. My representations were made following consultation with IDA Ireland.

Under Ireland's regional aid map for 2000 to 2006, regional investment aid in the Dublin region is permitted up to 17.5% of project investment costs for large companies. An additional 10% is permitted for small and medium-sized enterprises. There is no change in the new framework to the level of aid that can be provided to projects with eligible expenditure up to €50 million. For projects above that level, the rate of regional aid permitted is reduced in accordance with a sliding scale related to the size of the project.

The framework acknowledges that large investment projects benefiting from regional investment are more capital intensive than smaller projects. As a consequence, a more favourable treatment of smaller investment projects translates into a more favourable treatment in assisted areas of projects that are more labour intensive, thus contributing to job creation and unemployment reduction. Since the framework has come into force, no IDA projects have had to be notified to the Commission by Ireland and no projects have been prevented from investing in Ireland as a result of the framework. In this context, it is important to emphasise that the framework is not a unilateral requirement on Ireland but applies to all member states. Therefore, there is a level playing field in terms of compliance obligations across the EU.

While the new framework that came into effect on 1 January 2004 has tightened the criteria for the granting of regional aid, IDA Ireland continues to promote foreign direct investment into Ireland, to create a pipeline of projects and to convert these projects into investment on the ground within the terms of the framework. The framework has not impacted on IDA Ireland's ability to source investment for unemployment blackspots in the Dublin region or elsewhere. This is partly a reflection of the fact that the thresholds set out in the framework are still relatively high and relate to large-scale projects. Many of the projects in the internationally-traded services area that wish to locate in Dublin and form a significant proportion of both global flows of foreign direct investment and IDA Ireland's new business, while substantive investments in their own right, are typically not of a scale that would bring the framework thresholds into effect.

*Question No. 206 answered with Question No. 199.*

### **Job Protection.**

207. **Mr. C. Lenihan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the efforts her Department and the agencies that report to her make in relation to the issue of job retention rather than job creation; and if there is a special section within her Department to monitor developments in this area. [6958/04]

208. **Mr. C. Lenihan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the studies her Department and agencies reporting to her Department, made in relation to the job retention issue in the context of the general drive to make the economy more competitive; and if she will make a statement on the matter. [6959/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I propose to take Questions Nos. 207 and 208 together.

Enterprise in Ireland creates the employment, prosperity and tax base that has supported our economic growth in recent years. We must create the best framework conditions and a business environment that will encourage and sustain such enterprise and the vital jobs that are maintained by business in Ireland. The enterprise support agencies under my Department are key agents in delivering the necessary supports to their clients to help both employment retention and growth. My officials are in regular contact with the agencies to monitor progress on these enterprise development objectives. Their performance in helping maintain employment, particularly among Irish firms, has been successful in the face of recent difficult global economic forces.

Sustainable employment is based on competitiveness, higher productivity and the application of technology in both existing and new enterprises. My Department has mandated its development agencies to review and redesign their enterprise support programmes so that corporate competitiveness is at the top of their agenda. The development agencies, IDA Ireland, Enterprise Ireland, Shannon Development, FÁS, Science Foundation Ireland, InterTrade Ireland and Forfás, are committed to the support and development of existing enterprise as well as the creation of new industries. The agencies are working to increase the embeddedness and competitiveness of existing companies and have instituted programmes to develop this through increasing research and development, assisting firms to expand their export capacity and identifying potential new niches for Irish-based enterprises. In addition, the agencies continue to support the development of competencies, upskilling of employees and creation of intra-business networks. They also advise on infrastructure development which is a key issue for enterprise competitiveness.

Forfás and the National Competitiveness Council regularly commission external studies on the policies and actions necessary to improve

framework conditions for industry to make the economy more competitive. The most notable studies carried out in 2003 in this regard were: NCC Statement on Inflation; Submission to Mid-Term Review of the National Development Plan; Annual Competitiveness Report 2003; Competitiveness Challenge 2003; Key Waste Management Issues in Ireland — Update Report; Broadband Telecommunications Benchmarking Study; and Review of the Role of County and City Enterprise Boards in the Development of Micro-Enterprises.

One ongoing Forfás study aims to address job retention and the minimisation of job losses from the transfer of manufacturing operations to lower cost environments. This study is examining ways to encourage multinational corporations to diversify their activities into research and development to increase their embeddedness in the Irish economy. The preliminary findings show that there are significant opportunities to increase the involvement of existing companies here in undertaking more research and development in Ireland.

Last July, I asked the enterprise strategy group under the chairmanship of Eoin O'Driscoll to recommend and prioritise new strategies and policies to ensure that the prosperity we enjoyed in the past decade will continue into the future. Some of the areas I have asked the group to examine concern what we need to do to strengthen our existing enterprise environment, to promote an innovation and knowledge-driven economy and help sustain those industries already providing employment here. The group is working to submit a report to me by mid-2004.

#### Departmental Properties.

209. **Mr. P. Breen** asked the Minister for Defence if a report was prepared by Aer Rianta in 1992, entitled Review of Planning Policy in the Environs of Casement Aerodrome, Baldonnel, for the Department of Defence; if this report confirmed that a draft protected area order was prepared for Baldonnel Aerodrome pursuant to section 36 of the Defence Act 1954; if a copy of such a draft protected area order was transmitted to Dublin County Council in the mid-1950s; and if he will make a statement on the matter. [6578/04]

**Minister for Defence (Mr. M. Smith):** A report prepared by Aer Rianta for the Department of Defence in 1992, entitled Review of Planning Policy In the Environs of Casement Aerodrome, Baldonnel, for Department of Defence, referred to a draft protected area order pursuant to section 36 of the Defence Act 1954. The report goes on to say that:

Following consultation with the Department of Transport and Power and the Planning Department of Dublin County Council, and on receipt of an undertaking from the Dublin Planning Office in June 1957, it was agreed by

the Department of Defence that the promulgation of the Protected Area Order was not necessary at that time. The undertaking received was that Dublin County Council Planning Department would consult with the Department of Defence before a decision was made in relation to any proposed development which conflicted with the terms of the Draft Order.

This arrangement, which was designed to ensure the safety of air traffic *en route* to and from Casement Aerodrome, has operated satisfactorily down the years and, accordingly, it has not been necessary to introduce a protection area order as provided for at section 36 of the Defence Act 1954.

#### Defence Forces Property.

210. **Mr. Hogan** asked the Minister for Defence if a piece of furniture (details supplied) is stored at Army headquarters in Dublin; and if he will make a statement on the matter. [6679/04]

**Minister for Defence (Mr. M. Smith):** A desk reputed to have been used by Michael Collins is located in Military Archives, Cathal Brugha Barracks.

#### Animal Mobility.

211. **Cecilia Keaveney** asked the Minister for Agriculture and Food the investigations that are progressing to improve domestic animal mobility to enable owners to take their pets abroad on holiday; and if he will make a statement on the traceability and health protection measures in place or due for introduction. [6862/04]

**Minister for Agriculture and Food (Mr. Walsh):** Under current legislation, all pet dogs or cats brought into Ireland, other than pets coming from the UK, must undergo six months' quarantine. A new harmonised system for the EU has now been agreed. Under this new system, it will be possible to bring pet dogs and cats directly into Ireland from a range of countries deemed low-risk for rabies, provided that certain conditions are met.

The new system comes into effect on 3 July 2004. From that date pet dogs and cats can travel directly into Ireland provided that the animal is travelling from an eligible country — the list of eligible countries is yet to be drawn up but will certainly include all west European countries, Australia, New Zealand and, probably, North America; the animal is identified by means of a microchip; the animal has been vaccinated against rabies; the animal has, at least six months before entry, been successfully blood-tested for rabies antibodies; and the animal has been correctly treated for tick and tapeworm. The evidence that an animal complies with the last four of these conditions will be contained in its passport, a document standardised throughout the EU.

[Mr. Walsh.]

Transport companies and specific routes will be approved by the Department on conclusion of an operational agreement with the transport company and provided the port or airport is an approved entry point. In the case of air transport, approved airlines will be responsible for establishing that an animal is compliant with the conditions of the system before release from custody in the airport of destination. To be an approved entry point, the airport of destination would have to have suitable facilities available for inspection of animals. In the case of sea transport, approved ferry companies will establish that an animal is compliant before embarkation.

#### Grant Payments.

212. **Mr. Timmins** asked the Minister for Agriculture and Food the applications he will be considering for payment for grant aid under the Regional Programme 2002-2006 for investment aid for the potato sector; and if he will make a statement on the matter. [7171/04]

219. **Mr. Timmins** asked the Minister for Agriculture and Food when he will be considering applications for payment for grant aid under the Regional Programme 2002-2006 for investment aid for the potato sector; and if he will make a statement on the matter. [6659/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Question Nos. 212 and 219 together.

Since 1992, more than €19 million in grant aid has been provided in supporting infrastructural improvement in the potato sector through capital investment programmes to the value of €65 million in the grading, handling and storage of potatoes. The country now has more than 360,000 tonnes of storage capacity with a third of this in refrigerated storage and a further third in ambient stores. In light of the adequacy of the available storage capacity and the limitation on funding under the National Development Plan 2001-2006, it will not be possible to provide support for capital investment programmes for primary production in 2004. However, this matter will be reviewed for 2005 in the light of an examination of the investment requirements of the potato sector and budgetary circumstances at that time.

#### Milk Quota.

213. **Mr. Hogan** asked the Minister for Agriculture and Food when the necessary documentation in respect of the milk quota of a person (details supplied) in County Kilkenny will be completed; and if he will make a statement on the matter. [6533/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is examining an application to transfer quota to the named person's co-operative on foot of the purchase by

him of quota previously leased with land. The examination of this matter will be completed shortly and the person named and the co-operatives involved will be notified of the outcome.

#### Bovine Disease Controls.

214. **Mr. F. McGrath** asked the Minister for Agriculture and Food if the slaughter of tens of thousands of badgers as part of the so-called tuberculosis eradication scheme will be stopped; and if he will urgently reconsider this cruel practice. [6547/04]

**Minister for Agriculture and Food (Mr. Walsh):** The bovine tuberculosis eradication scheme is carried out in full compliance with EU Directive 64/432 and the level of tuberculosis in cattle has reduced from 17% in 1955 to 0.3% in 2003. It is now accepted that the presence of an infected maintenance host, the badger, is a major constraint to the final eradication of tuberculosis from the national herd. A multidisciplinary research programme involving staff from the Department, Teagasc and the universities is making significant progress in identifying improvements to the eradication programme. This research is driven by science.

Significant progress is also being made on the development of a vaccine strategy for the badger population. In this my Department and others are collaborating with scientific colleagues in the UK and New Zealand.

The present policy is scientifically based and kept under constant review. For instance, changes this year include a more focused contiguous herd testing policy, more use of the ancillary gamma interferon blood tests in target herds and a new enhanced computer system which will improve our analytical capacity. The results of the four-area study into the effect of local area badger removal will be published in the near future. This study is expected to confirm the results of the earlier east Offaly study which indicated a significant reduction in bovine tuberculosis levels following removal of badgers from an area. Under the PPF, a new wildlife unit has been established to focus on the TB blackspot areas of the country. The removal of badgers is carried out by trained staff and badger welfare is a major element in the working of the programme.

#### Grant Payments.

215. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food the position regarding an application for a person (details supplied) in County Cork for payment of a hardship grant. [6583/04]

**Minister for Agriculture and Food (Mr. Walsh):** Payment under the hardship grant scheme will issue shortly.



### Ministerial Appointments.

216. **Dr. Upton** asked the Minister for Agriculture and Food the number of appointments he has made to State boards since 1997; the number of women appointees during that same period; the way in which the percentage of women compares with the recommended 40%; and if he will make a statement on the matter. [6597/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have made a total of 212 appointments, including re-appointments, from 1997 to date, which includes 46 women. The Deputy should be aware that I do not have total discretion in such appointments. Some appointments are required to be made on the basis of nominations from farming and other relevant organisations and others by way of election by the body concerned. A total of 160 appointments were made at my sole discretion, and the 46 female appointments are included in this category.

### Live Exports.

217. **Mr. F. McGrath** asked the Minister for Agriculture and Food the EU regulations in place to protect live animals who are being transported; and if he will make a statement on the care and safety of live animals that are being exported. [6638/04]

**Minister for Agriculture and Food (Mr. Walsh):** Council Directive 91/628/EEC, as amended, lays down the rules governing the protection of animals during transport. The provisions of this directive have been transposed into Irish law by the Diseases of Animals (Protection of Animals During Transport) Order 1995, SI 98 of 1995; the Diseases of Animals (Protection of Animals During Transport) (Amendment) Order 1997, SI 326 of 1997; the Diseases of Animals (Protection of Animals During Transport) (Amendment) Order 2001, SI 215 of 2001; and the Diseases of Animals (Protection of Animals During Transport) (Amendment) Order 2003, SI 465 of 2003.

In addition, Ireland has introduced a series of statutory instruments going considerably beyond EU requirements concerning the carriage of cattle by sea. These require the approval by my Department of sea-going vessels intended for the carriage of cattle, having regard to the advice of veterinary and marine experts. They also include provisions relating to issues such as the physical conditions aboard the vessel, water and fodder supplies, ventilation and temperature control and vessel stability.

The European Commission has submitted a proposal for a new Council regulation on the protection of animals during transport to the Agriculture and Fisheries Council. The proposal is complex and of its nature, will require compromise by member states on a number of

aspects if it is to be brought to finality during the Irish Presidency.

### Departmental Staff.

218. **Mr. Timmins** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway was not considered for a senior supervisory agricultural officer position in view of the fact that they were on a live panel; the reason the panel was dissolved; the regulation under which it was dissolved; when a decision will be made in view of the fact that this person is pursuing their case through the mediation stage of the grievance procedure for civil servants; and if he will make a statement on the matter. [6658/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am satisfied that the correct procedures were applied in this case. The officer concerned was third on a panel for the position of senior supervisory agricultural officer, which was set up in April 1996 to fill two posts. The officers placed first and second on the panel were promoted.

The officer concerned has raised his case under the grievance procedure which is an agreed procedure under the conciliation and arbitration scheme for the Civil Service. There is provision for mediation under this procedure and the officer was provided with this service. My Department is prepared to continue this process. This procedure, which is agreed with all Civil Service unions, is the appropriate way for dealing with such cases.

*Question No. 219 answered with Question No. 212.*

### Grant Payments.

220. **Mr. Perry** asked the Minister for Agriculture and Food the payments that have been issued on a herd number (details supplied); if he will outline the subsidies outstanding; and if he will make a statement on the matter. [6663/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named was paid his full entitlement under the 2003 area-based compensatory allowance scheme amounting to €747.48 on 23 September 2003. The person named lodged two applications in respect of a total of two animals under the 2003 special beef premium scheme and has been paid the 80% advance in respect of both animals. Balancing payments are scheduled to commence in late March and early April.

The person named has to date submitted one application on 9 February 2004 in respect of one animal under the 2004 special beef premium scheme. Under the relevant EU regulations, advance payments under the 2004 scheme cannot be made until on or after 16 October 2004.

The person named has submitted an application under the 2003 extensification



[Mr. Walsh.] premium scheme. Payments under this scheme are due to commence in June 2004. This application will be considered in due course.

### EU Directives.

221. **Mr. Ring** asked the Minister for Agriculture and Food the reason the agreement reached with the IFA on the nitrates directive action programme has been broken. [6670/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the nitrates directive is in the first instance a matter for the Minister for the Environment, Heritage and Local Government. Under Sustaining Progress, it was agreed that the Government would engage with the main farming organisations and other interests on the development of the detailed provisions of the action programme for implementation of the nitrates directive. It was further agreed that in the context of the regime to be adopted to transpose the provisions of the directive, the Government would also use the flexibility in the directive to seek to secure European Commission approval for limits of up to 250 kg. of organic nitrogen per hectare per annum to be allowable in appropriate circumstances.

A draft action programme, prepared by the Department of the Environment, Heritage and Local Government in conjunction with my Department and in consultation with Teagasc, was presented in December last to representatives of the main farming organisations and other stakeholders. This draft programme included provision for limits of up to 250 kg. of organic nitrogen per hectare per annum to be allowable in appropriate circumstances, and was therefore fully in accordance with the Sustaining Progress agreement.

Written submissions on the draft action programme have been received from some 70 stakeholders, including the IFA. I will give consideration to the issues raised in the submissions in consultation with my colleague, the Minister for the Environment Heritage and Local Government, having regard to the need to finalise the terms of the action programme at an early date and submit definitive proposals to the European Commission. The draft action programme was also discussed at a meeting between officials and the farming pillar under Sustaining Progress at which the IFA was represented.

### Grant Payments.

222. **Mr. Penrose** asked the Minister for Agriculture and Food the steps taken to ensure that the suckler cow premium which is due to a person (details supplied) is paid out immediately; and the reason for the delay in this matter. [6674/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named applied for premium on 12 animals under the 2003 suckler cow premium scheme on 2 July 2003. According to the terms and conditions of the scheme, the closing date for receipt of applications was 27 June 2003. Where any application was received after 27 June but before 23 July 2003, the premium grants claimed thereon were to be reduced by a cumulative 1% for each working day the application was late. In this case a 3% reduction penalty will be applied as the application was late by three working days.

While processing the application it was found that, according to CMMS records, four animals, tag numbers XGA846978, XJA698074, XJA699417 and ZWNV0013K, were not recorded as being in his ownership or possession at the time of application. Correspondence from the district livestock office of my Department issued to the person named on 14 July 2003 regarding this matter.

The herdowner requested that the movement dates for the animals be amended and he was issued with a form NBAS 17 by the national beef assurance section in Portlaoise. Correspondence issued from NBAS to the person named on 9 February 2004 informing him that the movement dates for the animals could not be amended unless he provided sufficient evidence to show when the animals were purchased. No further information has been received from the herdowner to date. If a response is not received shortly, the application will be processed further on the basis of the details available on CMMS.

### Farm Retirement Scheme.

223. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the number of farmers who entered into the farm retirement scheme from the beginning; and the numbers in payment under the scheme. [6675/04]

**Minister for Agriculture and Food (Mr. Walsh):** A total of 10,275 applications were approved under the 1994 scheme of early retirement from farming of which 5,601 are still in payment. Since its commencement in November 2000, a total of 2,277 applications have been received under the early retirement scheme 2000. Of these 2,086 have been approved for payment, 60 have been refused, 113 are being processed and 18 were withdrawn. A number of the applications that were refused may yet be successful if the deficiencies identified in them are rectified.

224. **Mr. Timmins** asked the Minister for Agriculture and Food the position in relation to a pension for a person (details supplied) in County Carlow; if, in view of this, the decision can be re-examined; and if he will make a statement on the matter. [6710/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named entered the early retirement scheme in joint management with her husband. In keeping with the governing EU regulations, the early retirement pension is payable only as a supplement to any national retirement pension payable to the participant and, in the case of a joint management arrangement, to his or her spouse or partner also. As the combined value of the national retirement pensions payable to the person named and her husband exceed the value of the early retirement pension, payment of that pension must cease.

#### Grant Payments.

225. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) will receive their REP scheme payment. [6933/04]

**Minister for Agriculture and Food (Mr. Walsh):** The payment in question has issued to the person named.

#### Animal Welfare.

226. **Mr. Gregory** asked the Minister for Agriculture and Food if there are plans to prohibit the use of electricity to immobilise farm animals — electro-immobilisation — in light of scientific research indicating that the procedure results in physical and psychological stress and aversive behaviour, which has led to prohibition in other countries such as the UK; and if he will make a statement on the matter. [6934/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have no immediate plans for prohibition of this practice. I am, however, anxious to obtain an expert view in the matter and in that regard I am requesting the scientific advisory committee on animal health and welfare to evaluate the physical and psychological effects on animals subjected to this procedure and to furnish a view. I will await the committee's expert advice.

#### Grant Payments.

227. **Mr. Wall** asked the Minister for Agriculture and Food the position regarding an application by a person (details supplied) in County Louth for a REP scheme payment; and if he will make a statement on the matter. [6971/04]

**Minister for Agriculture and Food (Mr. Walsh):** The issues in this case have been appealed to the Independent Agriculture Appeals Office and an oral hearing has taken place. My Department is awaiting the outcome of the appeal.

#### Animal Feedstuffs.

228. **Mr. Timmins** asked the Minister for Agriculture and Food the situation with respect to the investigation into a newspaper article

(details supplied); and if he will make a statement on the matter. [6999/04]

**Minister for Agriculture and Food (Mr. Walsh):** As a result of co-operation between the respective authorities in both jurisdictions, Northern Ireland authorities conducted a search of premises in Northern Ireland. It is understood that the investigation referred to is continuing.

#### Tax Code.

229. **Ms Shortall** asked the Minister for Finance the tax liability of a pensioner who has been contributing to a social club associated with a place of work for many years and who receives a lump sum from the sale of the social club on the closure of the place of work. [6537/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that the receipt of a lump sum by a club member in the circumstances outlined is chargeable to tax in the hands of the recipient. If the social club is an incorporated body which is liquidated, the distribution to members from the proceeds of the sale of club assets is a capital distribution chargeable to capital gains tax, CGT, in the members' hands. If, however, the proceeds of sale are distributed prior to liquidation, or if the company is not liquidated, the members are chargeable to income tax on the distributions received. If the social club is an unincorporated body, the members are liable for the CGT arising on the disposal of club assets. In practice, the chargeable gain is computed on the sale of the property and the lump sum payment received by each member represents their share of that chargeable gain.

Where CGT applies, each member is charged on his/her net chargeable gains for the relevant year. These are the aggregate of all gains, including the gain on the sale of the social club, less capital losses. The resultant gain is reduced by the personal exemption of €1,270, €2,540 in the case of a married couple where both had chargeable gains. The balance is taxable at 20%. Indexation relief will apply in respect of the annual contributions paid in the period 6 April 1974 to 31 December 2002.

Where income tax applies, each member is charged to tax on the aggregate of the distribution received and the dividend withholding tax of 20%. However, the dividend withholding tax may be set off against the income tax payable for the relevant tax year.

As will be seen from the foregoing, the issues are somewhat complicated. If the person or persons concerned require further advice on this matter, it is advised that they contact the Revenue Commissioners who will be pleased to assist.

230. **Cecilia Keaveney** asked the Minister for Finance the supports which are available for a leisure centre development attached to hotels;

[Cecilia Keaveney.]  
and if he will make a statement on the matter.  
[6539/04]

**Minister for Finance (Mr. McCreevy):** Capital allowances are available for buildings or structures used for the purposes of the trade of hotel-keeping and are available for an attached leisure centre if the premises in its entirety — that is, the hotel and the leisure centre — is used for the trade of hotel-keeping. In the Finance Act 2003, I increased the period over which the capital allowances can be claimed from seven years to 25 years. Under transitional arrangements, the seven-year write-off period will continue to apply for capital expenditure incurred after 4 December 2002 and before 31

July 2006, where the relevant planning authority receives a full and valid planning application on or before 31 May 2003.

231. **Mr. F. McGrath** asked the Minister for Finance if he will provide the best possible advice for a person (details supplied). [6546/04]

**Minister for Finance (Mr. McCreevy):** I should explain that for the purpose of gift and inheritance tax, the relationship between the person who provided the gift or inheritance, that is, the donor, and the person who received the gift or inheritance, that is the beneficiary, determines the maximum tax free threshold. The group thresholds are indexed by reference to the consumer price index. The current year thresholds are as follows:

Group	Relationship to Donor	Group Threshold 2004
		€
A	Son/Daughter	456,438
B	Parent/Brother/Sister /Niece/Nephew/Grandchild	45,644
C	Relationships other than Group A or B	22,822

Any other gift or inheritance received within the same group by an individual since 5 December 1991 will be taken into account when applying the thresholds for the purposes of calculating CAT. If the total value of all inheritances and gifts received since this date is above the relevant threshold, then a 20% CAT will apply on the difference.

As the Deputy will be aware, the Revenue Commissioners are responsible for the administration of tax, including inheritance tax. The capital acquisitions tax division of the Revenue Commissioners, which deals with issues related to inheritance tax, is based in the Stamping Building, Dublin Castle, Dublin 2. If the recipient of the particular inheritance wishes to write to this division, every assistance will be given by Revenue on this matter. If this individual would like to call to the Revenue office in person, there is a personal caller facility provided by the capital acquisitions taxpayer information unit in the Stamping Building providing advice to customers in relation to gift and inheritance tax and assistance in completing associated tax forms. They can also provide advice and assistance, in conjunction with the probate office, to persons acting in a personal capacity in relation to extracting grants of probate/administration for a deceased's estate.

#### OPW Services.

232. **Dr. Upton** asked the Minister for Finance the future of the OPW services operated from a site (details supplied); the length of time the OPW will continue to work from this location; and the consultation that has taken place with staff on the future of the site. [6570/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The services operated from the site in question will be relocated to alternative premises. It is intended that the services will be located in premises which are currently being sourced and which will be as close as possible to the existing location. The location of the service in the longer term will have to be considered in the context of the announcement regarding decentralisation by the Minister for Finance in his budget speech. It is envisaged that the site will be handed over to Dublin City Council in July this year. Discussions have taken place with trade unions representing staff and further consultations will take place, as appropriate, regarding the proposed new location and other details of the transfer.

#### Financial Services Regulation.

233. **Mr. Perry** asked the Minister for Finance the plans that are in place to lift the restrictions posed on credit union lending by the Credit Union Act 1997, especially in respect to the ration of moneys to be lent and the timescale over which moneys can be lent; his views on the fact that the Government could also be of assistance to the movement in these areas by responding speedily to the requests made to the registrar of credit unions; and if he will make a statement on the matter. [6664/04]

**Minister for Finance (Mr. McCreevy):** The Credit Union Act 1997 provides a carefully balanced framework for the regulation of credit unions in the interests of their members. To this end, it lays down various restrictions designed to ensure that lending by credit unions is on a



prudent basis such that the savings of members are not put at risk.

I understand that the Irish League of Credit Unions has been in dialogue with the Registrar of Credit Unions on proposals to relax the restrictions in the Act so as to facilitate longer-term lending by credit unions. I understand that, to date, the registrar, who now operates within the framework of the single financial regulator, has not been persuaded that such a significant change in the rules governing credit unions would be prudent and in the best interests of credit union members. Should the financial regulator advise me that change was prudent and desirable, I would consider that advice carefully in the context of my overall responsibility for the regulatory system governing credit unions.

### **Decentralisation Programme.**

234. **Mr. Kehoe** asked the Minister for Finance if staff working in local authorities will be able to transfer to work for Departments, in the context of the recent announcement in relation to the decentralisation process. [6843/04]

**Minister for Finance (Mr. McCreevy):** The decentralisation programme does not encompass local authorities and there are no plans at present to allow staff working in local authorities to transfer into the Civil Service to decentralise to provincial locations. I will, however, keep this option under review in light of developments.

### **Irish Language.**

235. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will urgently reconsider the decision not to have the Irish language recognised as an official language of the EU; and if he will make a statement on the matter. [6548/04]

**Minister for Foreign Affairs (Mr. Cowen):** At present, the Irish language has the status of a treaty language in the EU. This derives from the fact that the treaties are in Irish and that Irish is listed as one of the languages in which the text is authentic. Each successive treaty is published in Irish as well as in the 11 other languages, with the texts in Irish being equally authentic and having equal status with those in all other languages.

As I stated in the House on 25 February, the Government has established an interdepartmental working group which is analysing the options available to further strengthen and enhance the status of the Irish language in the EU. The working group is urgently examining a range of issues with a view to identifying additional opportunities in this regard. It is my firm hope that the interdepartmental working group's discussions will lead at an early date to the identification of additional opportunities to enhance the status of Irish in the EU.

### **Human Rights Issues.**

236. **Mr. M. Higgins** asked the Minister for Foreign Affairs if his attention has been drawn to restrictions on religious freedom announced in recent legislation in Belarus; the Government's views on this matter; and if he will make a statement on the matter. [6856/04]

**Minister for Foreign Affairs (Mr. Cowen):** Together with our EU partners, the Government continues to monitor closely the human rights situation in Belarus. The EU views with increasing concern the deterioration in the situation there. This concern has been communicated to the Belarusian Government on a number of recent occasions.

In this context, I am deeply concerned at the terms of the law on freedom of conscience and religious organisations which came into force in Belarus in November 2002. Under the law, only religious organisations operating throughout Belarus, or those with ten or more communities in at least four of the country's six regions, may found monasteries or convents and educational institutions. The law also requires all religious organisations to register with the state in order to function. They have until 16 November 2004 to re-register if they wish to continue their activity in accordance with the law.

We understand that while the Belarusian Exarchate of the Russian Orthodox Church and the Catholic Church have both re-registered, a significant number of institutions within both churches fail to meet the law's re-registration criteria for monastic communities and educational institutions. Under Article 19 of the legislation, monasteries, convents and monastic communities must have no fewer than ten participants, while educational institutions must have qualified tutors proficient in both state languages — Belarusian and Russian. In addition, members of monastic communities must be either Belarusian citizens or foreign citizens holding residency permits. The legal requirement that teaching personnel at religious educational institutions be proficient in both Belarusian and Russian also poses difficulties for both churches.

The full extent of the new law's regulations will remain unclear until after the deadline for re-registration on 16 November 2004 has been reached. However, I am deeply concerned at the highly restrictive nature of the legislation and at reports that only a small proportion of religious organisations have re-registered since the law was enacted, with progress especially slow at the local level. As the new law criminalises unregistered religious activity, re-registration is essential to the continuing legal operation of individual religious organisations.

Shortly after President Lukashenko signed the legislation into law, the European Union on 14 November 2002 issued a statement on the matter at the OSCE Permanent Council in Vienna. The EU stated that the legislation would have a clearly discriminatory effect, and that it was likely



[Mr. Cowen.] to disadvantage small religious groups in particular. The EU noted that it had been described by a leading NGO in the field of religious freedom as the most repressive in Europe. The EU urged the Belarusian authorities to reconsider the legislation, which was a throwback to a period of European history which should have been left behind, and to draw on the expertise of the OSCE Office for Democratic Institutions and Human Rights, ODIHR, in amending it.

More recently, at the 59th session of the Commission on Human Rights in Geneva, 17 March to 25 April 2003, Ireland again introduced its resolution on elimination of all forms of religious intolerance, Resolution 2003/54, urging states to ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction. A separate resolution on the situation of human rights in Belarus, Resolution 2003/14, which was co-sponsored by all EU member states, also expressed the deep concern of members of the Commission, including Ireland, at reports of potential increased restrictions on the activities of religious organisations in Belarus.

The Government will continue to monitor the situation in Belarus in respect of this legislation, particularly as the final date for re-registration of religious organisations approaches. The human rights situation in Belarus will be addressed once more at the up coming 60th session of the Commission on Human Rights. As President of the EU, Ireland will bring the issue to the attention of partners within the EU.

### Children's Rights.

237. **Mr. M. Higgins** asked the Minister for Foreign Affairs the initiatives he proposes to take either at Government or European Union level to advance the implementation of the Convention on the Rights of the Child. [6857/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government attaches great importance to the United Nations Convention on the Rights of the Child, which is central to the protection and promotion of children's rights on a global level. Ireland signed the Convention on the Rights of the Child on 30 September 1990 and ratified it on 28 September 1992.

As the Deputy is aware, where Ireland wishes to adhere to an international agreement such as the Convention on the Rights of the Child we must ensure that our domestic law is in conformity with the agreement in question. Responsibility for the implementation at a national level of the Convention on the Rights of the Child rests with the Minister for Health and Children. In accordance with Article 44 of the convention, Ireland is required to submit regular reports to the Committee on the Rights of the Child on how the rights contained in the

convention are being implemented. Ireland submitted its first national report to the Committee on the Rights of the Child in April 1996. That report was considered by the committee in Geneva in January 1998. The national children's office is in the process of co-ordinating Ireland's second report under the convention.

Ireland, with its EU partners, is committed to promoting and protecting the rights of children on an international level. The EU is one of the principal sponsors of a resolution on the rights of the child at the UN Commission on Human Rights. The Government places great importance on the implementation of international human rights standards aimed at the protection of the rights of children and is determined to see through all its commitments in respect of the Convention on the Rights of the Child both at a national and international level.

### Human Rights Issues.

238. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he will make a statement on the extent of child labour in Ghana. [6858/04]

**Minister for Foreign Affairs (Mr. Cowen):** The law in Ghana sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labour for those under 18 years of age, as well as prohibiting forced and bonded labour performed by children. However, children are reportedly sold, leased, or given away by parents to work in agriculture, fishing villages, quarry mines, shops, or homes. Studies and reports make it clear that it is difficult to determine the extent to which forced and bonded labour by children is practised in Ghana. Observance of minimum age laws was eroded by local custom and economic circumstances that encouraged children to work to help support their families.

An International Labour Organisation-International Programme on the Elimination of Child Labour-Ghana statistical service survey, released during 2003, estimated that 1.27 million children were engaged in child labour as defined by age and hazardous working conditions. Children as young as seven years worked as domestic labourers, porters, hawkers, miners, quarry workers, fare collectors, and agriculture. Child labourers are poorly paid and subjected to physical abuse, they receive little or no health care and generally do not attend school.

ILO-IPEC, Government representatives, the Ghanaian trades union congress, the media, international organisations and NGOs have agreed a national plan of action for the elimination of child labour in Ghana by increasing institutional capacity to combat child labour. Education and sensitisation workshops are conducted with police, labour inspectors, local governments, and communities.

Criminal gangs exploit the miserable plight of families and abduct children. The Ghanaian

national plan is an effort to draw attention to this crime and is to be commended. Many missionaries and NGOs are also helping to combat child trafficking in Ghana and the wider West Africa region and their efforts are equally commendable.

239. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he will make a statement on the position of the Government on bonded labour throughout the world. [6859/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government is committed to the active promotion of full observance of universal human rights standards, and opposes and seeks the elimination of all forms of contemporary slavery, including bonded labour. Through our participation in international fora such as the UN General Assembly, the UN Commission on Human Rights, the Council of Europe and the Organisation for Security and Co-operation in Europe, OSCE, we raise our concerns in regard to this issue together with like minded countries. At the Commission of Human Rights session last year, Ireland made a statement on contemporary forms of slavery.

Ireland has consistently supported the International Labour Organisation in its efforts to promote core labour standards. In June 1998, Ireland supported the adoption by the International Labour Conference of a declaration on fundamental principles and rights at work. This commits the International Labour Organisation's 175 member states worldwide to respect the principles inherent in the core labour standards and to promote their universal application. Ireland has ratified all of the seven core labour standards.

This declaration emphasises that all member states of the International Labour Organisation have an obligation, arising from the fact of membership of the organisation, to respect, promote and realise, in good faith and in accordance with the constitution of the International Labour Organisation, the principles concerning the fundamental rights which are subject to those conventions. These principles include the elimination of all forced or compulsory labour and the effective abolition of child labour.

In June 1999, the International Labour Conference adopted Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour. Ireland ratified the convention on 20 December 1999 and was the first European Union country to do so.

240. **Mr. M. Higgins** asked the Minister for Foreign Affairs if his attention has been drawn to the illegal kidnapping of anti-Government rebels in Colombia; the Government and EU position on this matter; and if he will make a statement on the matter. [6860/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Government is acutely aware of the kidnappings and other violence which continues to afflict Colombia. The most recent statement of Irish and EU policy in this regard is set out in the conclusions of the General Affairs and External Relations Council of 26 January 2004 as follows:

Recalling the terms of the London Declaration of July 2003, agreed by the Colombian Government and the representatives of other Governments and international organisations present at the London Meeting on International Support for Colombia, the Council expressed its full support for the Colombian Government in its ongoing efforts to reform Colombia's institutions and to develop a fully functioning democratic state throughout the territory of Colombia, consistent with the rule of law, respect for human rights and international humanitarian law, and the welfare and safety of the citizens of Colombia. The Council noted that significant progress had been made in expanding the presence of the State in the national territory, and expressed the hope that all the institutions of the democratic State would soon be fully functional in all areas.

The Council noted progress so far on economic and political reforms designed to address existing inequalities within the country and promote sustainable development, and expressed its support for the continuation and acceleration of this process. The Council also expressed its full support for the Colombian Government in its fight against terrorism and illegal drug production and trafficking, underlining the need in so doing to respect the rule of law, international humanitarian law, and international human rights instruments to which Colombia has subscribed.

The Council welcomed the reduction in the overall numbers of murders and kidnappings in Colombia as indicated by the recently released statistics, and hoped that this downward trend would continue.

The Council reiterated its full support for President Uribe's commitment to seek a negotiated solution to the internal armed conflict, including through direct engagement with those illegal armed groups who may be prepared to negotiate a peace agreement. The Council insisted that the illegal armed groups cease all hostilities and engage in constructive and meaningful dialogue. In particular, while acknowledging the recent release of some hostages, the Council underlined the importance of a rapid release of all remaining hostages and kidnapped persons. Such an act of humanitarian character by the illegal armed groups could be undertaken in the framework of a humanitarian agreement, and would give a

[Mr. Cowen.]

positive signal of their intention to take the path of peace.

The Council reiterated the readiness of the EU to assist in reaching a peaceful solution to the conflict, within the framework of a comprehensive peace strategy. The Council also underlined the importance of the role of the Special Adviser to the UN Secretary-General on Colombia.

The Council stressed the importance of taking early and effective action against impunity and collusion, especially with paramilitary groups. The Council underlined the need for demobilisation and re-insertion into society of members of illegal armed groups to be undertaken in line with relevant international law and jurisprudence and in a manner that respects the right of the victims of the conflict to truth, justice and reparation. In this context, the Council underlined the particular importance of further amendments to the proposed amnesty law in order to ensure full consistency with Colombia's obligations under international instruments regarding human rights and international humanitarian law.

The Council expressed its deep concern regarding the still grave human rights and international humanitarian law situation in Colombia, and urged the Government urgently to address this situation, in particular by implementing without delay the specific recommendations of the UN High Commissioner for Human Rights (UNHCHR), including the recommendation to publish a plan of action on human rights with a timetable for implementation. The Council recalled in particular the UNHCHR's recommendation concerning the question of the granting of judicial powers to the security forces, and hoped that further discussions by the Congress on the law which allows this could be undertaken.

Noting with deep concern the plight of internally displaced persons and inhabitants of closed-off communities, the Council confirmed the EU's willingness to work with the Colombian Government and the UN in order to ensure a focussed and co-ordinated effort to address this crisis.

The Council highlighted the perilous security conditions under which local and international NGOs and civil society organisations, including trade unions and human rights defenders, currently find themselves obliged to carry out their work in Colombia; and called on the Government to co-operate closely with all such groups to ensure their protection. The Council underlined the importance of regular constructive dialogue between the Government and civil society in the search for a peaceful

solution to Colombia's problems, and welcomed recent contacts of this kind in the context of follow-up to the July 2003 London Meeting on International Support for Colombia.

Finally, the Council emphasised the importance of achieving full implementation of the London Declaration. It welcomed the work of the Group of 24 countries (London Group), which is maintaining constructive dialogue with the Colombian Government, civil society and other interested parties to this end. In line with commitments made in London, the Council exhorted the Member States and the Commission to further develop their co-operation programmes, with particular emphasis on the democratic strengthening of state institutions, the alleviation of the humanitarian crisis, the protection of human rights, the promotion of environmental activities and the development of viable alternatives to illegal drug production. In this respect, the Council expressed its satisfaction regarding the recent extension of the EU Generalised System of Preferences, including the drugs regime, as well as the launch of the second EU Peace Laboratory, both of which it expects will make a useful contribution to the achievement of that objective.

#### **Titles of Nobility and Honour.**

241. **Mr. Morgan** asked the Minister for Foreign Affairs if CBEs, MBEs and OBEs given by the British royal family to citizens of this State are subject to Article 40.2.2° of the 1937 Constitution which states that no title of nobility or honour may be accepted by any citizen except with the prior approval of the Government; and if he will make a statement on the matter. [6939/04]

242. **Mr. Morgan** asked the Minister for Foreign Affairs if he will make available all legal or other advice which has been received by the Government with regard to what constitutes a title of nobility or of honour under Article 40.2.2° of the 1937 Constitution; and if he will make a statement on the matter. [6940/04]

243. **Mr. Morgan** asked the Minister for Foreign Affairs if he will list all titles of nobility or honour that are subject to Article 40.2.2° of the 1937 Constitution; and if he will make a statement on the matter. [6941/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 241 to 243, inclusive, together.

Article 40.2.2° of the Constitution states that "No title of nobility or of honour may be accepted by any citizen except with the prior approval of the Government". While it is not the practice to make public legal advice received by the Government, the term "title of nobility or of honour" in Article 40.2.2° is interpreted as an



award that entitles the recipient to use a prefix, such as “Sir” or “Lord”, before his or her name. An award which provides for the use of letters or marks of distinction after the name, such as “OBE” or “MBE”, is not regarded as a title of nobility or of honour in this context.

It is not possible to provide a definitive listing of all foreign titles of nobility or honour that are subject to Article 40.2.2° of the Constitution. It is the normal protocol for a foreign government which wishes to make an award to an Irish citizen to inform the Government and any such notifications are considered on a case by case basis to see if they are subject to Article 40.2.2° of the Constitution. The vast majority of these notifications are of a routine nature and in the absence of any constitutional requirement that they be brought to the Government are dealt with at official level.

### Departmental Funding.

244. **Mr. Kenny** asked the Minister for Foreign Affairs the position of an application for £300,000 sterling for a company (details supplied); and if he will make a statement on the matter. [6942/04]

245. **Mr. F. McGrath** asked the Minister for Foreign Affairs if the maximum support and funding will be provided to the Conway Mill Project, Belfast (details supplied) to assist it achieve its funding target of £300,000. [6943/04]

**Minister for Foreign Affairs (Mr. Cowen):** I propose to take Questions Nos. 244 and 245 together.

My Department's reconciliation fund was established in 1982 to assist organisations involved in reconciliation work and in developing a better understanding between people in both parts of Ireland and between Ireland and Britain. Since its establishment, it has funded a wide variety of organisations working in the field of reconciliation in Northern Ireland, between North and South and between these islands.

The Department welcomes applications from organisations whose activities may qualify for consideration under the criteria governing the fund. All applications are considered by an interdepartmental advisory committee on the basis of published eligibility criteria and the committee then makes its recommendations to me. The reconciliation fund is relatively modest in scale, with some €2.5 million available for disbursement in 2003. Accordingly, the Department unfortunately cannot provide funding for the large number of worthy applications received.

In 2003, the organisation mentioned by the Deputies made an application for grant aid of £300,000 sterling to the reconciliation fund. I regret that, on account of the constraints arising from the numerous applications received and the limited resources available, it was not possible on that occasion to provide financial support to this

application. A letter informing the organisation of this decision was issued in August 2003.

### Higher Education Grants.

246. **Mr. Ring** asked the Minister for Education and Science the reason unemployment benefit is not a recognised social welfare payment when persons are being assessed for a top-up grant. [6564/04]

**Minister for Education and Science (Mr. N. Dempsey):** The report of the action group on access to third level education makes detailed recommendations concerning the introduction of special rates of maintenance grants for disadvantaged students, usually referred to as “top-up” grants. The target group of “those most in need” has been defined in terms of the dependants of people receiving long-term welfare payments, where the necessary conditions are fulfilled. The special rates of grant are also available to mature students who meet prescribed conditions.

To qualify for the special rate of maintenance grant a candidate must meet a number of conditions, including the following: he or she must already qualify for one of my Department's ordinary maintenance grants; total reckonable income must not exceed the specified limit for the academic year in question; and, on the operative date, the income into the household must include one of the specified long-term social welfare payments.

Unemployment benefit is one of the eligible payments listed for the special rates of maintenance grant. However, in order to satisfy the requirement of long-term welfare payment the grant schemes specify that unemployment benefit must be payable for a specified period of 12 months on the operative date.

### Third Level Fees.

247. **Mr. Ring** asked the Minister for Education and Science if the criteria for determining the fee status of a college applicant has changed for the students from one of the ten countries intending to enter the EU in May 2004; if so, if this has occurred due to the fact that ten new member states are entering the EU; and if he will make a statement on the matter. [6572/04]

**Minister for Education and Science (Mr. N. Dempsey):** Applicants from the ten EU accession states who enter higher education in Ireland in the 2004-05 academic year will be eligible for consideration for free fees in line with the eligibility criteria associated with the free fees scheme.

### Schools Building Projects.

248. **Mr. Naughten** asked the Minister for Education and Science the reason for the delay in replying to correspondence (details supplied) forwarded to his office; when a decision will be



[Mr. Naughten.]  
made on same; and if he will make a statement on the matter. [6584/04]

**Minister for Education and Science (Mr. N. Dempsey):** The correspondence referred to by the Deputy relates to the final account for a building project at the school in question. I advise the Deputy that my Department has recently issued a reply to this correspondence.

#### Special Educational Needs.

249. **Mr. G. Mitchell** asked the Minister for Education and Science if a full-time learning support teacher will be provided for a school (details supplied) in Dublin 12. [6589/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school in question currently has the services of a shared learning support teacher. My Department is currently reviewing existing arrangements for the allocation of special educational supports to primary schools. In that context, my officials have initiated discussions on the matter with representative interests. At this stage, it would be premature to anticipate the outcome. I can confirm, however that the basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

#### Residential Institutions Redress Scheme.

250. **Mr. Naughten** asked the Minister for Education and Science the plans he has to issue compensation to persons (details supplied) who were abused in an institution while under the care of the State; and if he will make a statement on the matter. [6625/04]

**Minister for Education and Science (Mr. N. Dempsey):** On 11 May 1999 the Taoiseach, on behalf of the State, apologised to the victims of childhood abuse and announced a range of measures the Government intended to introduce to assist victims.

In 2002 the Oireachtas enacted the Residential Institutions Redress Act to provide a means for making financial awards to assist people who as children were abused while resident in certain institutions in which the State had a regulatory function.

Currently, 128 institutions are listed on the schedule to the Residential Institutions Redress Act. Section 4 of the Act enables additional institutions identified as reformatory schools, industrial schools, orphanages, children's homes and special schools, in which children were placed and resident and in respect of which a public body had a regulatory or inspection function, to be added to the schedule.

My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the schedule. The institution named in the Deputy's question is

one of these institutions. Discussions have taken place between my Department and other Departments that may have provided a regulatory or inspection function in the operation of these facilities in order to ascertain whether these institutions are in fact eligible for inclusion.

It is my intention that a list of qualifying institutions will be brought before both Houses of the Oireachtas as soon as the verification process is completed.

#### Schools Building Projects.

251. **Mr. Naughten** asked the Minister for Education and Science the status of the building project at Ballyleague national school, County Roscommon; if he will approve funding for this project; and if he will make a statement on the matter. [6626/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am pleased to inform the Deputy that, as part of the devolved initiative contained in section 1 of the 2004 school building programme, Ballyleague national school has accepted a maximum grant of €150,000 to fund the provision of additional school accommodation.

I have arranged for a copy of the terms and conditions of the initiative to be forwarded to the Deputy.

#### Departmental Funding.

252. **Mr. J. Higgins** asked the Minister for Education and Science if he will seek emergency funds for the third level education sector to maintain education facilities following direct and indirect cuts to the budgets of third level institutions. [6640/04]

**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, 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 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.

On capital development in the third level sector, the Deputy is probably aware that the Higher Education Authority, at my request, is carrying out a review to assess the entire set of demands in all publicly funded third level institutions, to establish prioritisation and agree rephrasing.

It is the intention of the review group to have a report submitted to the HEA by the end of March. The authority will then advise me of its views. I will then make decisions in respect of the capital investment programme for the third level sector in the context of the capital envelope of funds available to me.

While all major projects at third level remain paused pending the outcome of the work of the review group, the Deputy will know that I have made provision of an additional €25 million in the 2004 Estimates for the capital element of cycle 3 of the programme for research in third level institutions, PRTL, this year. This allocation is a clear recognition of the Government's commitment to the programme, which will play a key role in developing world-class capabilities in research and innovation.

**253. Mr. Ardagh** asked the Minister for Education and Science if he will examine the case of a person (details supplied) in Dublin 12 who suffers from severe dyslexia, and provide them with the funding and supports they need under the fund for students with disabilities grant, to enable them complete their studies. [6641/04]

**Minister for Education and Science (Mr. N. Dempsey):** The fund for students with disabilities provides funding to students with disabilities attending courses in third level institutions and in post leaving certificate centres.

The purpose of the fund is to provide students with serious physical and-or sensory disabilities with grant assistance towards the cost of special equipment, special materials and technological aids, targeted transport services, personal assistants and sign language interpreters. The fund operates on a discretionary basis.

Applications were submitted to my Department in October 2003, together with relevant supporting documentation, for consideration for funding for the current academic year. Decisions on those applications were taken by an ad hoc advisory group which, in 2003, consisted of representatives of my Department, a representative from the Association for Higher Education Access and Disability, AHEAD, and a representative from the recently established National Office for Equity of Access to Higher Education, within the Higher Education Authority.

The Deputy will, no doubt, be aware that one of the key recommendations of the report of the Action Group on Access to Third Level Education has now been implemented, namely, the establishment of the National Office for Equity of Access to Higher Education, national

office, within the Higher Education Authority. The national office is now operational, taking over the administration of a number of access measures from the Department, including the fund for students with disabilities.

The student currently referred to was an applicant to the 2003 fund for students with disabilities. In this case it was considered that, while some assistance could be approved, insufficient documentation was supplied with the application in October last to approve all the supports requested. The student support unit of my Department advised the student in question that his application would be considered further in the event of more recent, relevant documentation being provided, through the disability officer in the third level institution attended by the student.

The disability officer in question has since provided further documentation and this has been forwarded to the national office for further consideration of the application.

### **Schools Building Projects.**

**254. Mr. Eoin Ryan** asked the Minister for Education and Science the stages a post-primary school (details supplied) in Dublin 6 is at under the schools building programme, 2003; and if he will make a statement on the matter. [6642/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has requested the school in question to furnish cost estimates in respect of the school's application for capital funding. The proposed project has been assigned a band 3 rating by my Department in accordance with the published criteria for prioritising large scale projects.

The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme which in turn will give greater clarity regarding projects that are not progressing in this year's programme. I will make a further announcement in that regard during the year.

**255. Mr. Eoin Ryan** asked the Minister for Education and Science the position regarding a primary school (details supplied) in Dublin 6 under the schools building programme, 2003; and if he will make a statement on the matter. [6643/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposed large scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). This proposed project is at early stages of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large scale projects.

The proposed project will be authorised to progress to advanced architectural planning

[Mr. N. Dempsey.] during 2004. Indicative timescales have been included for large scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme which, in turn, will give greater clarity regarding projects that are not progressing in this year's programme. I will make a further announcement in that regard during the year.

256. **Mr. Eoin Ryan** asked the Minister for Education and Science the position regarding an application by a post-primary school (details supplied) in Dublin 6 for major refurbishment under the schools building programme, 2003; and if he will make a statement on the matter. [6644/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am pleased to advise the Deputy that a refurbishment project at the school referred to is listed for proceeding to tender and construction as part of the 2004 school building programme. The indicative timescale in the programme for this project proceeding to tender is the second quarter of 2004. The school authorities will be kept advised of developments for the delivery of this project.

#### School Accommodation.

257. **Mr. J. Bruton** asked the Minister for Education and Science the additional resources he intends to provide for primary schools in Navan to alleviate the serious over-crowding and lack of spaces for students living in the Navan area; if he is allocating further teachers or prefab classrooms to the schools in the area due to the increased number of families moving to Navan over the past number of years which has now resulted in students on waiting lists for schools in the area not being granted places for September 2004 in junior infants; and if he will make a statement on the matter. [6661/04]

**Minister for Education and Science (Mr. N. Dempsey):** Two new primary schools commenced operation in the Navan area in September 2003, St. Stephen's national school Johnstown, Navan, and St. John's national school, Clonmagadden. It is expected that these new schools will alleviate pressure for places in the area into the future.

The school planning section of my Department is currently examining the level of additional accommodation which will be required at the schools to facilitate enrolment for 2004-05 school year. When a decision has been taken in the matter, the school authorities will be contacted directly.

258. **Mr. Durkan** asked the Minister for Education and Science when he expects to be in a position to provide the extra facilities required at Maynooth post primary school, Maynooth, County Kildare, which was built to cater for 650

students, but now caters for 811 students; his views on whether the toilet facilities are totally inadequate for staff and students alike; and if he will make a statement on the matter. [6680/04]

**Minister for Education and Science (Mr. N. Dempsey):** A large scale building project for Maynooth post primary school, Maynooth, County Kildare, is listed in section 9 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). This project is at early stages of architectural planning. It has been assigned a band 3 rating by my Department in accordance with the published criteria for prioritising large scale projects.

The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme which in turn will give greater clarity regarding projects that are not progressing in this year's programme. I will make a further announcement in that regard during the year.

#### School Staffing.

259. **Mr. Hogan** asked the Minister for Education and Science if and when a resource teacher will be provided for a school (details supplied) in County Kilkenny; and if he will make a statement on the matter. [6681/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department allocates resource teaching support and special needs assistant support to second level schools and vocational education committees to cater for students with special educational needs. Applications for such support are made to my Department by the relevant school authority or VEC. Each application is considered on the basis of the assessed needs of the pupil(s) involved and the nature and level of the support provided is determined on the advice of the psychological service.

Ballyhale vocational school comes within the jurisdiction of County Kilkenny VEC which has been allocated a total of 2.57 wholetime teacher equivalent posts and 1.48 wholetime equivalent special needs assistant posts to cater for students with special needs attending the school. A further application for additional resources for special needs students attending Ballyhale vocational school has been received by my Department from County Kilkenny VEC. This application has been referred to the psychological service for consideration. My Department will notify County Kilkenny VEC of the decision as quickly as possible.

260. **Mr. Deenihan** asked the Minister for Education and Science if his Department has plans to encourage more males to enter into the primary teaching profession, in view of the fact that only 10% of primary teachers are male at the moment; and if he will make a statement on the matter. [6682/04]



**Minister for Education and Science (Mr. N. Dempsey):** There have been many improvements in the pay and conditions of service of primary teachers in recent years. As a result, primary teaching is an attractive career option for school leavers and graduates alike. This is borne out by the number of applicants applying each year for entry to the BEd courses in the colleges of education and to the recognised courses for graduates for the purposes of qualification as a primary teacher.

I am concerned about the position of imbalance between male and female applicants for the primary teaching profession. My Department commissioned a research study on the issue of take-up of primary teacher training by males and females. The report on the study, which was completed in 2002, showed that the pool of males with the necessary qualifications is smaller than the equivalent pool of females. In addition, many third level course choices seemed to be gender stereotyped and significantly more girls were attracted to teaching of all kinds. The authors concluded that it may be difficult for any society to bring about an early reversal of the feminisation trends in teaching.

Arrangements are being made for the establishment of the Teaching Council. The council will provide an important and influential forum for presenting the views of the profession on all aspects of the teaching career from initial recruitment to in-career professional development. The responsibilities of teachers in promoting teaching as a profession and in recruiting the next generation of teachers form an important role for the Teaching Council. Any proposal to attract more males to the primary teaching profession must take account of the requirements of current equality legislation.

#### College Closures.

261. **Mr. Timmins** asked the Minister for Education and Science the position in relation to St. Catherine's College of Education for Home Economics; if there are plans to close this college; if so, the situation in relation to the present and future students of home economics; and if he will make a statement on the matter. [6709/04]

**Minister for Education and Science (Mr. N. Dempsey):** The issue of the future of St. Catherine's arose in the context of a decision by the Dominican Trustees of St. Catherine's that, due to personnel and financial considerations, they were no longer in a position to fulfil the role of trustees of the college. Following discussions between the trustees and my Department, it was agreed that a consultant would be appointed who would meet with relevant parties and prepare a report on the options available for consideration by the Minister.

The consultant's report was thoroughly examined in my Department and the options for the future of the college were set out for my consideration. Having carefully considered all of

them and having taken into account other factors such as the national spatial strategy, relevant costs in a time of financial constraint, a Government decision to restrict public service numbers, the need to secure value for money and a better allocation of resources, I decided that these considerations are best served by the closure of St. Catherine's and the designation of St. Angela's College, Sligo, as the sole centre for the training of home economics teachers.

The closure of St. Catherine's will be phased over the next four years to facilitate students enrolled in the college in completing their course of training in the college. The supply of home economics teachers will not be affected by the closure as student intake to St. Angela's College will increase. On the issue of location, figures obtained from the CAO for the past number of years indicate that there will not be a problem in filling all of the available places in Sligo.

#### Special Educational Needs.

262. **Mr. Connaughton** asked the Minister for Education and Science when an application for resource teaching hours on behalf of a student at Caltra national school, Ballinasloe, County Galway, will be approved; if his attention has been drawn to the urgency of the situation; and if he will make a statement on the matter. [6746/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received an application for special educational resource, SER, from the school referred to by the Deputy. 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 before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service, NEPS. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

The processing of the applications is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.



[Mr. N. Dempsey.]

The arrangements for processing applications received after the 31 August 2003, including the one referred to by the Deputy, will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

### School Planning.

263. **Ms M. Wallace** asked the Minister for Education and Science the plans his Department have to deal with the increase in the primary school pupil numbers in the east Meath coastline area for 2004; if his Department inspector has provided a report to the planning unit of his Department outlining that there will be 240 junior infants between Julianstown, Laytown and Donacarney for September 2004; the plans his Department has to provide accommodation on time for these junior infants; the location of the various proposals for accommodation; and if he will make a statement on the matter. [6747/04]

**Minister for Education and Science (Mr. N. Dempsey):** As I recently announced, over the remainder of this school year a new school planning model involving published area development plans will be piloted in five areas. Included in the pilot scheme is the south Louth and mid-Meath region which covers the area referred to by the Deputy.

The purpose of this new approach to school planning is to ensure that, in future, the provision of school infrastructure will be decided only after a transparent consultation process. In this regard, parents, trustees, sponsors of prospective new schools and all interested parties from a locality will have the opportunity to have their voices heard in the process. Following the consultation process, individual plans will set out the blueprint for schools' development in an area covering a period of up to ten years.

### Garda Vetting.

264. **Ms Enright** asked the Minister for Education and Science when a Garda clearance check will be completed by the central vetting unit into a person (details supplied) so as to allow them to take up a teaching post offered to them in England; and if he will make a statement on the matter. [6852/04]

**Minister for Education and Science (Mr. N. Dempsey):** I cannot comment on the functioning of the Garda vetting unit or on a particular case before it, however, I am aware that there have been some difficulties in respect of vetting for schools and other bodies who work with children and young people both within the State and in relation to applications concerning other jurisdictions.

A cross-governmental working group has been established to consider proposals for reform of vetting by the central vetting unit run by the

Garda Síochána. Its terms of reference include defining the type of organisation which should come within the ambit of the vetting process. The group is chaired by a chief superintendent and includes officials from the Department of Justice, Equality and Law Reform, the Department of Health and Children and the Department of Education and Science, and the Office of the Attorney General. I understand that it hopes to finalise its report shortly.

### School Curriculum.

265. **Ms Burton** asked the Minister for Education and Science if his attention has been drawn to the fact that, in the scrúdú le haghaidh cáilíochta sa Ghaeilge for foreign trained teachers, applicants for the course claim that his Department will not provide them with an SCG examination syllabus, free or low-cost classes for teachers providing training at all levels, beginners, intermediate, remedial and examination level, an SCG examination that is comparable to those required in all Irish teacher-training courses and a textbook or handbook which contains all texts, prose, poetry and so on, that is on the exam; and the proposals he has for providing such facilities. [6870/04]

**Minister for Education and Science (Mr. N. Dempsey):** I established a working group to review all aspects of the syllabus and examination for the scrúdú le haghaidh cáilíochta sa Ghaeilge in 2001. The report of the working group was recently submitted to me. Issues dealt with in the report include the content and format of the examination modules, the standard of the examinations and courses of study for applicants for the examinations. The report is currently under consideration and decisions in regard to the recommendations contained in it will be taken in due course. A copy of the report has been published on my Department's website.

The review group earlier drafted an interim syllabus which was circulated to all schools in December 2002. The SCG examinations held in October 2003 were the first series of SCG examinations to be based on this syllabus. Copies of the interim syllabus which included a reading list of prose and poetry to be studied for the examinations are available on request from Primary Administration Section 1, Department of Education and Science, Cornamaddy, Athlone, County Westmeath. An updated language syllabus for the SCG has now also been published on the Department's website.

The review group has also drafted a handbook for the examination which is available on my Department's website. The handbook contains detailed information on the SCG and provides answers to a wide range of questions raised by candidates. It is planned to produce a textbook of relevant prose and poetry for future examinations.

Courses of study aimed specifically at candidates for the SCG examination are run by a

number of education centres throughout the country. The level at which courses are provided is dependent on the demand. Copies of past examination papers, including tapes of the aural examinations, are available on request from Primary Administration Section 1 of my Department in Athlone. Some students in the colleges of education opt to take Irish as a subject to degree level while others opt for the professional Irish course which is equivalent to the SCG in terms of the overall standard required.

### **Educational Projects.**

266. **Mr. C. Lenihan** asked the Minister for Education and Science if he will meet as a matter of urgency the model school for the deaf project to discuss how their plans for a primary school for the deaf can be progressed further. [6872/04]

267. **Mr. C. Lenihan** asked the Minister for Education and Science if his attention has been drawn to the model school for the deaf project and the sense among some parents that his Department is actively opposing the establishment of such a primary school; and if he will make a statement allaying such fears. [6873/04]

268. **Mr. C. Lenihan** asked the Minister for Education and Science the reason officials from his Department are advising parents not to attend the pre-school run by the model school for the deaf project even though it was established by his predecessor and is fully funded by his Department. [6874/04]

269. **Mr. C. Lenihan** asked the Minister for Education and Science if he will consider lifting the cap of six people per class which has been set for the model school for the deaf project in light of the view by the sponsors of the school that the cap actually acts to inhibit the development of pupils in a classroom context. [6875/04]

270. **Mr. C. Lenihan** asked the Minister for Education and Science the reason officials from his Department are discouraging parents from introducing sign language to their deaf children; and the plans he has to remedy this situation. [6876/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 266 to 270, inclusive, together.

Officials from my Department recently met representatives of the model school for the deaf project. In the course of that meeting, it was explained to the representatives that their application for a new school in Cabra, Dublin 7, is one of a number of applications for recognition being assessed under a revised application procedure. Under this new arrangement, applications for new schools intending to commence operation in September 2004 are being assessed by an independent body, the new schools advisory committee. As part of its remit,

the committee will consult with interested parties and report to me by the end of this month.

I am not aware of any basis for a sense among parents that my Department is actively opposing the establishment of this school. It would be quite inappropriate for officials to express any view on the matter before the advisory committee has reported and I am not aware that any such view has been expressed.

There is no basis for the contention that my officials are advising parents against sending their children to the pre-school run by the model school for the deaf project. Parents are advised of the service through the medium of the visiting teacher service. My Department has sanctioned this pre-school on a pilot basis for five years to June 2007 to cater for up to six pupils. Pending a thorough evaluation of the pilot phase, I have no plans to expand this service.

My Department does not discourage parents from introducing sign language to their deaf children. On the contrary, funds are provided to the model school for the deaf project to teach sign language to parents and siblings of deaf children in the pilot pre-school. In general, deaf and hearing impaired pupils are educated in varied settings and the teaching approaches used in those settings reflect the needs and abilities of the pupils. There is, accordingly, some use of sign language, particularly in special schools and special classes.

### **Special Educational Needs.**

271. **Mr. O'Dowd** asked the Minister for Education and Science if he will make special one-to-one tuition available to a person (details supplied) who suffers with attention deficit hyperactivity disorder. [6877/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received applications for special educational resources, 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 of these cases were responded to before or soon after 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

[Mr. N. Dempsey.] 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.

The arrangements for processing applications received after the 31 August 2003, including the application for the pupil in question, will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

272. **Ms Enright** asked the Minister for Education and Science, further to Question No. 315 of 3 February 2004, if his attention has been drawn to the extra resource hours that have only meant an extra one class in maths for a student (details supplied); and if his attention has further been drawn to the fact that this student, who is exempt from Irish, is spending five class periods per week in a study hall without any extra one-to-one tuition being supplied; if he will intervene with the school to discuss this; and if he will make a statement on the matter. [6935/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department allocates resource teaching support and special needs assistants support to second level schools and vocational educational committees to cater for students with special educational needs. Applications for such support are made to my Department by the relevant school authority or VEC. Each application is considered on the basis of the assessed needs of the pupil(s) involved and the nature and level of support provided is determined on the advice of the psychological service.

I am pleased to inform the Deputy that the school in question has been allocated additional resource teacher support to address the needs of the student in question and a number of other students with special educational needs attending the school. The school authorities have been notified accordingly.

The level of resource teaching allocated to the school in question by the Department was determined after detailed consideration of the school's application, the supporting documentation provided, including the recommendations made by the National Educational Psychological Service, NEPS, and having regard to the overall level of resources already available to the school to address special needs issues. Regard was also had to the desirability of delivering support services for children with special needs on a group basis wherever possible.

The Department allocates resource teaching hours to the school to cater for the special needs pupils attending and it is a matter for the school to deploy this allocation having regard to the assessed needs of the individual students involved. Schools should also review this deployment in line with the evolving needs of the students.

If the school authority is of the view that its existing approved allocation is incapable of addressing the current level of assessed special needs, including those of the pupil in question, within the school, the Department will be prepared to consider the school's case.

### School Placement.

273. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the over subscription for the Convent Secondary School in Longford; the way in which he intends to ensure that the students, approximately 20 in number, who cannot get a place in the Convent Secondary School are provided with a second level place; and if he will make a statement on the matter. [6936/04]

**Minister for Education and Science (Mr. N. Dempsey):** Enrolment policy is the responsibility of the boards of management of individual post-primary schools. My Department's main responsibility is to ensure that schools in an area can between them cater for all pupils seeking places in that area. This may result in some pupils not obtaining a place in the school of their first choice. There are three post-primary schools serving the Longford town catchment area and my Department is satisfied that there are sufficient places available in these schools to cater for all pupils in the area.

### Special Educational Needs.

274. **Mr. Murphy** asked the Minister for Education and Science if a person (details supplied) in County Cork will continue to have a full time special needs assistant with them during all school hours for the remainder of the year in senior infants and when they progress to first class in June 2004. [6972/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am most anxious that all children, including children with autistic spectrum disorders, receive education appropriate to their needs. I am aware that five hours per week resource teaching support and a full-time special needs assistant was sanctioned for the pupil concerned on 13 June 2002.

My Department is reviewing the existing arrangements for the allocation of special educational supports to primary schools. In this context, my officials have initiated discussions on the matter with representative interests. At this stage, it would be premature to anticipate the outcome. I can confirm, however, that the basic purpose of that review is to ensure that each



school has the level of resources required to cater for its pupils with special educational needs.

Pending the conclusion of discussions with the representative interests, 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.

The level of special educational resources allocated to pupils may be subject to review from time to time by my Department's professional staff and the level of these resources may be adjusted, depending on the specific needs and progress being made by the pupils in question.

### **School Transport.**

275. **Mr. Naughten** asked the Minister for Education and Science the number of primary school pupils in County Roscommon using his Department's school transport service; and if he will make a statement on the matter. [6978/04]

277. **Mr. Naughten** asked the Minister for Education and Science the number of primary school pupils in County Longford using his Department's school transport service; and if he will make a statement on the matter. [6980/04]

279. **Mr. Naughten** asked the Minister for Education and Science the number of primary school pupils in County Leitrim using his Department's school transport service; and if he will make a statement on the matter. [6982/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 275, 277 and 279 together.

My Department has requested Bus Éireann to furnish the information requested by the Deputy. I will arrange to have it sent on to the Deputy, as soon as possible.

276. **Mr. Naughten** asked the Minister for Education and Science the number of post-primary pupils in County Roscommon using his Department's school transport service; the numbers attending each post primary centre; and if he will make a statement on the matter. [6979/04]

278. **Mr. Naughten** asked the Minister for Education and Science the number of post-primary pupils in County Longford using his Department's school transport service; the numbers attending each post primary centre; and if he will make a statement on the matter. [6981/04]

280. **Mr. Naughten** asked the Minister for Education and Science the number of post-primary pupils in County Leitrim using his Department's school transport service; the numbers attending each post primary centre; and if he will make a statement on the matter. [6983/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Question Nos. 276, 278 and 280 together.

My Department has requested the relevant transport liaison officers to furnish the information requested by the Deputy. I will arrange to have it sent on to the Deputy, as soon as possible.

*Question No. 277 answered with Question No. 275.*

*Question No. 278 answered with Question No. 276.*

*Question No. 279 answered with Question No. 275.*

*Question No. 280 answered with Question No. 276.*

### **Summer Works Scheme.**

281. **Mr. P. Breen** asked the Minister for Education and Science when the applications will be considered for Scropul school and Coore school in County Clare for the summer grant scheme; and if he will make a statement on the matter. [6994/04]

**Minister for Education and Science (Mr. N. Dempsey):** Applications for the summer works scheme 2004 were considered during the month of February and it was intended that details would be published on the website on 27 February. However, due to the volume of applications received under the summer works scheme 2004, approximately 90% of which were received on the closing date, publication of the successful applicants will now take place before Friday, 5 March 2004. The list of successful applicants will be published on the Department's website at [www.education.ie](http://www.education.ie).

### **Home Tuition.**

282. **Mr. Stanton** asked the Minister for Education and Science the rates of home tuition grant payments available; the conditions attached to the granting of such payments; the number of children in the various categories for which home tuition grant payments were made in 2000, 2001, 2002, 2003; the number receiving such payments; the total amount paid in the respective categories in each of these years; the change that has been made in the rates of payment in the past two years; and if he will make a statement on the matter. [7025/04]

**Minister for Education and Science (Mr. N. Dempsey):** The hourly rate of home tuition grant payable to qualified teachers since April 2000 is as follows: 1 April 2000 — €22.31; 1 October 2000 — €24.24; 1 April 2001 — €24.72; 1 October 2001 — €26.08, and 1 October 2002 — €27.12.

The home tuition scheme is intended to provide compensatory instruction to pupils with



[Mr. N. Dempsey.]  
a medical ailment that is likely to cause major disruption to their attendance at school on a continuing basis. It is also utilised in instances where specific types of tuition are recommended by educational psychologists that may not be available in mainstream or special education provision locally and until a suitable school placement can be arranged. The scheme is also used to fund tuition during the month of July for children with autistic spectrum disorders and severe-profound general learning disabilities who have specific needs and are not receiving school-based teaching due to school holidays.

There are in the region of 1,000 children availing of the home tuition scheme. Approximately 900 children were in receipt of a home tuition grant in 2002. Almost half of this number are children with an autistic spectrum disorder. The remainder are in respect of children with a range of disabilities. The number of children that availed of the scheme in 2000 and 2001 is not readily available.

Expenditure on the home tuition scheme during the past three school years was as follows: 2000-01 — €2.28 million; 2001-02 — €3.92 million; and 2002-03 — in excess of €6.13 million.

#### Special Educational Needs.

283. **Dr. Upton** asked the Minister for Education and Science if he will review the provision of special needs education to a person (details supplied) in Dublin 6W; and if he will consider matters (details supplied). [7081/04]

**Minister for Education and Science (Mr. N. Dempsey):** The matter referred to by the Deputy has been reviewed by my Department's inspectorate and my officials will be in further contact with the parents of the person in question shortly.

#### State Examinations.

284. **Mr. Crowe** asked the Minister for Education and Science, further to Question No. 272 of 17 February 2004, if verbal notification during a telephone call might not be reasonably understood by a school to be a sufficient basis on which to then approach parents for examination fees. [7083/04]

**Minister for Education and Science (Mr. N. Dempsey):** The normal practice is that increases in examination fees are notified in written form to schools. In November 2003, I announced an increase of €10 in the standard leaving certificate fee, from €76 to €86, and this was notified to schools formally and in writing by the State Examinations Commission in December 2003.

It is fully accepted that a telephone call with the commission could be expected to be a sufficient and convenient basis for an approach by schools to parents on an educational issue. However, the issue of the level of examination fees is a matter of conjecture until the Estimates

are finalised for the year in question. Accordingly, if information was given by the State Examinations Commission to individual schools which inquired before any formal written announcement of fees finalised for 2004 issued, it was given in error and any inconvenience caused to schools and parents is sincerely regretted. Communication of the fee increases to schools is an operational matter which falls within the remit of the State Examinations Commission.

#### Fisheries Protection.

285. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the action he proposes to take in regard to the recommendation of the South Western Regional Fisheries board to change the law in regard to draft net fishing for salmon in Cork Harbour in view of the fact that the River Lee as a salmon river has been under such pressure for many years and that salmon anglers and trout and coarse angling colleagues are outraged by the proposed recommendation. [6631/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I have very recently received the recommendations of the South Western Regional Fisheries Board following on the report which it commissioned last year to investigate the operational efficiency of different methods of draft net fishing in the Cork Harbour area.

I am aware of the divergent views expressed in relation to the findings contained in the report. It is my intention to carefully consider the recommendations in some detail before deciding on what appropriate action to take.

#### Fishery Harbour Centres.

286. **Mr. J. Higgins** asked the Minister for Communications, Marine and Natural Resources if he has received a request for a meeting with the Fishery Harbour Centres Users Group in connection with new charges for use of fishery harbour centres; and if he will consider meeting with this group at an early date to discuss its concerns and effect a quick resolution to the dispute over the new charges. [6752/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** My officials met with Fishery Harbour Centres Users Group on 26 February last. I understand that a useful exchange of views took place and a report of the meeting is being finalised for my information.

#### Regional Fisheries Boards.

287. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if he intends to abolish the regional fisheries boards; the plans he has for them; and if he will make a statement on the matter. [6996/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I have no

proposals at present to abolish the regional fisheries boards. The Deputy will no doubt be aware, however, that the report of the independent estimates review committee to the Minister for Finance indicated in respect of the fisheries boards that: “there would seem to be scope for rationalising the existing structures of the central and regional fisheries boards” and questioned “whether the existing arrangements represent the most efficient means by which the functions in question can be discharged”.

As the Deputy will also be aware, late last year I commissioned a consortium of consultants, led by Farrell Grant Sparks Consulting, who are undertaking a high level review of the inland fisheries sector in Ireland. This review will not, however, just look at the central and regional fisheries boards but will be a root and branch examination of my Department’s and the Government’s involvement in the governance of the sector as well as the involvement of other State agencies including the Marine Institute, BIM, ESB, Dúchas, EPA and Bord Fáilte.

The consultants will be required to evaluate the adequacy of the current model for the governance of inland fisheries sector; to define the current relationship between the Government, the Department(s) and the inland fisheries sector and suggest new, more effective models; and to recommend a structure which will contribute to the optimum development of the inland fisheries resource in Ireland.

This review is to be completed in two stages over six months and I understand that the consultants expect to be in a position to report to me on the first stage by late March.

### Leisure Centre Supports.

288. **Cecilia Keaveney** asked the Minister for Arts, Sport and Tourism the supports which are available for a leisure centre development attached to hotels; and if he will make a statement on the matter. [6538/04]

**Minister for Arts, Sport and Tourism (Mr. O’Donoghue):** The only source of grant support generally available for the development of tourism capital projects is the tourism product development scheme. This scheme, which is funded under the European Regional Development Fund, supports investment in tourism product over the period of the National Development Plan 2000-2006 and is administered directly by Fáilte Ireland. However, under the terms of the scheme, the development of leisure centres attached to hotels is not eligible for support.

### Swimming Pool Projects.

289. **Mr. O’Dowd** asked the Minister for Arts, Sport and Tourism if he will report on the progress to date on the Drogheda swimming pool. [6749/04]

**Minister for Arts, Sport and Tourism (Mr. O’Donoghue):** As I indicated to the Deputy in reply to a similar question on 27 January last, the contract documents received from Drogheda Borough Council in relation to the provision of a new swimming in Drogheda are under consideration in my Department.

### Sports Capital Programme.

290. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism if he will approve a sports capital grant application for Boyle Celtic FC, Sligo Road, Boyle, County Roscommon; and if he will make a statement on the matter. [6977/04]

**Minister for Arts, Sport and Tourism (Mr. O’Donoghue):** The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

The 2004 sports capital programme was advertised in the national newspapers on 30 November and 1 December 2003. The closing date for receipt of applications was 16 January 2004. A total of 1,302 applications were received before the closing date, including one from the organisation in question. All applications are being evaluated against the programme’s assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

### Sports Funding.

291. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism the amount of funding sponsored or provided through his Department in each of the past ten years to ladies professional golf tournaments staged in the State; and if he will make a statement on the matter. [6995/04]

**Minister for Arts, Sport and Tourism (Mr. O’Donoghue):** The fund provided by my Department through the former subhead B3 of the Vote, tourism promotion and development fund, towards the Irish ladies’ open golf tournament was as follows:

Year	Amount
1994	£125,000 (€158,717)
1995	£140,000 (€177,763)
1996	£100,000 (€126,974)

The allocation of resources in subsequent years to this event and other professional golf tournaments is a day-to-day matter for Fáilte Ireland.

### Registration of Marriages.

292. **Mr. Naughten** asked the Minister for

[Mr. Naughten.]

Health and Children the new procedures for all couples wishing to marry to have their marriage registered following the introduction of the Civil Registration Bill 2004; when the Act comes into force; and if he will make a statement on the matter. [6629/04]

**Minister for Health and Children (Mr. Martin):**

The new procedures for marriage are set out Part 6 of the Civil Registration Act 2004. The Bill introduces universal procedures for notification, solemnisation and registration of marriages.

To meet the standard marriage civil preliminaries the couple must deliver to a registrar in person, a notification in writing in the approved form of their intention to marry not less than three months prior to the date of the intended marriage; sign a declaration that there is no impediment to the intended marriage; and produce identification and any other necessary documentation.

An exemption to the requirement to three months' notification can be obtained from the Circuit Family Court or the High Court. However, the couple must attend at a registrar's office to complete the civil preliminaries not less than five days prior to the marriage or, in exceptional circumstances, such lesser number of days as may be approved by the registrar. When all civil preliminaries are completed a registrar will issue a marriage registration form to the couple. The marriage registration form will be valid for a period of six months commencing with the intended date of marriage notified by the couple.

The Bill also provides for specific requirements for the solemnisation of marriages including the form of ceremony must be approved by an tArd-Chláraitheoir; a religious ceremony must be recognised by the religious body of which the solemniser is a member; a marriage cannot proceed unless the couple produce a marriage registration form to a registered solemniser; both parties to the marriage must be present at the ceremony; two witnesses aged 18 years or over must also be present; the venue for the marriage may be agreed between the couple and the solemniser; if the solemniser is a registrar, the venue must be approved by the local registration authority; the couple must understand the nature of the marriage ceremony; an interpreter must be used if required; the couple must make a declaration to the effect that there is no impediment to the marriage and a declaration that they accept each other as husband and wife; and the declaration of no impediment may be made up to two days before a religious ceremony to accommodate the liturgy of the different denominations.

Immediately after the solemnisation of the marriage, the marriage registration form must be signed by each party to the marriage, the two witnesses and the person who solemnised the marriage. The couple are responsible for the

return of the completed marriage registration form to the registrar within one month of the marriage. The Civil Registration Act 2004 was signed into law by an tUachtaráin on 27 February.

The new marriage provisions contained in the Act amount to a very substantial modernisation and updating of the provisions which apply, many of which date back to the 19th century. The General Register Office is committed to ensuring that the new provisions are brought into operation as soon as possible. The office will, over the coming months, undertake the wide range of measures required to achieve this, including all necessary consultations with the churches.

**Hospital Services.**

293. **Mr. Neville** asked the Minister for Health and Children when the Southern Health Board at Tralee General Hospital will be funded for a drug to treat a person (details supplied) in County Limerick. [6535/04]

**Minister for Health and Children (Mr. Martin):**

I understand that the Southern Health Board is considering the provision of treatment for the person in question at Tralee General Hospital. My Department has asked the chief executive officer of the board to advise the Deputy of progress in this case.

**Health Board Services.**

294. **Mr. Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will be appointed a social worker to assist with family problems; and if he will make a statement on the matter. [6542/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Responsibility in relation to the matter referred to by the Deputy rests with the South Western Area Health Board and Eastern Regional Health Authority. Accordingly, my Department has asked the chief executive officer of the authority to reply directly to the Deputy.

**National Treatment Purchase Fund.**

295. **Mr. Ring** asked the Minister for Health and Children if a person (details supplied) in County Mayo will be treated under the national treatment purchase scheme. [6571/04]

**Minister for Health and Children (Mr. Martin):**

The national treatment purchase fund, NTPF, has asked health boards to identify public hospital patients waiting longest on in-patient lists so that they can be offered treatment under this initiative. Public patients, who satisfy the criteria, can apply to their general practitioners, medical consultants or to their local health board to seek to have their treatment carried out under the NTPF.



My Department has asked the chief executive officer of the board to investigate the position in relation to national treatment purchase fund and the person's eligibility and to reply directly to the Deputy.

### Health Board Services.

296. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive home help. [6585/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in Mayo is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply directly to him as a matter of urgency.

297. **Mr. Ring** asked the Minister for Health and Children the health boards which are using the national treatment purchase scheme to deal with orthodontic treatment waiting lists; and the number that have been taken off each health board treatment waiting list. [6586/04]

**Minister for Health and Children (Mr. Martin):** As the Deputy is aware, the provision of orthodontic services is a matter for the health boards in the first instance.

I am pleased to advise the Deputy that I have taken a number of measures to improve orthodontic services on a national basis. The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School my Department has given approval in principle to a proposal from the school to further substantially

improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

Orthodontic initiative funding of €4.698 million was provided to the health boards-authority in 2001 and this has enabled health boards to recruit additional staff, engage the services of private specialist orthodontic practitioners to treat patients and build additional orthodontic facilities.

In June 2002 my Department provided additional funding of €5 million from the national treatment purchase fund towards the treatment of persons on the orthodontic waiting lists. My Department instructed the health boards-authority that the funding was to be allocated on the basis of the following principles: (i) treatment of clients longest on the waiting list in accordance with the severity of their treatment need; (ii) allocation to provide additional treatments over and above what was provided in the normal way; (iii) efficiency and value for money; and (iv) equitable delivery across health board populations.

The chief executive officers of the health boards-authority have informed my Department of the following information regarding patients receiving treatment under the treatment purchase fund as at the end of December 2003:

Health Board/Authority	TPF Allocation € (1)	Numbers in treatment
ERHA	1.815m	721
MHB	0.289m	198
MWHB	0.451m	176
NEHB (2)	0.421m	196
NWHB	0.285m	119
SEHB (3)	0.554m	n/a
SHB (4)	0.720m	258
WHB	0.465m	101

(1) The proportion of allocated funds spent to date will vary according to private capacity in the health board areas.

(2) Ten of these patients have completed their treatment under this scheme.

(3) 2,249 children getting orthodontic treatment from the board (at 31 December 2003).

(4) 27 of these patients have completed their treatment under this scheme.

The chief executive officers of the health boards-authority have informed me that, at the end of the December quarter 2003, 21,295 children were receiving orthodontic treatment in the public orthodontic service. This means that there are over twice as many children getting orthodontic treatment as there are children waiting to be treated and 4,000 extra children are getting treatment from health boards since the end of 2001.



### Nursing Home Subventions.

298. **Mr. G. Mitchell** asked the Minister for Health and Children if the South Western Area Health Board will allow a subvention to a person (details supplied) in Dublin 8 for a nursing home which is being assessed with net weekly value of assets; and if he will make a statement on the matter. [6588/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Dublin 8 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 directly to him as a matter of urgency.

### Drugs Payment Scheme.

299. **Mr. Neville** asked the Minister for Health and Children when a refund will be made under the drugs refund scheme to a person (details supplied) in County Limerick. [6590/04]

**Minister for Health and Children (Mr. Martin):** My Department put in place a refund scheme to process applications from people who may be eligible for a refund due to the delay in putting the drugs payment scheme on a statutory basis. The scheme was advertised in the national press on 26 June 2003 and again on 12 and 14 September for the extension of the closing date for applications to 31 October.

The GMS (Payments) Board is operating the scheme on behalf of the Department. I have had inquiries made in the matter and I understand that payment issued to the person referred to by the Deputy on 25 February.

300. **Mr. Neville** asked the Minister for Health and Children when a refund under the drugs refund scheme will be made to a person (details supplied) in County Limerick. [6591/04]

**Minister for Health and Children (Mr. Martin):** My Department put in place a refund scheme to process applications from people who may be eligible for a refund due to the delay in putting the drugs payment scheme on a statutory basis. The scheme was advertised in the national press on 26 June 2003, and again on 12 and 14 September for the extension of the closing date for applications to 31 October.

The GMS (Payments) Board is operating the scheme on behalf of the Department. I have had inquiries made in the matter and I understand that payment issued to the person referred to by the Deputy on 25 February.

### Children In Care.

301. **Mr. Neville** asked the Minister for Health and Children the role and functions of Coovagh

House on the grounds of St. Joseph's Hospital, Limerick; and the number of young people at present undergoing treatment at the centre. [6650/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Coovagh House is a five-place special care unit operated by the Mid-Western Health Board catering for boys aged 11 to 17 years which provides residential, educational and therapeutic supports in a secure setting for a small number of non-offending children in need of special care or protection. The unit, which opened late last year, caters for children from the Mid-Western, Southern and South Eastern Health Boards. The Mid-Western Health Board has informed me that the unit is opening on a phased basis and that, with current staffing resources, there are two places available, of which one is occupied at present. There are no applications for admission to the unit.

### Hospital Services.

302. **Ms McManus** asked the Minister for Health and Children the reason for his failure to provide adequate funds for the development of the neurophysiology service in Dublin, in view of the fact that there has been no permanent consultant attached to either the national centres of neuroscience or spinal trauma in Dublin for two years, and that the Eastern Regional Health Authority has indicated a willingness to approve a post based at the national neuroscience centre at Beaumont, pending the provision of adequate funding by his Department for essential infrastructural development; and if he will make a statement on the matter. [6652/04]

**Minister for Health and Children (Mr. Martin):** The Eastern Regional Health Authority is charged with responsibility for commissioning health and personal social services on behalf of the population of the region and also on behalf of those outside the region who are referred for specialist treatment. My Department has, therefore, asked the regional chief executive of the authority to examine the issues raised by the Deputy and to reply to her directly.

In addition, the Deputy will be aware that I requested Comhairle na nOspidéal to examine existing arrangements for the provision of consultant-level neurology and neurophysiology services nationally and to make recommendations on the future organisation and development of those services. Comhairle has recently published its report and, having considered it, I am happy to endorse its recommendations for a significant enhancement of neurology and neurophysiology services, including increases in consultant manpower.

The report also recognises that there are aspects of a number of other specialties and services, such as rehabilitation medicine, geriatric medicine and old age psychiatry, which are related to and overlap with neurology services.

Comhairle has recommended that a national multidisciplinary review of rehabilitation services be undertaken to inform the policy framework further in regard to the development of neurology services.

Consistent with this recommendation and in line with commitments in the national health strategy, a national action plan for rehabilitation services is currently being prepared by my Department. The action plan will set out a programme to meet existing shortfalls in services and to integrate specialised facilities with locally based follow-up services. The rehabilitation action plan, together with the Comhairle report and the work undertaken by the Neurological Alliance of Ireland through its own publications will, in my view, offer a comprehensive policy framework for the future development of neurology and neurophysiology services in this country.

My Department will continue to work closely with the alliance and with the Irish Consultant Neurologists' Association in regard to the future development of services. The implementation of the Comhairle recommendations will be progressed having regard to the evolving policy framework in this area, competing funding priorities and the report of the national task force on medical staffing.

#### **Hospital Services.**

303. **Mr. R. Bruton** asked the Minister for Health and Children the systems which he has in place for monitoring and evaluating the standards of health care in hospitals; if the systems are based on self-evaluation by the hospital concerned or external evaluation; the frequency with which defects in standards of care have been uncovered; and the systems which are in place for rectifying such lapses. [6656/04]

326. **Mr. C. Lenihan** asked the Minister for Health and Children the comparative results for the Dublin hospitals and the way in which they fared in the accreditation report conducted on their performance and services in 2003; and if he will rank the different hospitals in the order in which they performed under the different criteria applied to them. [6963/04]

327. **Mr. C. Lenihan** asked the Minister for Health and Children the way in which Tallaght Hospital performed in the accreditation report conducted on the hospital in 2003; and his views on this report on the hospital in view of the fact that it is in relative terms a new facility. [6964/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 303, 326 and 327 together.

The health strategy emphasises the need to ensure the provision of high quality and safe care at the heart of a modernised health service. Consistent with this policy, I established the Irish

health services accreditation board, IHSAB, on 1 May 2002.

The IHSAB operates an accreditation programme in the acute hospital sector with the aim of assuring safety for patients, staff and the public, within a framework of continuously improving quality of care. The accreditation process operates through a combination of self-assessment and peer review, using the skills of trained independent Irish and international surveyors in order to assess the safety and quality of care being provided. The standards applied by the IHSAB have been internationally accredited by the International Society for Quality in Healthcare.

The accreditation process first requires each participating hospital to carry out a thorough self-assessment, and to submit its findings to the IHSAB. Subsequently, a team of surveyors will visit the hospital to carry out the accreditation survey, following which a detailed report is issued to the hospital. The process is designed to bring to the attention of the hospital all significant issues which have been identified during the survey.

To ensure that these issues are acted upon, each hospital is required to submit progress reports in relation to issues of specific concern, with a more comprehensive report required from the hospital 12 months after the survey. In addition, surveyors carry out review visits where significant areas of concern have been identified. There is also a requirement that a further complete survey is conducted 18 months following the initial IHSAB survey.

I am satisfied that the accreditation process is already serving to assist participating hospitals in identifying and acting upon opportunities for quality improvement, and I look forward to the continuing roll-out of the scheme by the IHSAB across the hospital sector.

The questions raised relating to the accreditation surveys conducted at Dublin hospitals are appropriate to the IHSAB and, accordingly, have been referred for direct reply to the Deputy.

#### **Health Board Services.**

304. **Mr. F. McGrath** asked the Minister for Health and Children if, regarding an application by a person (details supplied) in Dublin 9, the maximum advice, assistance and support will be given in regard to the query. [6657/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Dublin 9 area is, in the first instance, the responsibility of the Northern 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 directly to him as a matter of urgency.

### National Health Strategy.

305. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if he will report on progress to date on elements of an action plan (details supplied). [6660/04]

**Minister for Health and Children (Mr. Martin):** The national health strategy, *Quality and Fairness: A Health System for You*, launched in November 2001, contains a 121 point action plan. The Department compiles an annual report on progress achieved in the implementation of the strategy action plan. I have arranged for a copy of the annual report for 2002 to be forwarded to the Deputy. The Department is compiling a report in respect of 2003. A copy of same will be forwarded to the Deputy as soon as it becomes available.

### Hospital Services.

306. **Mr. Naughten** asked the Minister for Health and Children, further to Question No. 723 of 27 January 2004, the position in regard to same; if it is acceptable that a reply has not been issued to date; and if he will make a statement on the matter. [6672/04]

**Minister for Health and Children (Mr. Martin):** I refer the Deputy to the Western Health Board letter of 5 February 2004, a copy of which I have forwarded to the Deputy, and my reply to Question No. 386, dated 24 February 2004.

### Nursing Education.

307. **Ms M. Wallace** asked the Minister for Health and Children if his Department can address in more detail the question raised in Question No. 341 with regard to the integrated sick children-general nursing degree programme as distinct from the degree programmes in the disciplines of general, psychiatric and mental handicap nursing; if his Department will acknowledge that, while the degree courses commenced in 2002 in the other disciplines, it has not commenced in the discipline referred to despite the fact that a Department of Health and Children sponsored tutor was appointed to UCD to develop the programme, which is essential to maintain the distinct identity of sick children's nursing and to continue to attract students to this crucial area of the health service; if his Department could address the timeframe issue in February 2004 for the autumn 2004 academic year; and if he will make a statement on the matter. [6686/04]

**Minister for Health and Children (Mr. Martin):** The Commission on Nursing, which reported in 1998, recommended that pre-registration nursing education move from a three year diploma programme to a four year degree programme in each of the disciplines of general, psychiatric and mental handicap nursing. The Government expressed its commitment to implementing the programme, providing capital investment in

excess of €240 million to ensure the provision of purpose-built facilities for nursing students, with state-of-the-art clinical skills and human science laboratories. In addition, when the programme has a full cohort of students in 2006, the total annual revenue cost will be in excess of €90 million. The new nursing degree commenced in 13 higher education institutes in autumn 2002, with an annual approved intake of 1,640 students across the three disciplines concerned. This level of intake is 70% higher than it was in 1998.

In 1996, the education of sick children's nurses became a post-registration education qualification. It is an 18 month course open to nurses already registered with An Bord Altranais. Previously there had been direct entry courses in sick children's nursing and a key factor in the move to post-registration qualification was the increasing difficulty in recruiting students. Many nurses with only a sick children's nursing qualification had found it difficult to obtain employment outside the major Dublin paediatric hospitals. Developments in medical diagnosis and therapeutics meant that acutely ill children who might not previously have survived, were now being cared for by sick children's nurses. It was suggested that the nature of sick children's nursing and the changing nature of the family, with an increase in the number of single teenage parents, required a greater degree of maturity in the practice of sick children's nursing. In addition, the development of the degree programmes for direct entry nursing disciplines may lead to duplication between the current sick children's nursing programme and the pre-registration degree programmes.

The Commission on Nursing recommended that the qualification of sick children's nursing remain a post-registration qualification. However, the commission also proposed that, prior to the transfer of direct entry nursing disciplines to a degree programme, directors of nursing from the paediatric hospitals, sick children's nurse educators and An Bord Altranais should review the content, duration and academic award of the sick children's nursing course in the light of the proposed degree course curricula. In accordance with the above recommendation, I made funding available to UCD to undertake work on curriculum development for an integrated sick children's-general nursing degree programme.

It must be recognised that the costs of introducing an integrated sick children's-general nursing pre-registration degree are very high. Using the same costing template for the pre-registration nursing degree programme, it is estimated that the total annual revenue cost of an additional yearly intake of 133 students — the current intake into the post-registration course is 133 — would be in the region of €9.5 million. In addition, the third level institutions have indicated to my officials that it would not be possible to proceed with the transfer of paediatric



education without incurring significant capital costs. The capital cost of transferring some 585 additional sick children's nursing students to the third level sector is almost €20 million.

While I recognise that there is concern in the profession that sick children's nursing has not moved to pre-registration degree level, it must be borne in mind that, given the current budgetary restraints and the substantial funding already allocated to the other pre-registration degree programmes, my officials must consider all the possibilities to ameliorate the high cost of the proposed integrated programme. As the closing date for applications for third level courses to the CAO has passed, it will not be possible to commence the integrated sick children's-general nursing degree in autumn 2004.

#### **Child Abuse.**

308. **Mr. Hogan** asked the Minister for Health and Children the reason no action was taken in respect of allegations of child abuse at Cappoquin, County Waterford, even though this information was available to the Garda Síochána, the South Eastern Health Board and his Department; and if he will make a statement on the matter. [6687/04]

309. **Mr. Hogan** asked the Minister for Health and Children the reason no action was taken in respect of allegations of child abuse at Cappoquin, County Waterford, in the year 1994, even though this information was available to the Garda Síochána, the South Eastern Health Board and his Department. [6688/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I propose to take Questions Nos. 308 and 309 together.

The Department of Health and Children was alerted by the South Eastern Health Board to allegations of child abuse in Cappoquin in January 1994. The health board was advised immediately that the gardaí should be notified of the allegations. The health board gave the Department assurances at the time that the alleged abuse was not continuing and that the children were safe. Within a few days of receiving this information, the Department also arranged for its then social work adviser to visit Cappoquin to confirm that the children then residing in the home were safe. The social work adviser subsequently reported back that, subject to the limitations inherent in a once-off visit, she was satisfied that the home was being well run and that the children appeared to be happy.

The chief executive officers of each health board were also circularised and instructed by the Department to ensure that children placed in residential care were visited regularly and that the care being provided to them was monitored closely. Additional resources were provided to the South Eastern Health Board in 1994, 1995 and 1996, in common with all other boards, in

preparation for the full implementation of the Child Care Act 1991.

Furthermore, a working group to advise on standards in children's residential centres was established. This group included representatives of the Department of Health and Children, health boards, the Residential Managers Association, the Irish Association of Care Workers and the Conference of Religious of Ireland. As a result of this, the Child Care (Standards in Children's Residential Centres) Regulations 1996, SI 397 of 1996, were introduced. These regulations set out the statutory obligations in relation to the standards to be maintained in children's residential centres run by voluntary agencies.

#### **Hospital Services.**

310. **Mr. Penrose** asked the Minister for Health and Children if he will take steps to have a person (details supplied) immediately admitted for urgent medical care to Beaumont Hospital, Dublin; and if he will make a statement on the matter. [6689/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of hospital services to residents of County Westmeath rests with the Midland Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the position in relation to this case and to reply to the Deputy directly.

#### **Health Board Services.**

311. **Mr. G. Mitchell** asked the Minister for Health and Children when he intends to extend the national treatment purchase fund to children waiting for orthodontic treatment in view of the long waiting lists in this area; and if he will make a statement on the matter. [6741/04]

**Minister for Health and Children (Mr. Martin):** As the Deputy is aware, the provision of orthodontic treatment services is the responsibility of the health boards-authority in the first instance.

In June 2002 my Department provided additional funding of €5 million from the treatment purchase fund towards the treatment of persons on the orthodontic waiting lists. My Department instructed the health boards-authority that the funding was to be allocated on the basis of the following principles: (i) treatment of clients longest on the waiting list in accordance with the severity of their treatment need; (ii) allocation to provide additional treatments over and above what was provided in the normal way; (iii) efficiency and value for money; and (iv) equitable delivery across health board populations.

The funding is enabling boards-authority to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners. The Eastern Regional Health Authority was allocated an additional €1.815 million from this fund for the treatment of



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cases in this way and this is enabling the authority to treat an additional 721 patients.

I am pleased to advise the Deputy that I have taken a number of measures to improve orthodontic services on a national basis. The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001. Thus, there is an aggregate of 19 dentists in specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School, my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities. It will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

The chief executive officers of the health boards-authority have informed me that, at the end of the December quarter 2003, 21,295 children were receiving orthodontic treatment in the public orthodontic service. This means that there are over twice as many children getting orthodontic treatment as there are children waiting to be treated and 4,000 extra children are getting treatment from health boards since the end of 2001.

#### **National Treatment Purchase Fund.**

312. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for hip surgery; and if this person can be treated under the national treatment purchase plan in view of the fact that they are waiting for this surgery since 1999. [6742/04]

#### **Minister for Health and Children (Mr. Martin):**

The national treatment purchase fund, NTPF, has asked health boards to identify public hospital patients waiting longest on in-patient lists so that they can be offered treatment under this initiative. Public patients, who satisfy the criteria, can apply to their general practitioners, medical consultants or to their local health board to seek to have their treatment carried out under the NTPF.

My Department has asked the chief executive officer of the board to investigate the position in relation to national treatment purchase fund and the person's eligibility and to reply directly to the Deputy.

#### **Health Board Services.**

313. **Mr. McGuinness** asked the Minister for Health and Children the action he is taking to provide proper care and treatment in the case of a person (details supplied) in County Tipperary; the reason this person has not been transferred to Newmarket House in the UK or Marino Therapy Centre, Dublin; if he will take the decision at Department level in this case on the medical advice available in view of the fact that the South Eastern Health Board appears to be unable to do so; and if he will make a statement on the matter. [6743/04]

**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 South Eastern Health Board. My Department has therefore asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

#### **Hospitals Building Programme.**

314. **Mr. McGuinness** asked the Minister for Health and Children, further to Parliamentary Question No. 377 of 24 February 2004, the date of the original submission to his Department from the South Eastern Health Board; the number of meetings held between the board and his Department; the time frame involved in such a process; and if he will make a statement on the matter. [6744/04]

#### **Minister for Health and Children (Mr. Martin):**

An outline proposal on the matter referred to by the Deputy was submitted by the South Eastern Health Board to my Department on 16 June 2003. The matter was discussed during the course of three meetings with the board. The board subsequently submitted a needs assessment report in December 2003. The matter is currently under consideration by my Department in consultation with the board.

#### **Hospital Staff.**

315. **Mr. Connolly** asked the Minister for Health and Children the number of locum

consultants who were employed at Cavan General Hospital since consultants (details supplied) were suspended in August 2003; the number of hours each locum worked and the cost involved in employing each locum consultant; the number of times each locum was released on a paid basis for interviews and other duties external to the hospital; and if he will make a statement on the matter. [6745/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the employment of locum consultants in Cavan General Hospital rests with the North Eastern Health Board. My Department has therefore asked the CEO of the North Eastern Health Board to investigate the matter raised by the Deputy and reply to him directly.

**National Treatment Purchase Fund.**

316. **Mr. G. Mitchell** asked the Minister for Health and Children if he will extend the national treatment purchase fund to those waiting for assessment by an occupational therapist in view of the considerable waiting lists, some more than three years, and considering the vast majority of those awaiting assessment are elderly and may not be able to reside at home if these assessments are not carried out; and if he will make a statement on the matter. [6845/04]

**Minister for Health and Children (Mr. Martin):**

The national treatment purchase fund was established specifically for the purpose of arranging treatment for those public patients who have been waiting longest for admission to acute hospitals for mainly surgical procedures. The fund has been successful in locating additional capacity and arranging treatments for approximately 11,000 patients to date. It is now the case that in most instances, adults waiting more than six months for an operation and children waiting for more than three months will now be facilitated by the fund.

As the Deputy may be aware, intensive efforts have been undertaken to improve staffing levels in occupational therapy both at local and national level. The success of these measures is reflected in the increase of 218 occupational therapists on a whole-time equivalent basis — an increase of 49% — employed in the public health service over the past three years. Relevant developments include the continued implementation of the recommendations of the report of the expert group on various health professions, which included new pay scales and career structures, the undertaking of a concerted overseas recruitment drive on behalf of all health boards, the introduction of a fast-track working visa scheme for health and social care professionals and the streamlining of procedures for the validation of overseas qualifications. The full implementation of the pay recommendations of the public service benchmarking body is also expected to play a part in increasing staffing levels.

In addition, three new occupational therapy courses commenced in the 2003-04 academic year in University College Cork, National University of Ireland Galway and the University of Limerick. In total, these courses will provide an additional 75 training places in occupational therapy. This expansion in training numbers was identified in the Bacon report as necessary to meet the long-term demand-supply balance for occupational therapists in Ireland.

**Hospital Accommodation.**

317. **Mr. McGinley** asked the Minister for Health and Children the position regarding the provision of additional accommodation to the accident and emergency unit of Letterkenny General Hospital; and if he will make a statement on the matter. [6846/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of services at Letterkenny General Hospital rests with the North Western Health Board. In July 2003 I gave approval to the board to proceed with the planning of an extension to the accident and emergency department of the hospital. The board is currently in consultation with my Department with a view to progressing this project.

**Smoking Ban.**

318. **Mr. O'Dowd** asked the Minister for Health and Children if publicans and their staff will personally have to enforce the smoking regulations in their own premises. [6868/04]

**Minister for Health and Children (Mr. Martin):**

The owner, manager or person in charge of a workplace is legally responsible for ensuring compliance with health and safety requirements, including the prohibition on smoking in the workplace. The Office of Tobacco Control has drawn up guidelines for the licensed trade to help owners, managers and staff with the introduction of the new measure. The office consulted with the trade in preparing the guidelines and these will be accessible on its website today. The emphasis will be on compliance building and providing guidance and information to people in the sector. As part of the process of monitoring compliance with the smoke-free workplace requirement, authorised officers from the health boards and the Office of Tobacco Control will visit premises. I expect that the vast majority of employers, employees and the public will respect the new measures, which are primarily to protect people from exposure to toxic environmental tobacco smoke.

**Hospital Services.**

319. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for a hip operation. [6944/04]

**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 on the matter raised.

**National Treatment Purchase Fund.**

320. **Mr. Ring** asked the Minister for Health and Children if a person (details supplied) in County Mayo will be brought for treatment under the national treatment purchase plan. [6945/04]

**Minister for Health and Children (Mr. Martin):**

The national treatment purchase fund, NTPF, has asked health boards to identify public hospital patients waiting longest on in-patient lists so that they can be offered treatment under this initiative. Public patients who satisfy the criteria can apply to their general practitioners, medical consultants or local health boards to have their treatment carried out under the NTPF. My Department has asked the chief executive officer of the board to investigate the matter referred to by the Deputy and the person's eligibility for treatment under the NTPF and reply directly to the Deputy.

**Proposed Legislation.**

321. **Mr. Morgan** asked the Minister for Health and Children if there were consultations between his Department and the Department of Justice, Equality and Law Reform on the implications for cases of medical malpractice and negligence of the Civil Liability and Courts Bill 2004, which proposes to reduce the period covered by the Statute of Limitations from three years to one year. [6946/04]

**Minister for Health and Children (Mr. Martin):**

In accordance with standard practice, the draft Civil Liability and Courts Bill 2004 was circulated to my Department for information and for any observations on its possible implications for the Department's area of responsibility.

**Ambulance Service.**

322. **Mr. Connolly** asked the Minister for Health and Children the written and oral instructions given to ambulance staff in the matter of removing patients to Monaghan General Hospital or to Cavan General Hospital; the criteria used in formulating these instructions; and if he will make a statement on the matter. [6947/04]

323. **Mr. Connolly** asked the Minister for Health and Children if, in the event of a general practitioner referring a patient to Monaghan General Hospital, the ambulance staff have a right to countermand this referral under their instructions from the health board executive; and if he will make a statement on the matter. [6948/04]

**Minister for Health and Children (Mr. Martin):**

I propose to take Questions Nos. 322 and 323 together.

The North Eastern Health Board is responsible for the provision of ambulance services in its functional area. My Department has therefore asked the chief executive officer of the board to investigate the matters raised by the Deputy and to reply to him directly.

**Health Service Staff.**

324. **Ms O. Mitchell** asked the Minister for Health and Children the number of new posts created within the health sector for 2002, 2003 and 2004; and the breakdown of the categories of these posts and the number of posts within each category. [6953/04]

**Minister for Health and Children (Mr. Martin):**

Health service employment, as measured by the quarterly health service personnel census, increased by 5,377 in whole-time equivalent, WTE, terms in 2002. This increase represents net additions to the health service workforce, including both new posts created and recruitment to posts previously unfilled. The Deputy may wish to note that within this overall increase, employment in nursing grades increased by 1,966 WTEs, or more than 6%, and employment in medical and dental grades increased by 489 WTEs, or nearly 8%. Substantial increases also took place in the health and social care professional grades and other health service grade categories providing direct patient services to the public. Information in respect of the increases in all grade categories is currently being compiled by my Department, taking into account changes in classifications which took place in the course of 2002. This information, together with comprehensive information for 2003, will be made available to the Deputy as soon as it is finalised.

As far as the current year is concerned, the letter of determination issued by my Department to each health board or authority for 2004 stated that employment requirements of specific services, consistent with planned activity levels, should be met through the management of the approved employment complement. This includes the appropriate staffing mix and the precise grades of staff employed in the approved health workforce. The first quarterly employment report for 2004, setting out the composition of the health service workforce at the end of March 2004, will be available in June 2004.

**Smoking Ban.**

325. **Mr. C. Lenihan** asked the Minister for Health and Children the way in which he intends to implement the smoking ban on the ground in terms of enforcement; and if additional staff or resources are being given to the task by the health boards. [6962/04]



**Minister for Health and Children (Mr. Martin):**

A national public information campaign, entitled Smoke-Free at Work, will be rolled out across TV, radio and print media. In addition, a series of print materials for workplaces, employees and the general public will be available over the coming weeks and these will be available on-line at the new Smoke-Free at Work website. The campaign will provide guidance and information to all sectors of society in preparation for 29 March. Information will also be available on-line from the Office of Tobacco Control and the Health and Safety Authority websites. A memorandum of understanding has been agreed by the two agencies which will help to ensure compliance with the new measure.

Workplace locations traditionally visited by the Health and Safety Authority will now also have to comply with the new smoke-free measure as part of their general compliance with health and safety requirements. Monitoring compliance with the smoke-free requirements in the food and hospitality area will be carried out by officers from health boards and the Office of Tobacco Control. Health boards with vacancies in their established environmental health officer complements in the tobacco control area are in the process of filling these posts. The emphasis of the campaign will be on compliance building and harnessing the widespread public support and goodwill that exists for a smoke-free environment.

Adapting to the new measure will require some adjustment, particularly for those in workplaces which up to now have not benefited from the existing statutory controls on the smoking of tobacco products. I am confident that people will adjust, just as they did when cinemas, theatres, hairdressing salons, aeroplanes and numerous other settings became smoke-free. The trade union movement is strongly supportive and I am encouraged by the willingness shown by employers' organisations in the various sectors in recommending compliance with the new measure to their members. Most people are law-abiding and responsible and I expect that the vast majority of employers, employees and the public will respect this important new public health measure.

*Questions Nos. 326 and 327 answered with Question No. 303.*

**Hospital Services.**

328. **Mr. C. Lenihan** asked the Minister for Health and Children if he will make a statement on the mooted merger between Tallaght Hospital and St. James's Hospital and the extent to which his Department and officials have been involved or consulted with regard to the discussions. [6965/04]

329. **Mr. C. Lenihan** asked the Minister for Health and Children his views, in light of the Hanly report recommendations for the country's

hospitals, on whether there could be significant savings in the area of shared services and administration through hospital merging in the manner now proposed by executives in Tallaght Hospital and St. James's Hospital. [6966/04]

330. **Mr. C. Lenihan** asked the Minister for Health and Children if, in the event of a merger between Tallaght Hospital and St. James's Hospital, such a merger will not be given his approval if it leads to the downgrading of Tallaght hospital in terms of the expansion of services at this relatively new facility. [6967/04]

**Minister for Health and Children (Mr. Martin):**

I propose to take Questions Nos. 328 to 330, inclusive, together.

Officials of my Department have received a preliminary briefing on discussions which are ongoing between representatives of the hospitals mentioned by the Deputy and the faculty of health sciences at Trinity College Dublin on future governance arrangements. As far as I am aware, this process is about developing the hospital services and the question of downgrading any facility does not arise.

The acute hospitals review group has been asked to prepare a national hospitals plan for the interim health services executive, taking account of the principles set out in the Hanly report. The Hanly proposals include the development of integrated hospital networks, within which the management of hospitals would be closely linked. Any proposals regarding the management of individual hospitals or groups of hospitals will be relevant to the work of the review group.

**Vaccination Programme.**

331. **Mr. Gormley** asked the Minister for Health and Children his views on the use of mercury in vaccinations for children; and if he will make a statement on the matter. [6973/04]

**Minister for Health and Children (Mr. Martin):**

The Irish Medicines Board, which has statutory responsibility for licensing all pharmaceutical products for use in Ireland, has provided the following information in relation to thiomersal. Thiomersal is a mercury-containing preservative used in vaccines to prevent bacterial contamination. There has been no thiomersal in the vaccines used in the national primary childhood immunisation programme, which covers children from birth to the age of two, since 1996; this includes BCG, DTaP — diphtheria, tetanus, acellular pertussis and inactivated polio vaccine — oral polio, Hib and MMR.

The IMB has advised that thiomersal is present in the newer four-in-one and five-in-one vaccines, Tetravac and Pentavac, in trace amounts. The trace amounts are equivalent to values below the limit of detection, corresponding to less than 18 nanograms per vaccine dose. According to the IMB, these trace amounts of mercury have no biological effect and such products should be considered equivalent to thiomersal-free



[Mr. Martin.] products. The IMB has further clarified that, as with any agent, hypersensitivity reactions can occur in sensitised individuals despite this very low concentration; however, previous experience with Pentavac and Tetravac in other countries has shown no evidence of any such reactions having occurred due to thiomersal. The *Lancet* published an article in 2003 which suggests that the level of thiomersal in vaccines given in infancy does not appear to elevate blood concentrations of mercury above safe levels in infants. The IMB has published articles on the subject of thiomersal in its drug safety newsletter; these articles are available at [www.imb.ie](http://www.imb.ie).

### **Cancer Screening Programme.**

332. **Ms O. Mitchell** asked the Minister for Health and Children if he has encouraged the national cervical screening programme to participate in the proposed trial of the new molecular traffic light test of a person (details supplied); and if he will make a statement on the matter. [6974/04]

**Minister for Health and Children (Mr. Martin):** Phase one of the national cervical screening programme has been operating in the Mid-Western Health Board since October 2000. In the interests of best practice and quality assurance, organised screening programmes such as phase one must be based on established tests which have been fully evaluated and whose value is supported by clear evidence. These criteria are set down by the national cancer forum. The test described by the Deputy has not been assessed and therefore there is no basis for recommending its inclusion as a screening test at this point in time.

The national health strategy includes a commitment to extend the programme to the rest of the country. The health boards executive, HeBE, has initiated an examination of the feasibility and implications of a roll-out of the national programme. The work currently being undertaken as part of the roll-out includes an evaluation of phase one, policy development including use of new technologies, and the establishment of national governance arrangements. This work has regard to the experiences gained from the phase one programme and other international programmes as well as current best practice. The evaluation of phase one is a key element in informing the development of a high-quality cervical screening model for Ireland. The evaluation is currently underway and it is anticipated that it will be completed within the next few months. Once completed, HeBE has advised that it will be in a position to prepare a draft roll-out plan.

### **General Medical Services Scheme.**

333. **Mr. Penrose** asked the Minister for Health and Children the reason prescribed medication

such as quinine for the treatment of cramps is not available to the holders of medical cards but must be purchased by them; and if he will make a statement on the matter. [6975/04]

### **Minister for Health and Children (Mr. Martin):**

There is a common list of reimbursable medicines for the general medical services and drug payment schemes. This list ensures equity between the schemes in the range of medicines paid for by the State. The list is reviewed and amended monthly as new products become available and deletions are notified.

For an item to be included on the common list, it must comply with a published list of criteria. These include authorisation status where appropriate, price, and in certain cases the intended use of the product. In addition, the product should ordinarily be supplied to the public only by medical prescription and should not be advertised or promoted to the public. Quinine is licensed in Ireland for the treatment of malaria only. It is not included on the common list. A medical card holder who experiences financial difficulty in obtaining items not on the common list should approach the health board for assistance.

### **Vaccination Programme.**

334. **Mr. Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 389 of 17 February 2004, the details of the preliminary review of the schemes; and if he will make a statement on the matter. [6984/04]

### **Minister for Health and Children (Mr. Martin):**

The preliminary review undertaken involved a general overview of details of schemes in place in a number of other countries. This review was done in order to establish general details of schemes already in existence; however, a detailed examination of such schemes has not yet been undertaken.

### **Blood Transfusion Service.**

335. **Mr. B. O'Keeffe** asked the Minister for Health and Children when he proposes to appoint a design team for the construction of the Irish blood transfusion Munster centre in Cork, as recommended by the international panel in October 2002. [6989/04]

### **Minister for Health and Children (Mr. Martin):**

The development brief for the project was submitted to the Department by the Irish Blood Transfusion Service in March 2003. The estimated current capital cost of the project, including special facilities for nucleic acid amplification technology testing, is approximately €28 million. Officials of my Department are in discussions with the Department of Finance in order to agree a capital investment framework for the period 2004-08. The project mentioned by the Deputy is being considered in that context.

### Hospital Staff.

336. **Mr. B. O’Keeffe** asked the Minister for Health and Children the number of nurses Manpower Planning suggests will be required to be recruited during 2004 and 2005; his views on the marketing strategy in terms of employment adopted by UK medical facilities; and the way he intends to counteract their employment recruitment initiatives. [6990/04]

#### Minister for Health and Children (Mr. Martin):

The recruitment and retention of adequate numbers of nursing staff has been a concern of this Government for some time, and a number of substantial measures have been introduced in recent years. These include: an increase of 70% in the number of nursing training places from 968 in 1998 to 1,640 from 2002 onwards; payment of

fees to nurses and midwives undertaking part-time nursing and certain other undergraduate degree courses; improved schemes of financial support for student paediatric nurses and student midwives; payment of fees and enhanced salary to nurses and midwives undertaking courses in specialised areas of clinical practice; abolition of fees for back-to-practice courses and payment of salary to nurses and midwives undertaking such courses; financial support to State-enrolled nurses working in the Irish health service who wish to undertake nursing conversion programmes in the United Kingdom; and the availability of 40 sponsorships each year for certain categories of health service employees wishing to train as nurses.

The following table illustrates the improvements that have taken place in nursing numbers over the past number of years:

	1998	1999	2000	2001	2002
Whole time equivalents	26,611	27,044	29,173	31,428	33,395

In 1998, there were 26,611 whole-time equivalent nurses employed in the public health system. By the end of 2002 this figure had reached 33,395. This is an increase of almost 6,800 during the period, or over 25%. It is clear from these figures that the recruitment and retention measures I introduced are proving very effective.

Figures from An Bord Altranais for the same period indicate that there is a steady stream of new entrants into the profession over and above those graduating from the Irish system, thus further increasing the potential recruitment pool. The following table illustrates the number of applications for registration between 1998 and November 2003:

Division	1998	1999	2000	2001	2002	2003
General	2,092	2,143	2,518	4,582	3,450	1,970
Mental handicap	140	163	188	176	153	156
Psychiatric	239	236	248	266	410	365
Total	2,471	2,542	2,954	5,024	4,013	2,491

Foreign recruitment has made a valuable contribution to addressing domestic staff shortages in the nursing area. An Bord Altranais continues to receive applications for registration

from overseas nurses. The total number of foreign registrations for the period 1998 to 2003 is set out as follows:

	1998	1999	2000	2001	2002	November 2003
Overseas	94	142	631	2,311	1,760	740
EU (excluding Ireland)	1,417	1,521	1,585	1,424	1,194	839
Total (excluding Ireland)	1,511	1,663	2,216	3,735	2,954	1,579

The procedures for recruiting overseas nurses into the health service are well developed and extensive supports are in place to enable overseas nurses to obtain registration with An Bord Altranais.

In 2002, as part of the Government’s commitment to implementing the recommendation of the commission on nursing, the education of student nurses was transferred

to the third-level education sector. This transfer is supported by a very significant capital development programme involving expenditure of more than €240 million in thirteen institutes of higher education nationwide. Revenue expenditure will exceed €90 million per annum when the programme has a full population of students from 2006 onwards. Of the remaining three-year diploma students, around 1,500 will

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graduate this year. It is expected that these 1,500 graduates, in addition to the continued recruitment of overseas nurses and increased utilisation of health care assistants, will be sufficient to meet health service needs in 2004.

Under the new degree programme, nursing students will be employed in the health service for a 12-month period during their training. The students will be part of the rostered workforce and will receive a salary for this 12-month period. The first students will commence their rostered service in spring 2005, continuing until spring 2006. These students will make a substantial contribution to the health service and will help address the difficulties caused by the loss of a graduating class in 2005. It should be noted that such rostered students will be a constant feature of the health services from 2005 onwards.

Officials from my Department are in touch with senior nurse managers throughout the country on a regular basis and discussions indicate that the problem of a lack of graduates in 2005 will only manifest itself in spring 2006. As there will be a cohort of graduates available by early autumn 2006, the problem has a relatively short lifespan. A working group representing health service employers and my Department is in the process of being established for the purpose of identifying where the main gaps are likely to arise as a result of the lack of graduates in 2005 and to devise a strategy for dealing with these gaps.

My Department recently gave approval to the roll-out, on a national basis, of the health care assistant training programme, which commenced in December 2003. The main objective of the programme is to increase the skills of health care assistants so that, working under the supervision of nurses, they are enabled to take on a wider range of duties, thereby freeing nursing resources to concentrate on exclusively nursing tasks. Up to 500 health care assistants will be trained each year at an estimated annual cost of €3 million.

I am confident the extensive range of measures outlined, including recruitment of overseas nurses and increased use of health care assistants, in addition to close monitoring and assessment of the situation on an ongoing basis will prove to be effective in addressing any shortfall arising in the nursing workforce in 2004 and 2005.

Marketing strategies adopted by UK employers are strictly a matter for those employers. However, there is considerable movement of UK-trained nurses into Ireland. In the three years up to the end of 2003, a total of 3,051 UK-trained nurses registered with An Bord Altranais. Overall, the total number of overseas nurses registered in Ireland in the same period was almost 8,300. It is clear from these figures that overseas nurses, including those from the UK, find Ireland an attractive location in which to pursue their careers.

### Services for People with Disabilities.

337. **Mr. Stanton** asked the Minister for Health and Children the core funding made available to service providers in respect of disability services provided directly by his Department or through the respective health boards in 1999, 2000, 2001, 2002 and 2003; the amount received by each of the service providers; and if he will make a statement on the matter. [7029/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The following is the estimated non-capital expenditure by my Department on the disability programme for the years in question:

Year	Estimated expenditure (€)
1999	520,835
2000	651,562
2001	815,909
2002	962,932
2003	1,125,889
Total	4,077,127

The amounts provided to the various service providers are a matter for decision by the Eastern Regional Health Authority and the health boards. Accordingly, the Deputy's question has been referred to the chief executive officers of the Eastern Regional Health Authority and the health boards with a request that they examine the matter and reply directly to the Deputy as a matter of urgency.

### Services for People with Disabilities.

338. **Mr. Stanton** asked the Minister for Health and Children when the specific information provided in reply to Parliamentary Question No. 451 of 16 December 2003 and requested from the health boards and the Eastern Regional Health Authority will be made available; and if he will make a statement on the matter. [7030/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** My Department is finalising the information requested by the Deputy. As soon as the information is collated, it will be made available.

### Medical Cards.

339. **Mr. Naughten** asked the Minister for Health and Children the total number of medical cards issued in County Roscommon for each year from 1997 to 2004; the number each year that were issued to those over 70; and if he will make a statement on the matter. [7078/04]

340. **Mr. Naughten** asked the Minister for Health and Children the total number of medical cards issued in County Longford for each year from 1997 to 2004; the number each year that were issued to those over 70; and if he will make a statement on the matter. [7079/04]

341. **Mr. Naughten** asked the Minister for Health and Children the total number of medical cards issued in County Leitrim for each year from 1997 to 2004; the number each year that were issued to those over 70; and if he will make a statement on the matter. [7080/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 339 to 341, inclusive, together.

The statistical information in respect of the number of medical cards in the three counties for the specific years, provided by the relevant health boards, is provided in the following tabular form.

County	Year	Number of persons covered
Roscommon	1997	23,629
	1998	22,332
	1999	21,373
	2000	20,575
	2001	20,894
	2002	20,376
	2003	20,165
Leitrim	1997	12,246
	1998	11,914
	1999	11,766
	2000	11,555
	2001	11,539
	2002	11,476
	2003	11,236
Longford	1997	12,880
	1998	12,889
	1999	12,450
	2000	12,557
	2001	12,890
	2002	12,499
	2003	12,171

The reduction in the number of persons covered by medical cards in recent years can be attributed in some measure to the rise in the numbers of persons in employment. Another factor was the data-cleaning exercise which was carried out on medical card lists on health boards' databases. Since early 2003 this has resulted in more than 80,000 persons being removed from the registers nationally. It should be noted that most of these deletions arose from normal medical card review activity.

Annual statistical data on this group of persons was categorised as persons aged 65 years and over until 2002. While the national medical card coverage for these categories for the years mentioned is detailed in the following table, it is intended to provide to the Deputy under separate cover a breakdown by specified county for persons aged 70 years and over for the years since 2002.

Year	Age band	Number of persons covered
1997	Aged 65 years and over	294,526
1998		296,682
1999		312,687
2000		323,418
2001		397,590
2002	Aged 70 years and over	317,374
2003		309,612
February 2004		308,277

### Hospital Services.

342. **Mr. O'Dowd** asked the Minister for Health and Children the arrangements that are in place in the North Eastern Health Board area to provide a dedicated hospital service for victims of sexual assault; and if there are plans for such a unit to be provided in the Drogheda area. [7082/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of hospital services in the north eastern region rests with the North Eastern Health Board. My Department has therefore asked the chief executive officer of the board to examine the matters raised by the Deputy and reply to him directly.

### Driving Tests.

343. **Mr. Hogan** asked the Minister for Transport when a person (details supplied) in County Carlow who applied for a driving test will be called; and if he will make a statement on the matter. [6529/04]

**Minister for Transport (Mr. Brennan):** An application from a person with a broadly similar address is with my Department. A test appointment will be arranged as soon as possible for the person concerned.

*Question No. 344 answered with Question No. 109.*

### Rail Services.

345. **Mr. Eamon Ryan** asked the Minister for Transport when he expects the business case proposal for the first stage of the Dublin Metro to go to Cabinet for a decision; and if he will make a statement on the matter. [7074/04]

**Minister for Transport (Mr. Brennan):** The programme for Government contains a commitment to develop a Metro with a link to Dublin Airport. I have received the revised outline business case for phase one, which involves a line from the airport to the city centre, from the Railway Procurement Agency. I am currently finalising my proposals on the metro in



[Mr. Brennan.]  
the context of the wider need of the greater Dublin area and I expect to bring this to Government in the coming weeks.

#### **Transport and Land Use Authority.**

346. **Ms Shortall** asked the Minister for Transport his plans to establish a single transport and land use authority; and if he will make a statement on the matter. [7092/04]

**Minister for Transport (Mr. Brennan):** The Government consultation paper, *New Institutional Arrangements for Land Use and Transport in the Greater Dublin Area*, was published jointly by the Departments of the Environment and Local Government and Public Enterprise in April 2001. The paper proposed the establishment of a new strategic land use and transportation planning authority for the Greater Dublin Area. Developments since the publication of this consultation document have caused me to review its proposals. The regional authorities are currently finalising regional planning guidelines under the provisions of the Planning and Development Act 2000. These will provide effective regional land use strategies consistent with the national spatial strategy. The Dublin and mid-east regional authorities are collaborating to produce a single set of guidelines for the greater Dublin area. The DTO is continuing to carry out effective strategic transport planning for the greater Dublin area.

I have concluded that the establishment of an independent national public transport procurement and regulatory body is the most effective way of implementing regulatory reform. In the light of these developments the policy objectives of effective land use and transport planning can, for the present, be successfully addressed within these existing structures. It is not a priority to establish a strategic land use and transportation authority for the greater Dublin area.

#### **Bus Accident.**

347. **Mr. F. McGrath** asked the Minister for Transport if Dublin Bus was warned that the No. 66 bus stop was dangerous a few weeks before the tragic accident of 21 February 2004; if victims' families will receive the maximum support, advice and assistance; and if he will make a statement on the matter. [6545/04]

**Minister for Transport (Mr. Brennan):** Dublin Bus had received a small number of complaints relating to the No. 66 bus stop at Wellington Quay. These complaints mainly related to the night-time environment in proximity to Temple Bar, public lighting, bus shelters, vehicle noise and the pedestrian environment. Since this

terminus was relocated to Wellington Quay there have been no reported incidents of personal injury associated with the location of this terminus.

Dublin Bus has made available a team of counsellors, expert in dealing with bereavement and trauma, to help all those involved in the recent accident and also the drivers concerned. The company has also stated that it will cover the medical expenses of those involved in the accident and deal with all other matters arising in a caring and urgent manner. The company assures me it is doing its best to deal with the matter in a compassionate and professional manner.

#### **State Airports.**

348. **Mr. P. Breen** asked the Minister for Transport, further to Parliamentary Question No. 415 of 3 February 2004, if, in accordance with the terms of the 1944 ICAO Chicago Convention, member states are obliged to prepare aerodrome safeguarding maps in order to ensure that certain pathways through the air on approaches to runways should be clear of obstacles at certain heights; if he is ultimately responsible for ensuring that such maps are prepared in respect of each runway at the three State airports; and if he will make a statement on the matter. [6575/04]

**Minister for Transport (Mr. Brennan):** This is a matter for the Irish Aviation Authority, as the issue of safeguarding maps is covered in Annex 14 to the Chicago Convention.

349. **Mr. P. Breen** asked the Minister for Transport, further to Parliamentary Question No. 480 of 16 December 2003, the date that red zones changed from being two-dimensional surfaces on the ground to three-dimensional surfaces in the sky; and if he will make a statement on the matter. [6576/04]

**Minister for Transport (Mr. Brennan):** I refer the Deputy to my reply to Question No. 438 of 17 February 2004.

#### **Road Safety.**

350. **Mr. P. Breen** asked the Minister for Transport if, in view of the fact that there were a total of 466 pedestrian fatalities on roads during the years 1998 to 2002, he has plans to appoint consultants to assess third party risk on such roads in like manner to the recent study undertaken at State Airports by ERM; and if he will make a statement on the matter. [6577/04]

**Minister for Transport (Mr. Brennan):** The purpose of the engagement of ERM was to advise on any restrictions that should be imposed on planning and development in and around airports

against the background of possible airline crashes. That type of study would not be relevant to situations in which pedestrian casualties result from traffic accidents.

Third party insurance cover against civil liability arising from the negligent use of a motor vehicle on a public road is compulsory under the Road Traffic Act 1961, including such civil liability to pedestrians, cyclists and other vulnerable road users. Under the 1988 agreement between the then Minister for the Environment and the Motor Insurers' Bureau of Ireland, compensation is payable by the bureau to innocent victims of road accidents involving uninsured drivers and untraced vehicles, in accordance with the terms of the agreement. Such compensation covers personal injuries and injury to property in the case of accidents caused by uninsured drivers and personal injury in the case of accidents alleged to have been caused by uninsured drivers.

In this country the primary immediate investigative role in road accidents is vested in the Garda Síochána. Priority in such an investigation must be given to the determination of the causes of road accidents and in particular to the determination of whether a breach of the road traffic laws contributed to an occurrence. Garda reports on road traffic accidents are forwarded to the National Roads Authority and subsequently to each local authority for the purpose of establishing accident trends and causes generally and to facilitate the carrying out of remedial works relating to road infrastructure where such action is deemed to be necessary.

351. **Mr. Ring** asked the Minister for Transport the number of fatalities on the roads in 2003; the number caused by car accidents; and the number caused by heavy goods vehicles. [6648/04]

353. **Mr. Ring** asked the Minister for Transport the number of fatalities on the roads in 2003; the number that were caused by car accidents; and the number that were caused by heavy goods vehicles. [6668/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 351 and 353 together.

Statistics on road accidents, based on information provided by the Garda Síochána, are published by the National Roads Authority in its annual road accident facts reports. The most recent report is in respect of 2002 and this, along with reports relating to previous years, is available in the Oireachtas Library.

Provisional figures for 2003 indicate that 341 road deaths occurred during that year. A breakdown of the number of traffic accident fatalities in 2003 caused by cars and heavy goods vehicles is not yet fully analysed and

authenticated. This will be set out in Road Accident Facts 2003, which will be published by the National Roads Authority later this year.

#### **Rail Services.**

352. **Mr. Perry** asked the Minister for Transport if he will ensure that new carriages are put in place on the Sligo-Dublin trains in view of the fact that they are overcrowded, particularly when used by students returning to college; when they will be sanctioned; and if he will make a statement on the matter. [6662/04]

**Minister for Transport (Mr. Brennan):** The allocation of rolling stock and the timetabling of trains is an operational matter for Iarnród Éireann. However, I am informed by Iarnród Éireann that it has 67 new mainline railway carriages on order for delivery in 2005. The delivery of these vehicles will allow Iarnród Éireann to retire some older rolling stock and upgrade its remaining fleet, including rolling stock on the Dublin-Sligo route.

*Question No. 353 answered with Question No. 351.*

#### **National Car Test.**

354. **Mr. Hogan** asked the Minister for Transport the number of people tested in 2003 under the national car testing programme; and if he will make a statement on the matter. [6692/04]

**Minister of State at the Department of Transport (Dr. McDaid):** The information requested in connection with the NCT is published and available on the website maintained by National Car Testing Service Limited, the address of which is [www.ncts.ie](http://www.ncts.ie). In 2003, 631,257 cars underwent the full NCT and 303,320 cars had retests.

#### **Driving Licences.**

355. **Ms Enright** asked the Minister for Transport the reason there is a requirement for an eye test for those over 70; his views on whether this requirement is discriminatory; and if he will make a statement on the matter. [6952/04]

**Minister for Transport (Mr. Brennan):** A first-time application for a provisional licence must be accompanied by an eyesight report. An application for a provisional licence or driving licence is required in certain instances to be accompanied by a medical report. These include instances in which the applicant will be aged 70 years or more when the licence takes effect or suffers from any of a specified list of disabilities or diseases, including diplopia, defective binocular vision or loss of visual field. These provisions are in line with general EU

[Mr. Brennan.] requirements regarding medical standards and periodic assessment of licence holders, and are in the interest of the individuals concerned, other road users, and road safety generally.

#### Road Signage.

356. **Mr. Naughten** asked the Minister for Transport if, further to correspondence from a person (details supplied) in County Cork, these proposals were considered by the speed limits working group; the reason the proposal was not included; and if he will make a statement on the matter. [6985/04]

**Minister for Transport (Mr. Brennan):** The working group on the review of speed limits reviewed the present policy on road signs that are deployed for the signing of speed limits. In this context, the group gave consideration to a number of proposals for new approaches to such signage that had been submitted, including a proposal from the person to whom the Deputy is referring.

The report of the working group stated in paragraph 8.8 that having examined these various proposals, the group was of the view that there is no compelling argument for changing the current approach that applies to speed limit signing generally. In addition, the group advised that the adoption of complex signage proposals that would deviate substantially from current national and international practice and experience should not be promoted. The report of the review group is available on my Department's website and I am arranging to forward copies to the Oireachtas.

#### Rail Network.

357. **Mr. Naughten** asked the Minister for Transport the total expenditure involved in reconstructing the railway bridge on the East Wall Road, Dublin 3; and if he will make a statement on the matter. [6986/04]

**Minister for Transport (Mr. Brennan):** Iarnród Éireann informs me that the East Wall Road bridge has been struck on a number of occasions by high vehicles and the decision was taken in early 2002 to replace the bridge. The major benefit from this work is the enhanced safety of rail traffic over this key artery which carries northside DART services, the Drogheda and Dundalk suburban service and the Dublin-Belfast Enterprise service. Work on the railway bridge, which crosses both the East Wall Road and the river Tolka, was completed in August 2003 at a total cost of €23.4 million.

#### National Car Test.

358. **Mr. Durkan** asked the Minister for Transport if some NCTs are so severe as to

render a brand new motor vehicle incapable of passing more than two tests in a week; and if he will make a statement on the matter. [7032/04]

**Minister of State at the Department of Transport (Dr. McDaid):** A passenger car is not liable for the NCT until it is four years old. The test procedures followed during the NCT are in line with best international practice and do not pose a risk of damage to a vehicle being tested provided it has been maintained and operated in accordance with the manufacturer's recommendations.

#### National Development Plan.

359. **Mr. Durkan** asked the Minister for Transport the degree to which the road development targets set in the national plan are being achieved or are achievable; and if he will make a statement on the matter. [7041/04]

**Minister for Transport (Mr. Brennan):** Good progress is being made in the implementation of the national roads development programme mandated in the national development plan. Total Exchequer investment over the period 2000 to 2004 will amount to almost €5.3 billion. Since 2000 a total of 37 projects, totalling over 250 km., have been completed. Work is currently under way on a further 17 projects, totalling 150 km., and 16 projects, totalling 150 km., are at tender stage.

The current position on the upgrading of the five major inter-urban routes to motorway or high-quality dual carriageway standard is as follows. The M1 is expected to be fully complete by the end of 2006. Work is under way on major projects on the N7 Monasterevin bypass and Limerick southern ring road phase 1, on the N8 Cashel bypass and on the N4-N6 at Kilcock-Kinnegad. Work is expected to start this year on the Dundalk western bypass and the Dundalk to Newry section of the M1, the Fermoy bypass on the N8, the Waterford city bypass on the N9-N25 and the widening of the N7 on the Naas road. Completion of these projects will eliminate many of the major bottlenecks on these routes.

In addition, it is expected that compulsory purchase orders and environmental impact statements for the remaining projects in planning on these routes will either be approved by or in consideration by An Bord Pleanála by the end of 2004. On the basis of current planning and funding, the National Roads Authority estimates that the full completion of these routes, other than the M1, will extend to 2010, compared to 2006 as mandated in the NDP. In response to a request from me, in the context of the multi-annual programme being prepared in response to the announcement by the Minister for Finance of a multi-annual funding framework for capital

investment, the NRA is considering the possibility of bringing forward the completion of the Cork-Dublin and Galway-Dublin routes to 2007.

#### **Rail Services.**

360. **Mr. Durkan** asked the Minister for Transport his plans to transfer a greater amount of freight traffic to the railways; and if he will make a statement on the matter. [7042/04]

**Minister for Transport (Mr. Brennan):** The responsibility for the development of rail freight rests with Iarnród Éireann. I have stated consistently that every effort should be made by the company to develop its rail freight business. The company's immediate priority is to achieve financial viability for this division of its operations. Its strategy is to develop the profitable traffic it already has, such as bulk freight and train-load traffic, and reshape the loss-making container business. I understand that the company has won new business in recent times and the fortunes of its freight operations have improved considerably. I expect that Iarnród Éireann will continue to develop its rail freight business in line with this approach.

*Question No. 361 answered with Question No. 129.*

*Question No. 362 answered with Question No. 125.*

#### **Rail Services.**

363. **Mr. Durkan** asked the Minister for Transport the daily passenger capacity of the railway stations at Kilcock, Maynooth, Leixlip and Confey; the extent to which it is intended to increase the daily figures in the future; and if he will make a statement on the matter. [7046/04]

**Minister for Transport (Mr. Brennan):** I am informed by Irish Rail that, since the introduction of the new timetable in December 2003, capacity has been increased by 24% on the Maynooth route, which serves Kilcock, Maynooth, Leixlip and Confey. This has been achieved by introducing to the route some of the new fleet of 80 diesel railcars delivered over the past few months. This latest capacity increase comes on top of a 100% increase achieved in 2001 when the double tracking of the route was completed.

In addition, Irish Rail has recently placed an order for another 36 diesel railcars, which will be delivered in 2005. It is proposed that some of these railcars will operate on the Maynooth line to increase capacity further.

364. **Mr. Durkan** asked the Minister for Transport the extent to which daily passenger capacity is likely to be increased on the

Monasterevin, Kildare, Newbridge, Sallins and Hazelhatch/Celbridge commuter routes; when it is expected to achieve these objectives; and if he will make a statement on the matter. [7047/04]

**Minister for Transport (Mr. Brennan):** Irish Rail has informed me that it has increased the commuter capacity of the Kildare route by 130% since the new timetable was introduced on 14 December 2003. A number of the new diesel railcars, acquired by Irish Rail in 2003, were assigned to the route to lengthen the trains to eight cars. In addition, new turn-back facilities at Hazelhatch and Sallins were installed to allow more efficient use of the available train paths into and out of Heuston in peak periods. Irish Rail recently ordered a further 36 diesel railcars to boost capacity on outer suburban routes serving Dublin.

Irish Rail is now proceeding with plans to quadruple a section of the route between Cherry Orchard and Hazelhatch, as part of the Kildare route project, which will enable the separation of intercity and commuting traffic and increase the capacity of the line. I await the details of the project as part of the Railway Order process. I understand the company is in the process of completing the draft order and I understand that the application will be submitted to me in the middle of this year.

#### **Public Transport.**

365. **Mr. Durkan** asked the Minister for Transport the extent to which he expects the port tunnel to cater for all vehicle types; and if he will make a statement on the matter. [7048/04]

**Minister for Transport (Mr. Brennan):** The Dublin Port tunnel, DPT, as a motorway, will, subject to compliance with the height requirements of the tunnel as constructed, cater for all vehicles entitled to use a motorway as set out in Article 7 of the Roads Regulations, 1994, S.I. No. 119 of 1994. The position regarding the use of the DPT by HGVs greater than 4.65 metres in height is that I am currently reviewing the height of the port tunnel based on information contained in a report prepared by W.S. Atkins for my Department. W.S. Atkins was requested to review a range of options for increasing the operational height of the tunnel, their feasibility, having regard to the state of implementation of the current design and build contract and the likely additional costs and impact on the project completion date. I am currently reviewing the findings of the report and have sought further information from the NRA pertaining to its conclusions. It should be noted however that the Dublin Port tunnel, which was designed having regard to best international practice in terms of tunnel heights, will cater for



[Mr. Brennan.]  
almost 99% of truck traffic entering and leaving the port.

366. **Mr. Durkan** asked the Minister for Transport if his attention has been drawn to the increasing incidences of bus jams at different locations throughout Dublin city; the way in which he expects matters to progress when Luas comes on stream thereby competing further with the bus fleet for road space; and if he will make a statement on the matter. [7049/04]

**Minister for Transport (Mr. Brennan):** The investment in recent years in expanding the bus fleet of Dublin Bus and the network of quality bus corridors has provided better infrastructure and service frequency for commuters. The quality bus network project office of Dublin City Council is currently examining proposals to reduce congestion at specific pinch points in the Dublin region identified by Dublin Bus and Bus Éireann. Responsibility for traffic management in Dublin lies with the relevant local authority.

As regards Luas, Dublin Bus has introduced the measures necessary to accommodate Luas construction and a need for additional road space for buses along the corridors affected is not foreseen when Luas services commence.

367. **Mr. Durkan** asked the Minister for Transport if his attention has been drawn to the extent to which city traffic has been impeded by various converging and competing traffic management furniture resulting in a dramatically reduced area for public or private transport; and if he will make a statement on the matter. [7050/04]

**Minister for Transport (Mr. Brennan):** Significant and unprecedented investment has been made and continues to be made by my Department in transport infrastructure and services in the greater Dublin Area. This investment in infrastructure and services is showing dividends, and will do so even more so in the future as key projects such as the Luas, the port tunnel, the DART upgrade and completion of the M50 come on stream. However, day to day responsibility for the management of traffic in Dublin lies with the relevant local authority.

On the issue of what the Deputy refers to as traffic management furniture, the Road Traffic Acts establish that the provision of traffic signs, including those necessary for the application of regulatory controls, traffic calming and other traffic management measures is the responsibility of local authorities.

*Questions Nos. 368 and 369 answered with Question No. 191.*

*Question No. 370 answered with Question No. 118.*

### **Railway Stations.**

371. **Mr. Stanton** asked the Minister for Transport further to Parliamentary Question No. 89 of 14 October 2003, the further progress that has been made regarding the development of Kent station in Cork and the commercial development of Horgan's Quay; and if he will make a statement on the matter. [7054/04]

**Minister for Transport (Mr. Brennan):** I understand from CIE that there have been no significant developments since October 2003. Discussions are still continuing between CIE property division, a developer and Cork City Council. It is planned to bring a proposal to the city council in the current year.

### **Traffic Fines.**

372. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the moneys which were collected through speeding fines in 2003; and the breakdown of the numbers collected from breaking 30 miles, 40 miles, 50 miles and over 60 miles an hour speed limits. [6647/04]

**Minister for Transport (Mr. Brennan):** Approximately €15.9 million was paid to the Garda Síochána in respect of fines-on-the-spot and fixed charges in 2003. A further € 8.7 million was paid through court offices in respect of fines imposed by the courts.

However, no breakdown is currently available between speeding offences and other road traffic offences, nor is a breakdown available in respect of the different speed limit zones. I regret that the compilation of such information would involve a disproportionate amount of staff time and resources which could not be justified in the circumstances.

### **Treatment of Prisoners.**

373. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding a person (details supplied) who is on hunger strike; if this person's human rights will be respected; if they will be given the maximum assistance and support from the prison authorities; and if he will make a statement on the matter. [6523/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person referred to is on remand in Limerick prison pending a further court appearance on 11 March 2004. I am informed that he has been charged with wilful obstruction, dangerous driving, obstruction of a peace officer, obstructing a member of the Garda Síochána in the course of his duty, failing to

comply with the direction of a member of the Garda Síochána and abusive behaviour in a public place.

I have made inquiries regarding this case and I am satisfied the person referred to is being given appropriate assistance and support by the prison authorities. I have been informed that he ended his hunger strike on 1 March 2004.

#### **Citizenship Applications.**

374. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied) in Dublin 12 for a passport. [6524/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The issue of Irish passports is a matter for my colleague, Deputy Brian Cowen, Minister for Foreign Affairs. However, prior to obtaining an Irish passport, a non-national must first become an Irish citizen. On the assumption that the person concerned is not entitled to Irish citizenship by birth in Ireland or through his or her antecedents, it would be necessary for him or her to apply for Irish citizenship.

I have been informed by officials in the citizenship section of my Department that there is no record of an application for Irish citizenship having been received from the person concerned and without further details, I am unable to advise the Deputy if the person concerned is eligible to make an application. If the Deputy wishes to contact my departmental office with further details, I will arrange for my officials to assist her in whatever way they can. Alternatively, the person concerned can contact the citizenship section of my Department directly at Lo-call 1890 551 500 or 01-616 7700 each Tuesday and Thursday between the hours of 10 a.m. and 12.30 p.m.

#### **Garda Stations.**

375. **Mr. English** asked the Minister for Justice, Equality and Law Reform the plans he has to expand the DMR to include Lusk; if he has plans to extend the opening hours of the Garda station in Lusk and to increase the number of gardaí assigned to it; if there are plans to have community gardaí appointed; and if he will make a statement on the matter. [6525/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the current personnel strength of Lusk Garda station is four, all ranks, and that there are currently no plans to include Lusk Garda station in the Dublin metropolitan region.

The opening hours of Lusk Garda station are from 10 a.m. to 1 p.m., Monday to Saturday

inclusive and from 12 p.m. to 1 p.m. on Sundays, depending on availability of personnel. When the station is not open, PACB and call diversion systems are in operation and connected to the district headquarters in Balbriggan.

I am further informed that the extension of the current opening hours of Lusk Garda station 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. There are currently no plans to provide a community Garda in the Lusk area. Garda management will continue to appraise the policing and administrative policy employed in Lusk with a view to ensuring an effective Garda service is maintained. The situation will be kept under review and when additional personnel next becomes available the needs of Lusk Garda station will be fully considered within the overall context of the needs of Garda divisions throughout the country.

#### **Visa Applications.**

376. **Mr. S. Power** asked the Minister for Justice, Equality and Law Reform the reason for the refusal of visas to persons (details supplied). [6526/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa applications in question were for the wife and daughter of a non-EEA national employed in the State under the work permit scheme to enable them to join him in the State. The applications were refused because there was no documentation submitted to show the worker was in a position to fully support his family members without the need for them to have recourse to public funds. Evidence in the form of current payslips and bank statements is acceptable in this regard. It is open to the persons in question to appeal against the refusal of the visas by writing to the visa appeals officer in my Department, enclosing the documentation outlined above.

#### **Personal Injuries Legislation.**

377. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will consider the request from Patient Focus to withdraw the proposal in the Civil Liability and Courts Bill 2004 to reduce the time limit for taking legal action in cases of medical negligence from three years to 12 months. [6556/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The reduction in the time limit for bringing personal injuries actions from three years to one year, proposed in the Civil Liability and Courts Bill 2004, is intended to ensure that claims are brought forward without undue delay.

[Mr. McDowell.]

There is no change in the law that the time limit begins to run from the date of accrual of the cause of action or date of knowledge of the injury, whichever is the later. Nor is there any change in the law providing for the extension of the limitation period in cases where the person having the right to bring the action is under a disability. I will consider the views expressed by Patient Focus on the matter and I look forward to a debate in the House on this and other issues in due course.

#### **Garda Stations.**

378. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform when Goleen Garda station will be repaired. [6557/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the refurbishment works required at Goleen Garda station have been identified in consultation with the Office of Public Works. I am not in a position at this time to indicate when these works might be undertaken. However, I assure the Deputy that there will be no undue delay and that they will be done as quickly as overall priorities within the Garda building programme and the availability of financial and other resources allow.

#### **Legal Costs.**

379. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform if he will review and change the Supreme and High Court (Fees) Order 1989 by which a ship's crew has to initiate legal proceedings to recover wages by an arrest and sale of a ship due to the fact that these State fees are levied before wages can be paid; and his views on whether such fees should be waived in these exceptional circumstances. [6559/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Court fees orders are made by the Minister for Justice, Equality and Law Reform with the consent of the Minister for Finance. The Supreme Court and High Court (Fees) Order — in common with other fees orders — provide that no fees shall be payable on any court document required in connection with various categories of proceedings, including family law cases and cases under the Guardianship of Infants Act. There are no proposals to amend the categories of proceedings for which fees are not payable to include the type of case referred to by the Deputy.

#### **Incorporeal Hereditaments.**

380. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the reason

incorporeal hereditaments are included as an exception to theft in accordance with the terms of section 5 of the Criminal Justice (Theft and Fraud Offences) Act 2001; and if he will make a statement on the matter. [6579/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Subsection (2) of section 5 of the Criminal Justice (Theft and Fraud Offences) Act 2001 provides that a person cannot steal land or things forming part of land and severed from it by or under his or her directions, subject to certain exceptions, which are not relevant to the Deputy's question. These are set out in subsection 2(a), (b) and (c). The section goes on to provide in subsection (3), that "for the purposes of subsection (2), land does not include incorporeal hereditaments". Accordingly, incorporeal hereditaments are not an exception to theft within the meaning of the section and are, therefore, stealable.

#### **Visa Applications.**

381. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if a visa application for a person (details supplied) will issue as soon as possible in view of the fact that this person's work permit issued in early January 2004 for a period of 12 months, of which two have been lost; and if he will make a statement on the matter. [6654/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The application in question was approved on 25 February 2004.

#### **Garda Operations.**

382. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the reason Garda special branch were monitoring the families and victims of the Dublin and Monaghan bombings for a number of years; and if he will make a statement on the matter. [6655/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am advised that there is no basis for the Deputy's question.

#### **Asylum Seekers.**

383. **Ms M. Wallace** asked the Minister for Justice, Equality and Law Reform the average length of time an asylum seeker can expect to spend at the Mosney Reception Centre awaiting a decision with regard to their future; and if he will make a statement on the matter. [6748/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The amount of time asylum seekers spend in State provided accommodation is very much linked to processing times for asylum applications. In this regard, action has been and will continue to be taken by my

Department to reduce the processing times for asylum applications including strengthening of the refugee determination agencies, namely the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal by the provision of additional staff and resources to those organisations; and the introduction of amendments to the Refugee Act, 1996 contained in the Immigration Act, 2003 to facilitate the processing of applications for asylum within shorter time limits.

The length of time spent by asylum seekers is Mosney is dependent on the time taken to process their applications but a significant majority of the current residents have been accommodated there for 12 months or less.

#### **Crime Prevention.**

384. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the operation of mailshot schemes which lure people into parting with money by giving the misleading impression that they have been selected as a winner of a substantial prize; if his attention has further been drawn to the fact that these draws appear to be operating legally from other EU states, and if he is taking any action either at national or EU level to outlaw such scams. [6847/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that complaints are received at the Garda bureau of fraud investigation from people who have received notifications from foreign jurisdictions to the effect that they have won substantial prizes in lottery draws.

The notifications will normally notify the recipient that a fee of €800 is required for taxation registration purposes and to process their claim. The Garda advises the public never to respond to such unsolicited correspondence. Inquiries conducted to date reveal that these “lotteries” are bogus. In cases where Irish people have paid over money, the complainant’s details are forwarded to the relevant law enforcement authority responsible for the jurisdiction from which the bogus lottery correspondence emanated, for investigation.

In general, I should point out that, under the Gaming and Lotteries Act 1956, participation in lotteries other than those licensed by the State is illegal, and there is a restriction on the purchase of foreign lottery tickets.

#### **Asylum Applications.**

385. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform the status of an asylum application (details supplied), with regard to which a decision was notified to the person concerned that the Refugee Applications

Commissioner is recommending that they be declared a refugee; and if he will make a statement on the matter. [6848/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Refugee Applications Commissioner recommended that the person in question be granted refugee status. This case is being considered by my Department and a decision will issue shortly.

#### **Registration of Title.**

386. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform when an amended land registry map will issue to a person (details supplied) in County Kilkenny. [6849/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for a copy folio and file plan map which was lodged on 15 January, 2004. Its reference number is application number P2004TJ003428N. I am further informed that this application was completed on 19 February 2004.

#### **Garda Operations.**

387. **Mr. Healy-Rae** asked the Minister for Justice, Equality and Law Reform the steps he intends to take to ensure that a written account is given to verify the speed a vehicle was allegedly travelling when accused of breaking the speed limit by a garda using a handheld device while manning a speed check; and if he will make a statement on the matter. [6850/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The matter referred to by the Deputy is an operational matter for An Garda Síochána and I have no role in it. However, I understand there is no such requirement under the Road Traffic Acts 1961 to 2003. Any proposals to change the legislation would be a matter for my colleague, the Minister for Transport, Deputy Brennan.

#### **Central Vetting Unit.**

388. **Ms Enright** asked the Minister for Justice, Equality and Law Reform when a garda clearance check will be completed by the central vetting unit into a person (details supplied) so as to allow them to take up a teaching post offered to them in England; and if he will make a statement on the matter. [6851/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have raised this matter with the Garda authorities and I will communicate further with the Deputy.



### Child Care Services.

389. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the details of all child care funding allocated under the national development plan with details of the location, type of service, number of children and amount allocated in each case in each year since 2000. [6863/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The total funding committed under the Equal Opportunities Child Care Programme 2000-2006, up to 28 February 2004, is more than €254.3 million. More than 2,000 grants have been awarded to date to child care providers and community groups which will, when fully drawn down, lead to the creation of 28,002 new child care places and will also support more than 26,500 existing places.

It is not possible in the timescale available to provide the level of detail requested by the Deputy. A detailed report containing the data requested will be supplied directly to the Deputy and will be lodged in the Oireachtas Library at the earliest opportunity.

390. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Questions Nos. 284 of 18 February 2004 and 469 of 24 February 2004, the reason he will not inform her of the timescale for the review of the capital programme for child care being undertaken by his Department; and when decisions regarding funding applications will be resumed. [6864/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Every effort is being made to expedite the programme review of the capital elements of the Equal Opportunities Child Care Programme to ensure that all capital projects which have already received grant allocations will proceed. The Deputy will appreciate that more than 1,100 capital grants have been allocated already totalling more than €114 million. Many of these projects are either awaiting planning permission or the completion of tender processes before reasonable assurance can be taken that they will proceed. In the event that a project does not proceed, the funding can be decommitted and made available to another project.

At the same time, an extensive review of child care provision on the ground is taking place to identify obvious service gaps, the filling of which will be a priority using the remaining capital funding which currently amounts to some €30 million, not including decommitted funding, and possible funding transfers from other elements of the programme following the current review. The careful analysis of this information is essential if the best use is to be made of the significant capital funding being provided by the

Government to support the child care needs of parents who may be in employment, education or training. I hope the review work will be completed before Easter, following which the critical appraisal of all applications against the programme criteria will lead to the allocation of further capital funding.

I remind the Deputy that the Equal Opportunities Child Care Programme 2000-2006 is a seven year development programme. The progress of the programme was commented upon very favourably by the mid-term evaluators of both the regional operational programmes and the National Development Plan 2000 — 2006. Expenditure under the programme must take place in a planned manner and covers the period to end 2007. Accordingly, grant approvals must take place in a carefully planned manner to ensure that the programme can meet its financial commitments at all times.

### Garda Operations.

391. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the number and location of the Garda youth diversion projects which are based in County Donegal; the plans to expand such projects into Inishowen, County Donegal; and if he will make a statement on the matter. [6865/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Garda youth diversion projects are a community based, multi-agency crime prevention initiative which seek to divert young persons from becoming involved — or further involved — in anti-social and criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda and community relations. I am committed to their continuing development and, as resources permit, their expansion.

The number of projects has grown from 12 in 1997 to 64 at present, a process made possible, in part, by funding under the National Development Plan 2000 — 2006. The locations of the new projects were decided upon by the Garda authorities in conjunction with my Department. There is one Garda youth diversion project in County Donegal, currently operating in Raphoe. A proposal for a diversion project in Inishowen will be examined within the context of available resources.

### Sexual Offences.

392. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the facilities and counselling that are available to the alleged victims of rape in this State who are minors; the

average waiting time for victims to access services; and if this waiting time varies with the location of the minor. [6955/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The victims' charter was published by the Department of Justice, Equality and Law Reform in 1999, following extensive consultations with all relevant agencies including the courts, the Garda Síochána, the Irish Prison Service, the Probation and Welfare Service, the State Prosecution Service and the Victim Support organisation. The charter sets out, from the victim's perspective, a general description of the overall criminal justice system, concise summary of the role and functions of each of the main bodies and agencies involved, and the entitlements of the victim in terms of standards of treatment, rights and complaints procedures in each area. A guiding principle of the victims' charter is a commitment to giving victims of crime a central place in the criminal justice system.

Under the victims' charter specific provision is made for particularly vulnerable victims such as those of sexual offences, domestic violence, elderly victims, victims with disabilities and children. Some of the relevant provisions as they relate to minor victims of rape are as follows. Gardaí will show special sensitivity in cases of sexual offences and receive appropriate training. In the courts, provision is made for children under 17 years to give evidence by video link where appropriate. In court there are legal restrictions on reporting cases such as rape and sexual assault, and provision for the exclusion of the public from court proceedings and the anonymity of complainants in situations where such measures are deemed necessary, for example rape, aggravated sexual assault or incest. The impact on the victim will be taken into account in sentencing, and the victim may give evidence about the effect of the crime if he or she so wishes; the court victim-witness service operated by the Victim Support organisation provides support before, during and after the court process. All of the supports outlined in the charter are geared to ensuring that the entire judicial process is made less intimidating for children.

The provision of appropriate follow-up care and counselling services to alleged rape victims is a matter for each health board, having regard to needs in individual cases. Questions on this aspect of provision should be directed to the Minister for Health and Children, Deputy Martin, in the first instance.

#### **Garda Stations.**

393. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if a decision or

consideration has been given to relocating Tallaght Garda station. [6956/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The accommodation requirements of the Garda at Tallaght are being considered in conjunction with the Office of Public Works, which is considering the development of the entire site on which the Garda station is situated. In addition, I am informed by the Garda authorities that they are considering the option of relocating the Garda station.

#### **Closed Circuit Television Systems.**

394. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the position regarding the proposed installation of closed circuit television in the Tallaght area; if funding is in place; when he proposes work to begin; the areas identified; and if requests from neighbouring communities for such a service are being considered by the Garda authorities. [6957/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware, Tallaght is one of 17 locations is set to receive a new Garda town centre closed circuit television system, subject to the availability of funds. The other locations are Athlone, Ballyfermot, Bray, Carlow, Castlebar, Clondalkin, Clonmel, Dundalk, Dún Laoghaire, Ennis, Finglas, Galway, Kilkenny, Limerick, Sligo, and Waterford.

Phase 1 of the scheme comprises Bray, Dundalk, Dún Laoghaire, Finglas, Galway and Limerick. Work on the implementation of these systems is ongoing. Phase 2 of the scheme comprises 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 Garda headquarters, having regard to experience with other Garda closed circuit television systems and technological developments in this field. I am informed by the Garda authorities that it is intended to seek tenders for these systems within the first half of 2004.

Phase 3 of the scheme comprises Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo. Planning for the installation of these systems is scheduled to commence later this year. With specific reference to the proposed closed circuit television system for Tallaght, the Deputy will appreciate that installation of such a system is of necessity a complex, lengthy and detailed process, which involves a number of separate — yet equally important — stages.

To accommodate the closed circuit television monitoring suite and associated equipment,

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electrical and refurbishment works on a room in Tallaght Garda station will be necessary. I am informed that work is under way on the design of appropriate accommodation within the station for the purpose of monitoring the closed circuit television system. Similar design works are under way in respect of Athlone, Clondalkin and Waterford Garda stations.

I am advised that it would not be appropriate at this stage to state the specific number or location of the cameras planned for the Tallaght closed circuit television system. Camera numbers and locations have not yet been finalised and are therefore subject to change, taking into account proceeding with civil engineering works, wayleave and planning requirements.

With respect to requests from neighbouring communities for closed circuit television, I am informed that while the Garda authorities are aware of preliminary discussions regarding the extension of the proposed Tallaght town centre closed circuit television system to Jobstown, no formal proposal or application for such an extension has yet been received by the closed circuit television advisory committee, or for that matter, for any other location in Tallaght, Dublin 24. If any such applications are received, they will be processed in the normal manner.

I am further informed that while expressions of interest in my Department's community based closed circuit televisions scheme have been received from South Dublin County Council, it is unclear from departmental records what, if any, areas in Tallaght the council intends to cover in any application it may envisage making under the scheme.

### National Drugs Strategy.

395. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform his views on the significant increase in the incidence of cocaine use in Tralee, County Kerry; the measures he intends to put in place to address this problem; and if he will make a statement on the matter. [6991/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that during 2003, 21 offences for possession of cocaine were detected in Tralee. Eleven of these cases could be described as minor in nature, and related to possession of small amounts for personal use. The rest of the offences detected related to small amounts, which could be described as being available for sale and supply. There was one seizure with a street value of €10,000. It should be noted that these statistics are provisional and subject to change.

I am further informed by the Garda authorities that this apparent increase in cocaine use could be attributed to a lowering of street value which

has increased availability, and to increased detection rates due to successful targeting of cocaine users by the Kerry Garda divisional drugs unit.

To address the problem, the divisional drugs unit is actively seeking to detect drug taking. This resulted in continued success throughout 2003. An Garda Síochána continues to co-operate with other agencies particularly in the education of young people regarding the dangers of drug abuse, including making school visits and addressing young people at various fora for youth issues and dealing with young people on a one to one basis.

As the Deputy will be aware, the Government's overall policy to tackle the drug problem is set out in the National Drugs Strategy 2001-2008, Building on Experience, and responsibility for co-ordinating the implementation of the strategy lies with my colleague, the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern. My Department's remit in this issue lies in the area of supply reduction, updating legislation and in strengthening co-operation among law enforcement agencies.

Garda authorities advise that there are indications of an increase in the availability and use of cocaine in the recent past. However, offences involving cocaine still represent a small proportion of the overall number of drug offences annually. The Garda authorities have also informed me that, in accordance with a commitment in the annual policing plan for 2003, the Garda research unit in conjunction with the Garda national drugs unit is conducting research into cocaine usage and criminal activity and will bring forward policing recommendations accordingly. The objective of this research is to provide a better insight into the links between cocaine use and criminal activities and inform police management on appropriate policing strategies.

As a feature of our national strategy, the Government in 2003 established regional drug task forces in ten designated areas, co-terminous with the regional health board areas and including the three health boards that comprise the Eastern Regional Health Authority. The town of Tralee comes under the jurisdiction of the southern regional task forces.

All of the regional drug task forces, including the southern RDTE, are mapping out the patterns of drug misuse in their areas and the level and range of existing services. Where cocaine use is found to be a problem, this can be reflected in the measures proposed in its action plan which may include targeted actions against drug misuse in particular towns within the region including Tralee.



The Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern has already stressed that the matter of cocaine use will be kept under close review. In this regard and as a result of reports indicating increased levels of cocaine use in Ireland, the National Advisory Committee on Drugs recently presented the Minister of State with an overview study on cocaine use in Ireland for his consideration.

#### EU Directives.

396. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the reason different directives on the nitrates directive action programme were sent to Europe than were agreed; and the exact action plan that has been sent to Europe. [6671/04]

407. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the reason the agreement reached with the Irish Farmers' Association on the nitrates directive action programme has been broken. [6645/04]

408. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the reason different proposals on the nitrates directive action programme were sent to Europe than those agreed; and the nature of the proposals which have been sent to Europe. [6646/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 396, 407 and 408 together.

I refer to the reply to Parliamentary Question No. 501 of 24 February 2004.

The draft nitrates action programme which was issued for public consultation on 19 December 2003 is consistent with the terms of the national partnership agreement, Sustaining Progress. The draft programme was sent on an informal basis to the European Commission and a copy is available in the Oireachtas Library.

#### Electronic Voting.

397. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government the changes to the proposed electronic voting system that were not in place during the last election; and if he will make a statement on these matters, particularly regarding legislation. [6803/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Following the experience gained in the 2002 pilot schemes a number of improvements were made. The new features include an increase in the size and legibility of candidate's details; the use of larger preference numbers and brighter displays for better visibility; and the use of a redesigned cast

vote button. Voting machine security has also been enhanced with the addition of a number of extra security features. Some improvements to the system software have also been made. The improvements have no legislative implications.

#### Grant Payments.

398. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government about an application made by a person (details supplied) in County Galway to the Heritage Council for a grant to restore an old stone barn and house; and if he will make a statement on the matter. [6869/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Heritage Council is an independent statutory body and has autonomy in deciding allocations under its various grant schemes. Information on a grant application may be sought from the council.

#### Voting Rights.

399. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government whether Americans can vote in the local elections; and if he will make a statement on the matter. [6878/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The right to vote at local elections is provided for in section 24 of the Local Government Act 2001. It states:

Every person whose name is on the register of local government electors for a local electoral area is entitled to vote at a local election poll in that area. A person is entitled to be registered as a local government elector if he or she has reached the age of 18 years and is ordinarily resident in the local government area.

400. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if Garda issued temporary registration cards are an acceptable form of identification for the purpose of voting at the local elections in 2004; if polling clerks and presiding officers have been informed of this; and if he will make a statement on the matter. [6530/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** At present the registration card referred to is not among the identification documents specified for the purposes of voting. However, my Department will consult the Department of Justice, Equality and Law Reform on the issue.

#### Archaeological Sites.

401. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if



[Mr. Allen.]  
he proposes to introduce an archaeological policy to establish that full benefit is being derived from the substantial investment in archaeological excavations. [6553/04]

402. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the number of archaeological excavations carried out here in each year from 1997 to 2002, inclusive; the number of reports filed each year on them; and if the reports have been scrutinised by his Department to ensure that all objects found have been catalogued and handed over to the State. [6554/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 401 and 402 together.

My Department's policy on the protection of the archaeological heritage is set out in two key documents published in 1999, Framework and Principles for the Protection of the Archaeological Heritage and Policy and Guidelines on Archaeological Excavation. They are available in the Oireachtas Library.

I refer the Deputy to my reply to Question No. 481 of 24 February regarding excavation reports submitted in each year from 1997 to 2002, inclusive.

Under existing legislation all archaeological objects with no known owner are the property of the State. Following their excavation, recording and conservation, as may be appropriate, excavators are obliged to hand over objects to the State, through the National Museum of Ireland, for curation.

#### **Hunting Licences.**

403. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if a hunt (details supplied) supplies a fixture list to local landowners in compliance with the requirements of their licence in order not to cause inconvenience and so on; and if he will make a statement on the matter. [6555/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department's national parks and wildlife service is responsible for issuing an annual licence under section 26(1)(ii) of the Wildlife Act 1976, as amended, to the Ward Union Hunt Club for hunting of deer with stag hounds, subject to a variety of conditions. As with all hunting licences issued, the licence contains a note informing the licensee that "This licence does not authorise any person to enter on any land without the permission of the owner or occupier."

The hunt club's hunting code of practice states that:

It is the club's policy to give due regard to the wishes of landowners and lawful occupiers

of land and that particular effort to be made at all times, not to interfere with or inconvenience the general public.

The hunt club circulates a fixture list to local land owners at the commencement of each season. Any issues arising from entry on lands by the club are matters to be resolved between the owner or occupier of the land and the club.

#### **Greenhouse Gas Emissions.**

404. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the details of the public consultation that he stated was part of the preparatory process that preceded the Government decision determining the allocation of emission allowances between the trading and non-trading sectors, for purposes of the emissions trading scheme under Directive 2003/87/EC; and the details of public advertisements and of the stakeholders who were directly contacted. [6569/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I refer to my reply to Question No. 225 of 19 February 2004.

The consultations under the preparatory process preceding the Government decision on the allocation of allowances between the trading and non-trading sectors took the form of a stakeholders workshop on 22 October 2003. The invitees included a broad spectrum of relevant sectoral interest groups from industry, energy, farming, transport, built environment and construction together with relevant Departments, semi-State bodies, trade unions and social and environmental non-governmental organisations.

In preparation for the workshop, my Department wrote to more than 40 organisations inviting them to participate. There was no public advertisement.

The workshop consisted of presentations by staff from my Department and the consultants, ICF Consulting and Byrne Ó Cléirigh, whose report underpins the Government's decision, an opportunity to ask questions for information and clarification and a discussion forum for participants and presenters.

The consultants advising Government on the allocation also consulted widely in discharge of their brief. Details of this are in their report and a copy is available in the Oireachtas Library.

#### **Grant Payments.**

405. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government when the allocation for local improvement schemes for 2004 will be made available to local authorities; the amount of moneys that will be available for 2004; the amount of moneys that will be allocated to Clare County Council; and if he will make a statement on the matter. [6580/04]

416. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the reason for the amendment of the criteria of the local improvement scheme; when these criteria were changed; if the scheme has been abolished completely; if so, if it will be replaced or re-established; and if he will make a statement on the matter. [6861/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher):** I propose to take Questions Nos. 405 and 416 together.

In 2004 a sum of €12.1 million will be provided for the local improvements scheme. I will announce the allocations to county councils shortly.

Section 81 of the Local Government Act 2001 provides the statutory basis for the scheme. The Department's local improvements scheme memorandum was issued in February 2002. It sets out the current terms and conditions for the payment of such grants. County councils receive grants to construct and improve non-public roads that provide access to parcels of land where at least two are owned or occupied by different persons engaged in separate agricultural activities, or provide access for harvesting purposes for two or more persons, or that will, in the opinion of a county council, be used by the public.

My Department's circular RW 10/2003 of 4 March 2003 clarified that roads serving only houses or buildings occupied or used by persons not engaged in agriculture, including holiday homes, should not be considered eligible for funding under the scheme other than in special circumstances involving hardship, or elderly or disabled occupants. There has been no change in the terms and conditions of the scheme since then.

#### **National Parks.**

406. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will consider the development of Sliabh Bán, County Roscommon, as a national park; and if he will make a statement on the matter. [6627/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Ireland has six national parks: Killarney, Glenveagh, Wicklow Mountains, Connemara, The Burren and Ballycroy National Park, County Mayo. All are State owned and lie within candidate special areas of conservation under the EU Habitats Directive. The IUCN, also known as the World Conservation Union, sets the internationally accepted criteria for national parks and protected areas around the world. Irish national parks are managed in accordance with these criteria by my Department's national parks and wildlife service.

Sliabh Bán has not been proposed for designation as a cSAC or a natural heritage area under the Wildlife Acts 1976 and 2000. There are no plans to establish a national park at the location.

*Questions Nos. 407 and 408 answered with Question No. 396.*

#### **Performance Related Awards.**

409. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the breakdown by county, of the amount each person was paid under the scheme of performance related awards to managers, assistant managers and directors of services from 1 May 2001 to 31 December 2003, inclusive. [6649/04]

410. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he will provide a copy of the regulations for the scheme of performance related awards to managers, assistant managers and directors of services. [6653/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 409 and 410 together.

Report no. 38 of the review body on higher remuneration in the public sector recommended the introduction of performance related awards for local authority managers and assistant managers. The local authority scheme came into operation with effect from 1 January 2003 but awards for 2003 have not been finalised.

I will arrange to have a copy of the scheme forwarded to the Deputy.

#### **Housing Grants.**

411. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his Department has accepted as valid, applications for new house grants submitted after 4 December, 2002 where contracts have been signed prior to that date; and if he will make a statement on the matter. [6683/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The new house grant scheme was terminated as and from 14 November 2002. However, subject to the conditions of the scheme, a grant may be approved where a contract to purchase or to build a house was entered into or, in the case of a self-build house, the foundations were poured on or before 14 November 2002 and my Department received a grant application on or before 4 December 2002. Applications submitted after that date have not been accepted.

### **Electoral Register.**

412. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if the regulation that provides that the register of voters is available for inspection and purchase for members of the public for six months after an election in accordance with Article 94 of the Local Elections Regulations 1995 will remain in place after electronic voting is introduced; and if another method will be found to ensure that such information continues to be available to the public. [6751/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** There are no proposals to amend Article 94.

### **Waste Management.**

413. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the proposals he has to provide funding to Kerry County Council for the provision of a recycling centre in Dingle, County Kerry; and if he will make a statement on the matter. [6763/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The county council applied for assistance under the waste management capital grants scheme in respect of a civic amenity centre in Dingle. My Department sought further information from the local authority and on its receipt the application will be considered further.

### **Electronic Voting System.**

414. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the way in which postal votes will be entered under the proposed electronic voting system; the steps he will take to address serious concerns as to the security of votes cast in this way; and if he will make a statement on the matter. [6772/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The procedures in relation to the counting of postal and special voter ballots are set out in section 43 of the Electoral (Amendment) Act 2001. I am not aware of any concerns arising from these arrangements which operated satisfactorily at the pilot use of the system.

### **Departmental Contracts.**

415. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the date on which a company (details supplied) was appointed to assist him; if the appointment was made by him or through a competitive tendering process; the range of services provided; the fees paid to date; and if he will make a statement on the matter. [6842/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Following my appointment as Minister for the Environment, Heritage and Local Government, my Department sought a tender to put in place a more strategic communications service to provide advice and assistance to the Department on a range of interactions between the Minister, the public and the media. As the overriding urgency was to put the service in place within a short timescale, my Department invited a single tender from a suitably qualified company to quote for a limited short term assignment, on the basis that competitive tenders would subsequently be sought for a longer term contract.

This contract was entered into on 9 July 2002 for a period of six months. It was extended by one month because, due to an unanticipated extension of the tendering period, the Department was unable to complete the selection process before the expiry of the first contract.

In November 2002 three firms were invited to tender for a longer term communications consultancy contract. The selection process was overseen by a committee made up of a small group of senior officials from my Department. Following assessment of the tenders, the selection committee made a recommendation to me that the tender from the company concerned was the most economically advantageous and on that basis I accepted the recommendation made. A contract for a two year period was awarded to the company with effect from 9 February 2003.

My Department is involved in a wide range of functions which impact both on the general public and a wide range of sectoral interests. Many of the initiatives introduced by my Department, for example, in relation to waste management, have a significant impact on the business and farming communities, public authorities and individuals. It is vital that the changes required by these initiatives are communicated effectively to all target audiences to ensure maximum understanding and buy in. The communications consultancy service provides the cohesive communications and planning strategy necessary for the successful implementation of these initiatives, and a market orientated perspective which would not otherwise have been available to my Department. To date, i.e. since July 2002, consultancy payments made to the company concerned amount to €135,840, after reduction of withholding tax of €33,960, and not including VAT amounting to €35,658.

*Question No. 416 answered with Question No. 405.*

### **Hare Coursing.**

417. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if



a coursing club listed in the Irish Coursing Club licence took hares from Valentia Island during the 2003-04 coursing season; the number of hares that were taken; and the location they were released. [6937/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Under the terms of their 2003-2004 licence, my Department has requested the Irish Coursing Club to provide particulars on the taking of hares — if any — on Valentia Island during the 2003-2004 season and on their subsequent release. This information is not yet to hand, but will be communicated to the Deputy as soon as it becomes available.

#### Grant Applications.

418. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the position of the application for £300,000 sterling for a company (details supplied); and if he will make a statement on the matter. [6938/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I understand that the company concerned has made a number of applications to the Department of Enterprise, Trade and Investment in Northern Ireland for funding in respect of premises in Belfast. My Department has no function in the matter.

#### Electronic Voting System.

419. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the special measures which will be introduced with the electronic voting system for general, European and local elections, to facilitate persons with disabilities who may not be able to operate the proposed new system. [7000/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The voting machine is accessible to wheelchair users and returning officers may also acquire a special voting table, with a tilt facility, which will provide for additional ease of use. In addition, in order to assist the visually impaired in using the system a number of improvements have been made to the voting machine. The new features include an increase in the size and legibility of the details of the respective candidates, the use of layer preference numbers and brighter displays for better visibility and the use of a redesigned “cast vote” button.

#### Election Management System.

420. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the costs incurred in holding a general election by way of personnel employed in polling booths,

security personnel for polling booths, rent or hire of polling premises, materials, ballot papers and other furniture equipment required; and the way in which these costs compare to the projected costs if electronic voting is introduced. [7001/04]

421. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the costs involved in a typical count centre for the counting of votes at a general election; and the way in which these compare with the likely costs of such a count if electronic voting is introduced. [7002/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 420 and 421 together.

Costs incurred in holding a general election are recouped to returning officers from the central fund by the Department of Finance and details of the costs referred to are not available in my Department. However my Department understands that the overall costs incurred by returning officers in running the 2002 general election amounted to some €10.7 million; in addition, the costs of free postage for candidates was of the order of €8 million.

It is estimated that overall savings per general election accruing from the use of electronic rather than manual voting and counting, principally in terms of reduced printing and counting staff costs, would be of the order of some €1.5 million.

#### Offshore Islands.

422. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if he will consider Aughinish Isle, Ramelton, County Donegal for island status; and if he will make a statement on the matter. [6666/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department's assessment of applications for the provision of funding for islands is based on the following criteria: the current permanent population; the lack of a connecting bridge to the mainland; being cut off from the mainland by the tide on a daily basis ; and, the question of public or private ownership.

No application for funding the development of Aughinish Isle has been received by my Department to date. However, the question of affording recognition for the purposes of grant aid to a number of islands in County Donegal, including Aughinish Isle, has been raised with my Department by Donegal County Council. This matter is under examination in my Department at present and it is expected that a reply will issue to the county council in the near future. The Deputy will appreciate that any new applications for grant aid would require to be examined in the light of the criteria outlined and the funds available to me for island development generally.



### **Dormant Accounts.**

423. **Mr. F. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the finances discovered in dormant accounts; the procedures for its distribution to community and voluntary groups; the application details; the closing date; when it was advertised in the press; and the best way to access funds, particularly for the disadvantaged. [6754/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The total amount involved in the first transfer of moneys in 2003 from credit institutions to the dormant accounts fund, managed by the National Management Treasury Agency, was approximately €196 million. Since then some €26 million has been reclaimed and €3 million earned from investing the fund, leaving a current total of approximately €173 million in the fund. This figure includes a reserve, which must be maintained to meet claims for repayment and various costs associated with administering the scheme. A second transfer of funds from credit institutions together with the first transfer of moneys from life assurance policies will take place at the end of April 2004. At this stage, however, I do not have an accurate estimate as to the likely yield from these sources in 2004 and this information will only become clearer at the end of April.

The Dormant Accounts Fund Disbursements Board published its first disbursement plan on 7 November 2003. The plan sets out the board's priorities and provides for the distribution of funds to assist programmes or projects targeting three broad categories of persons: those affected by economic and social disadvantage; those affected by educational disadvantage, and persons with a disability. A significant level of disbursements from the fund will be ring-fenced for programmes and projects within RAPID, CLAR and Drugs Task Force areas.

The board has engaged Area Development Management Ltd., ADM, to administer the initial round of funding on its behalf, which will involve the disbursement of up to €30 million from the fund. In this regard, an invitation to organisations, groups etc. to make applications for funding was advertised in the national press on Friday, 21 November. I understand in excess of 330 applications have been received to date, which ADM are assessing on an on-going basis. The closing date for receipt of applications for this round of funding is 5 March as advertised in the national press on 20 February last.

To date the board has approved 18 projects for funding totalling approx. €1.7million. The board will next meet on 16 March 2004 and it is anticipated that further projects will be submitted to the board for decision at that meeting. The

Deputy will be aware the Government at its meeting of 16 December, decided on new arrangements for dormant accounts. Draft legislation is to be brought forward in 2004 with a view to giving effect to these decisions.

### **Community Development.**

424. **Ms M. Wallace** asked the Minister for Community, Rural and Gaeltacht Affairs the time frame for the advertisement of the scheme of grants for locally based community and voluntary organisations for 2004; when the application forms will be available; the expected closing date; and if he will make a statement on the matter. [6678/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** My Department provides once-off grants by way of a scheme of grants to voluntary and community groups that focus on tackling poverty and disadvantage and enhancing community development.

Arrangements for the 2004 scheme are currently being finalised by my officials and I expect to be in a position to announce details in the coming weeks. The scheme will be advertised in both the national and provincial press.

### **Pension Provisions.**

425. **Dr. Upton** asked the Minister for Social and Family Affairs if a person (details supplied) in Dublin 6W is entitled to a non-contributory old age pension. [6534/04]

**Minister for Social and Family Affairs (Mary Coughlan):** My Department has no record of an application from the person concerned for an old age non-contributory pension. If he considers he might be entitled to pension, he should submit a completed application form to the Department as soon as possible, to enable his means and other relevant circumstances to be determined. An application form is being sent to him for this purpose.

426. **Mr. Kehoe** asked the Minister for Social and Family Affairs if an employer can insist that an employee take out an occupational pension if he has already taken out a private pension; and if she will make a statement on the matter. [6549/04]

**Minister for Social and Family Affairs (Mary Coughlan):** A compulsory requirement to enter an occupational pension scheme, where it exists, would be reflected in the terms of a person's employment contract. The terms of such contracts are a matter between the employer and the employee employment contracts are governed by employment law, which is the responsibility of the Minister for Enterprise, Trade and Employment.

The specific question relates to whether the employer can still insist that an employee join the pension scheme where the employee has already taken out a private pension. That is equally a matter for the specific employment contract. In such situations, if the employee is required to join the employer's scheme, he or she may or may not be able to avail of tax relief on contributions to the private pension, depending on the circumstances of the case.

It should be noted that there will always be an employer contribution to an occupational pension scheme; whereas this may not be the case with a personal pension.

### **Social Welfare Benefits.**

427. **Dr. Upton** asked the Minister for Social and Family Affairs if a couple (details supplied) in Dublin 12 is entitled to the fuel allowance. [6673/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The purpose of the fuel allowance is to assist householders who are in receipt of long-term social welfare or health board payments and who are unable to provide for their own heating needs.

One of the conditions for receipt of a fuel allowance is that the combined household income must not be more than €50.80 per week above the appropriate maximum weekly rate of contributory pension, in this case €302.90 per week.

The person concerned is in receipt of an old age contributory pension at the maximum rate of €302.90 per week, €173.70 personal rate and €129.20 in respect of a qualified adult. My Department's records show that he also receives a private pension which, when combined with his old age contributory pension, brings the total household income above the limit to qualify for the fuel allowance. Accordingly, he does not qualify for the allowance and was notified of this in September 2003.

428. **Mr. Crowe** asked the Minister for Social and Family Affairs the progress to date in transferring more than 1,200 disabled persons living in residential institutions without income on to disability allowance as promised in the budget of 2003. [6714/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Budget 2003 provided for the establishment of a working group to examine the take-over by my Department of the spending allowances paid to people with disabilities in residential care who are not entitled to disability allowance and for the standardisation of the level of these allowances.

In 2003, following discussions between my Department and the Department of Health and Children, the health boards were requested to

provide relevant details on the spending allowances currently being paid. Once the necessary information has been obtained, my Department will make an assessment of the best method for arranging for the transfer of responsibility for the payment of these allowances and of the funds involved. This will include setting up a working group comprising representatives of people with disabilities, their families, service providers and other relevant organisations to advise on issues regarding money management and other issues arising in this context.

It should be noted that there are other people with disabilities in residential care who do not currently have any form of income, whether by way of disability allowance or spending allowance. As part of the current take-over process, the health boards have been requested to provide information also on this group. Following the take-over of the spending allowances, my Department will examine the options for addressing the income needs of this group.

### **Social Welfare Smartcard.**

429. **Mr. C. Lenihan** asked the Minister for Social and Family Affairs the action her department is taking with a view to implementing the proposed smartcard for social services; and the timetable she envisages for its introduction. [6960/04]

430. **Mr. C. Lenihan** asked the Minister for Social and Family Affairs the composition of her Departmental and interdepartmental group that has been established to plan the introduction of a smartcard for all social services provided by the State; and if she has set a target date by which this card can be circulated to users of State services. [6961/04]

**Minister for Social and Family Affairs (Mary Coughlan):** I propose to take Questions Nos. 429 and 430 together.

My Department currently issues a social services card. This caters for certain payment customers of my Department and it is also a permanent record of the personal public service number, the PPS number, which is the individual's unique identifier in his or her dealings with public services. Each year, the social services card is automatically issued to individuals as they reach 16 years of age, and some 2.3 million cards have been issued since 1992. Other Departments currently issue separate cards for access to various services, and some of these cards also make use of the PPS number.

Under the Social Welfare Act, 1998, the Minister for Social and Family Affairs has legislative responsibility for the PPS number and for the development of a public service card

[Mary Coughlan.] containing a person's name, PPS number, and other details such as their date of birth and gender. The development of a public service card which could be used to access a range of public services is also under examination in the context of overall plans to modernise public service delivery, integrate services, reduce bureaucracy and make the delivery of public services to individuals easier and more efficient. The public service card, based on the PPS number, would provide a reliable method for authenticating identity for access to a range of public services.

In this connection, my Department's officials and officials of the REACH agency have engaged in preliminary consultation with other Departments that are major providers of public services. The purpose of their consultations was to look at current card use and explore the possible uses of a public service card in line with wider Government strategy for enabling delivery of public services. Following in this work, my Department and the Department of Finance are developing proposals for the introduction and use of the public service card. These proposals will be

brought forward for the consideration by Government in the near future.

#### **Social Welfare Benefits.**

431. **Mr. O'Shea** asked the Minister for Social and Family Affairs the proposals she has to allow people who are in receipt of invalidity pension to also qualify for blind pension; and if she will make a statement on the matter. [6993/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Invalidity pension is a social insurance payment payable to people who are permanently incapable of work and who satisfy the PRSI contribution conditions. Blind person's pension is a means tested payment payable to blind or partially sighted people who are so impaired that they cannot perform work for which eyesight is essential or cannot continue in their ordinary occupation. As such, both pensions cater for an inability to earn an income due to an incapacity or disability. A principle which applies in social security schemes generally is that, while a person may satisfy the conditions for more than one payment, only one payment is made at any one time. There are no plans for concurrent payment of invalidity and blind pension.