



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Tuesday, 23 March 2004.*

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## DÁIL ÉIREANN

*Dé Máirt, 23 Márta 2004.  
Tuesday, 23 March 2004.*

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

*Paidir.  
Prayer.*

### Ceisteanna — Questions.

#### Tourism Industry.

1. **Mr. Wall** asked the Taoiseach the number of visitors to Ireland in 2003; the way in which this compares with 2002; and if he will make a statement on the matter. [31557/03]

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** It is estimated that there were just under 6.4 million overseas visits to Ireland by non-residents in 2003 compared with almost 6.1 million such visits in 2002, an increase of 5%.

**Mr. Howlin:** Are returned emigrants and migrants into the country included in the figures as tourists?

**Ms Hanafin:** I understand they are listed under visits to Ireland, and a visit to Ireland is based on a cross-Channel route, including from the US and Canada. Therefore, it could be anyone travelling to the country.

**Mr. Howlin:** Is there a means of extracting pure tourist numbers to do a year-on-year comparison?

**Ms Hanafin:** In so far as year-on-year comparisons are carried out, the same basis for determining the figures has been used for a number of years by the CSO. It is a strict comparison on an annual basis.

**Mr. Howlin:** The number of migrants has changed.

**Ms Hanafin:** We know on a quarterly basis what the increase is for the corresponding period of the previous year. For example, for October to December of last year, there were 1,074,000 visitors, an increase of 9.5%. This figure can be broken down into both trans-Atlantic and cross-

Channel visitors but it does not distinguish whether these people are returning emigrants.

**Caoimhghín Ó Caoláin:** Are the figures given all-Ireland figures or do they refer only to the Twenty-six County jurisdiction? Are visitors from the Six County area to the rest of the island lumped in as external visitors for the purposes of the statistics? Is there a breakdown of figures by EU member states? It would be helpful if these figures were available. Perhaps the Minister of State will agree that many people are making a comparison between the pricing of tourist accommodation and leisure——

**An Ceann Comhairle:** The Deputy is going outside the substance of the question.

**Caoimhghín Ó Caoláin:** I am explaining why I am asking the question.

**An Ceann Comhairle:** The Deputy does not have to explain why he is asking a question.

**Caoimhghín Ó Caoláin:** It is great that the Ceann Comhairle already understands the reason. Perhaps the Minister of State has been able to read all that detail too and I would be grateful for her response.

**An Ceann Comhairle:** The first two questions are in order.

**Ms Hanafin:** The information gathered by the CSO is listed under Overseas Visits to Ireland which are then categorised under Route of Travel, Area of Residence and Reason for Journey. As these include air cross-Channel, sea cross-Channel, continental Europe and trans-Atlantic travel, the information gathered is specific.

**Caoimhghín Ó Caoláin:** Does it take into account the port of Larne?

**Ms Hanafin:** I do not think so. It includes ports in the Twenty-six Counties, which is the jurisdiction covered by the CSO.

**Caoimhghín Ó Caoláin:** Will the Minister of State encourage that this detail is secured. Many people visiting these shores access through the North of Ireland and, as there is no detail in regard to cross-Border traffic in either direction, it is important to get the full, holistic detail. Such information on the port of Larne and other ports which give opportunities for access through the North of Ireland to the island of Ireland would be important detail——

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

**Caoimhghín Ó Caoláin:** Perhaps the Minister of State will respond to that supplementary question.

**An Ceann Comhairle:** I did not hear the question.

**Caoimhghín Ó Caoláin:** In trying to have me stopped, a Cheann Comhairle, you probably missed it once again.

**Ms Hanafin:** I am sure we will be able to do a comparative study with the relevant information taken by the body responsible for Northern Ireland. We did that recently in regard to figures on speakers of the Irish language. Perhaps it would be helpful to use the information as a comparison.

**Mr. Durkan:** What is the full extent of the information gleaned from the statistics? For example, do we know the country of origin in all cases, whether the visit is a first or repeat visit and what can be done to identify how to market our tourism programme as a result of the information contained in the statistics?

**Ms Hanafin:** I have stated the categories under which the information is collated. These include the route, area of residence and the reason for journey. Information is also collated on the basis of overnight visits, the number of nights that people stay and the estimated average length of stay, but it does not quantify individual countries or the length of time for which a visitor from Italy, for example, might stay. It also tells us the number of bed-nights categorised under hotels, guest houses, rented houses, caravans and hostels or if people are staying with friends or relatives, which is very useful information for the Minister when developing marketing campaigns. That information is categorised by country. Visitors from the USA stay mostly in hotels and guest houses, whereas those coming from Europe tend to stay in rented houses and apartments. Much work has been done that will contribute to the marketing campaign.

Deputies are aware that the Minister has targeted a 4% increase in tourism for this year, an ambitious target, and aims over the coming years to double the overseas visitor spend in the country to €6 billion. These statistics will be useful when we are carrying out specific marketing campaigns.

**Mr. Durkan:** Is it possible to be more specific about the information to identify those who are here on a return visit so the Minister can target that market?

**Ms Hanafin:** By differentiating between those areas where there are major marketing campaigns, we can use that information. Britain is treated as a separate entity because of the links between us, the large number of tourists from there and the fact that we can have a particular marketing campaign there while we deal with the rest of Europe separately.

Tourism Ireland has a budget of over €50 million for this year, Fáilte Ireland has a budget

of €80 million and the Department of Arts, Sport and Tourism has a budget of €115 million, money that is well spent given that we are reaching our targets, particularly in light of present global uncertainty.

### Census of Population.

2. **Mr. Sargent** asked the Taoiseach if the CSO has considered asking questions on the census form on unremunerated work, as requested by the Women in the Home Group; and if he will make a statement on the matter. [1289/04]

**Ms Hanafin:** The Central Statistics Office began a consultation process in November 2003 to consider topics to be included in the 2006 census. Notices were placed in the national press and on the CSO website which invited public submissions on the suggested content of the 2006 census questionnaire. A broadly-based consultative group was set up in December 2003 to assist the CSO in assessing the merits of the submissions received. The group has agreed the content of the census questionnaire to be used in a pilot survey of approximately 8,000 households which will be conducted in selected areas throughout the country next month. In addition to retaining some of the standard census questions, the survey form will also test a number of new potential census questions and a number of format changes to existing questions.

In response to the submission by the Women in the Home Group on unremunerated work, it was decided to include a question in the pilot test on the number of hours that adults spend doing unpaid work looking after the home or family.

**Mr. Sargent:** I welcome the Minister of State's indication that there will be a question on unremunerated work in the census in future. I wrote to the Taoiseach on this matter on 10 December when the consultative group was established. Will the Minister of State indicate the degree to which the request for the format has been acceded, if it will be a general question on the number of hours spent in unpaid employment or unremunerated work, or will it be more detailed, specifying work with children, the elderly, disabled persons and unremunerated farm work, house work and voluntary work for the benefit of the community? Will the detail of the question represent the scale and variety of unremunerated work in the State? How detailed will the question be?

**Ms Hanafin:** The questions are very detailed. The reference date for the pilot survey is 25 April 2004. Participants will be asked if they regularly do any unpaid work looking after the home or family. Examples listed include looking after children, cooking, cleaning, gardening, repairs and shopping. The categories are one to 14 hours per week, 15 to 28 hours per week, 29 to 42 hours per week or 43 or more hours per week.

The next question asks if a person provides regular unpaid personal help for a friend or family member with a long-term illness, health problem or disability, including problems which are due to old age. Personal help includes help with basic tasks such as feeding or dressing. The options listed are one to 14 hours per week, 15 to 28 hours per week, 29 to 42 hours per week and 43 or more hours per week.

A third question asks whether, in the past four weeks, a person has done any of a number of activities without pay and invites respondents to tick all applicable boxes. The categories are: helping or voluntary work with a social, charitable, sporting, political or cultural organisation, or any other voluntary activity.

The Deputy will agree that the information which can be gleaned from the survey is specific, not only with regard to people working in the home but also the additional time people give to activities outside the home. While we are all familiar with such activities, having the information categorised will be useful to us all in dealing with social policy.

**Mr. Sargent:** I listened with great interest to the Minister of State's reply. Does she agree that unremunerated work is overlooked and is varied and comprehensive? According to research I have done, 148,754 people in the State look after people with a disability and 400,000 work full-time in the home as parents and carers. Does the Minister of State accept the need to reconsider the refusal of the request by the women in the home group to participate in the social partnership process?

**An Ceann Comhairle:** The Deputy is moving beyond the scope of the question.

**Mr. Sargent:** I appreciate that my question does not relate directly to the Central Statistics Office. Does the Minister of State recognise the importance of the sector?

**An Ceann Comhairle:** I would prefer if the Deputy did not pursue the question. He could address it to the appropriate Minister.

**Mr. Sargent:** I will do so and intend to discuss the issue of guaranteed basic income and other means to resource the sector. Does the Minister of State agree that this sector is much more important than is often acknowledged and that the survey will play an important part in efforts to address this imbalance in perception?

**Ms Hanafin:** There are undoubtedly people who make a contribution to the social economy which is not recognised in what might be described as the market economy. They play a valuable role, even more valuable in some sectors than many people who are paid for their work.

The census has traditionally provided us with figures on the number of people involved in home duties. As a result of the questions I have

outlined, we will now have specific information, even from the pilot scheme, on what exactly this type of work entails, especially where it involves looking after others, whether elderly people, children, those with health problems etc. It will also record information on general household work, which could be quite valuable.

In addition, the CSO has recently begun to record figures on child care, another element which links in with the questions to which we have referred. The women in the home group has made a major submission to the CSO on this area and its ideas have been taken on board in ensuring that the relevant questions were asked in the pilot scheme.

This is a pilot survey of 8,000 households in 30 areas and will take place on 25 April. The replies will be stratified according to urban or rural and deprived or non-deprived areas. It should allow the CSO to determine whether a core question could be inserted in the census form because such detailed questions could not be inserted in the 2006 census form. We need only think of people who are not full time in the home and those who are full time in the home and carry out these duties.

An important question concerns the issue of volunteers. We are all conscious of the role played by volunteers not only during the Special Olympics last year but in the ongoing Special Olympics drive throughout the country. Other organisations also play a role and it is important that should be recognised.

With the agreement of the House it is proposed, notwithstanding anything in Standing Orders, that we will move on to questions to the Minister for Finance, which shall conclude at 4.15 p.m.

### Priority Questions.

#### Tribunals of Inquiry.

3. **Mr. R. Bruton** asked the Minister for Finance his proposals to reduce tribunal costs. [8684/04]

**Minister for Finance (Mr. McCreevy):** To end October 2003, the total cost to the Exchequer of completed and sitting tribunals of inquiry and other public inquiries was €138.6 million. Of this, €99.4 million was in respect of legal costs and €39.2 million related to other costs. The figure for legal costs includes some €25.5 million in respect of third party legal costs awarded at three completed tribunals. This represents some 68% of the total cost of these tribunals.

In regard to tribunals and public inquiries which are sitting at present, the total cost to end October is €101 million, of which €68 million is in respect of legal costs. The latter only refers to the costs of the tribunal of inquiry legal teams as the issue of third party costs has not yet been adjudicated on in any instance. Given the

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significance of these costs in completed tribunals and inquiries, there is scope for a sharp acceleration in Exchequer costs if third party legal costs follow the pattern of completed tribunals.

Given the considerable actual and potential costs arising, I am concerned as to the ongoing resultant burden on the Exchequer. At the invitation of the planning tribunal, I made a submission to the tribunal last May in regard to the liability of the Exchequer for third party legal costs. The tribunal has not yet adjudicated on the issue.

More generally, I have a number of proposals under consideration aimed at reducing costs. These proposals follow liaison with the Attorney General and the Minister for Justice, Equality and Law Reform. It is my intention to shortly submit the proposals to the Government for approval. I am not therefore at liberty at this juncture to go into the individual detail of these proposals but broadly they are aimed at addressing a number of issues affecting future tribunals including: tightening and better focusing of the terms of reference with a view to minimising duration and costs; streamlining the operation of tribunals; and a review of the basis of payment for legal representatives.

As the Deputy is aware, the Minister for Justice, Equality and Law Reform recently introduced the Commissions of Investigation Bill, which passed Second Stage in the Dáil on 5 March. The mechanism being provided by this Bill may be considered as providing either a precursor or an alternative to tribunals of inquiry. It is, however, also designed to address concerns such as those relating to the time and cost of public investigations. Overall, it seeks to provide a more effective and flexible way of investigating matters of public concern while balancing the issues of time, cost, fair procedures and the rights of affected parties.

This measure has the potential to considerably reduce the need for full-scale tribunals of inquiry and I strongly support it.

**Mr. R. Bruton:** I read with interest the Minister's comments at the Fianna Fáil Ard-Fheis. He struck a chord with delegates when he said he would tackle the cost of tribunals. However, it transpires that his only proposals are in respect of future tribunals. He has no proposals in regard to the massive cost we face in respect of current tribunals which will increase. Was he Minister for Finance when sanction was given to increase the brief fee from €20,000 to €60,000, which represents a trebling of the fee and an increase of more than 200%? Was he Minister for Finance when the fee for non-sitting days was increased from €1,270 to €2,250 per day? Comparing the first McCracken tribunal with the most recent tribunals, how does he square his sanctioning of increased *per diem* daily rates to barristers with his alleged concern expressed at

the Fianna Fáil Ard-Fheis to contain the cost of tribunals?

**Mr. McCreevy:** As the Deputy will be aware from contributions made by his former colleague in Government, Deputy Quinn, the Minister for Finance sanctions these fees at appropriate times following consideration by the Office of the Attorney General and deliberations it has with counsel on the going rates at a specific time. This matter was alluded to on many occasions by Deputy Quinn in his two and a half years as Minister for Finance. In my time as Minister for Finance, I too have approved a number of increases. The last such were approved with effect from July 2002.

Different daily rates are paid to counsel working on the various tribunals, details of which I can supply to Deputies if they wish. In the Moriarty tribunal, senior counsel are on the *per diem* rate of €2,500. In the Morris, Barr and planning tribunals, the equivalent figure is €2,250 and, in the Laffoy and Dunne tribunals, it is €1,905 per day. Brief fees have been paid by these tribunals to senior counsel as follows: in the Moriarty tribunal it was €31,743—

**Mr. R. Bruton:** The Minister is evading answering the question.

**Mr. McCreevy:** No, I am answering the question. The brief fee for senior counsel on the planning tribunal was €31,743; in respect of the Laffoy tribunal the figure was €34,918; in respect of the Dunne tribunal, €31,743; in the Morris tribunal, €60,000; and in the Barr tribunal the figure was €60,000.

**Mr. R. Bruton:** This is an old style filibuster.

**Mr. McCreevy:** As I referred to in my reply and on previous occasion, the costs to which we refer in the figure of €101 million relate to the State's legal costs at this time taking account of what has happened in respect of other tribunals. The costs of third parties will be a considerable multiple of this which is of concern to me. In that context, I will bring proposals to the Government in the near future which I hope will go some way to relieving the taxpayer of these considerable costs.

**Mr. R. Bruton:** The Minister has clearly overshot the runway in this regard. The reality is that he sought to get public support and that of his party's Ard-Fheis by stating he would contain costs. However, is it not the case that the Minister has done nothing but increase the fees repeatedly? He has nothing to address the ridiculous anomaly of daily rates for work which should clearly be done on a contract basis. We will face enormous fee increases because the Minister has not learnt the lesson from the huge spiralling costs of these tribunals as they are set up, one after the other.

**Mr. McCreevy:** I am delighted the Deputy agrees with me when he states that counsel's *per diem* rates are incorrect and that there should be a different method of payment.

**Mr. R. Bruton:** The Minister is not doing anything about it.

**Mr. McCreevy:** I am glad he supports me in this regard and, when I bring proposals before the Oireachtas, I am sure Fine Gael will support me. At these *per diem* rates, in three days a senior counsel earns more than an old age pensioner gets for a whole year.

**Mr. R. Bruton:** The Minister has more than doubled those rates.

### Tax Collection.

4. **Ms Burton** asked the Minister for Finance the main features of the Exchequer returns for the first two months of 2004; the way in which spending for the first two months compares with the projected levels; if he intends to review any of the budgetary targets for 2004 in view of these returns; and if he will make a statement on the matter. [9067/04]

**Mr. McCreevy:** The Exchequer balance for the first two months of 2004 showed a surplus of €430 million compared with a budgeted deficit of €2.806 billion for 2004 as a whole. Total tax receipts for the first two months of 2004 were €5.354 billion, which was €307 million or 6.1% above profile.

While tax revenue results for the first two months have been encouraging, it is much too early at this stage to draw any conclusions from these figures for the outturn for the year as a whole. The excess in receipts over the profile target is largely accounted for by capital gains tax receipts which are running €200 million ahead of profile. Capital gains tax receipts continued to show the unexpected buoyancy seen in the latter part of 2003. However, this good performance is not expected to continue and it is anticipated that there will be a slow down in CGT receipts relative to 2003 by the end of 2004.

More significantly, it should be noted that the taxes which generate the most significant share of revenues, such as income tax, excise and VAT receipts, were slightly below profile

3 o'clock for the period to the end of February. On net voted spending on services, the projected increase for 2004 as set out in the 2004 Revised Estimates, REV, is 7%. At the end of February, net voted spending was 1% higher than in the same period last year and was €360 million less than expected on the basis of the published spending profile. The Departments most significantly under profile to the end of February were Education and Science; Environment, Heritage and Local Government and Transport. Departments overall do not project any excesses or savings on the spending totals in the REV. As the Deputy will be aware,

assessments of the overall budget performance for the year issue at the end of each quarter.

**Ms Burton:** There has been a considerable overshoot in the figures for the first two months. For the reasons set out by the Minister, revenues have been more buoyant and spending has been kept very tight. In view of this, does the Minister agree it is appropriate that he revisit certain notorious features of his December budget when, presumably, he made decisions on the basis of the Department of Finance's expectations? In particular, the Minister made some very mean cutbacks in social welfare payments.

**An Ceann Comhairle:** The Deputy is going outside the remit of the question. A general question is acceptable. I suggest the Deputy put a question to the appropriate Minister

**Ms Burton:** The Minister answered with regard to specific Departments. Widows are suffering a €6 million cutback. I do not know if the Minister had a good week—

**An Ceann Comhairle:** A general question may be put but it is not appropriate to go into detail.

**Ms Burton:** The Minister is undershooting his expected expenditure figures, particularly in three areas where significant cuts have been made and there has been an underspend, as the Minister has said. Is all discussion and questioning in the House to be closed down? The Minister has been allowed to answer specific points but I am not allowed to ask specific questions.

**An Ceann Comhairle:** The Chair is obliged to implement the Standing Order.

**Ms Burton:** The Minister obviously had a good week in Cheltenham. Will he rethink the measure regarding widows? Does he agree that the overall information disclosed by the figures shows that capital spending on infrastructure is significantly below the projected figures? This applies to roads, railways and the vital infrastructure which is a major factor in hindering Ireland's future economic growth?

Our universities are in rag order because of the cutbacks in day-to-day spending which have been imposed on them. The Minister has said the Department of Education and Science is below its spending profile. When figures show a different outturn from the expectation set out in the budget should a prudent Minister for Finance not move to revise spending targets so as to achieve the education goals of the national development plan and show mercy to the widows of Ireland who are suffering a €6 cut?

**Mr. McCreevy:** It would not be a prudent Minister for Finance who would base his spending on the figures for six or eight weeks into the financial year. It is much too early to be

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definitive as to the outturn for 2004. I have explained the position on the revenue side. The increased buoyancy at the end of February mostly relates to the figures from capital gains tax. The figures for the other taxes, such as income tax and VAT, are a little less than profiled but even if they were more than profiled it would be much too early to make a definitive call at this stage.

I am sure the Deputy is aware of the reasons for the rise in capital gains tax revenue. It is the changed dates of payments. Furthermore, it is difficult to predict what capital gains tax receipts will be. They are mostly received on 31 October but a recent change introduced two payment dates so that some are received on 31 January. Besides, capital gains tax mostly relates to one-off transactions.

With regard to year to year spending, in recent years incorrect comment has been made by people both inside and outside this House with regard to basing spending forecasts on the first three, or even six, months of the year. This arises from a lack of knowledge of how the public finances are put together. Consequently, I decided to publish multi-profiles of expenditure for 2003. This gives some idea as to how wrong calculations can be made, and many eminent commentators outside the House made them in 2002. In 1999 to the end of February, the year on year spending increase was 5% below the previous year but the outturn for the year was 11.9%. In 2001, the year on year spending at the end of February was up 25.5% but the full year increase was only 23%. In 2002, the year on year increase to the end of February was 22.4% but the outturn was only 14%. In 2003, the year on year increase to the end of February was 16.7%, yet the outturn for the year was only 6.7%, as budgeted. In 2004, the year on year figure to the end of February is 0.9% but the estimated full year increase is 7.2%.

### **Decentralisation Programme.**

5. **Caoimhghín Ó Caoláin** asked the Minister for Finance the discussions he has had with trade unions representing civil and public servants on decentralisation since 17 February 2004; and if he will make a statement on the matter. [9113/04]

**Mr. McCreevy:** At a meeting of the general council on 10 December 2003, a special sub-committee of general council was set up to deal specifically with the human resource issues arising from decentralisation. Since that date, regular meetings of the decentralisation sub-committee have been held, of which the most recent was on 16 March. A discussion paper on the human resource issues has been tabled by the official side and considerable progress has been made in the discussions.

In addition to the regular meetings of the decentralisation sub-committee of the general council, my Department wrote to David Begg, General Secretary of the Irish Congress of Trade

Unions on 18 January requesting a meeting to discuss the implications of decentralisation with trade unions which are not covered by the general council. Congress established a working group to engage with my Department on these issues and the first meeting was held on 9 March. A further meeting is being held today.

**Caoimhghín Ó Caoláin:** Has the Minister or his Department had any contact with SIPTU in the wake of its survey of its members which showed that 95% of SIPTU members within the State agencies and Departments did not want to leave the greater Dublin area? That represents 1,000 workers or one tenth of the total number the Minister had hoped to see relocated or decentralised. Is the Minister concerned about that information? This is the latest example in what can only be regarded as the ongoing unravelling of his proposal which was announced in budget 2004. What is the Minister's response to the survey done in the Department of Enterprise, Trade and Employment which showed that only 69 of the 503 respondents indicated a willingness to take up any of the 250 posts to be located in Carlow? That is another example of a worrying situation in relation to the Minister's proposals. We have had an emergency conference of higher civil servants—

**An Ceann Comhairle:** A question please.

**Caoimhghín Ó Caoláin:** —which showed that only small numbers wished to decentralise, particularly among the older, more settled groups and those with children in education. In response to a question I posed last May in the House, the Minister stated that a great deal of consultation and work had been put into this area. Does the Minister acknowledge that all the information before us clearly demonstrates that there was a lack of consultation and planning and a lack of information given to staff about the proposal to relocate or decentralise 10,300 civil servants to a list of locations throughout the jurisdiction?

**Mr. McCreevy:** The Deputy cannot say there was a lack of planning. We spent four years from the announcement of the decision before we announced the locations and the number of civil servants who would travel to the regions. My Department and other Departments are pushing ahead at full speed with the decentralisation programme. I hope we will be able to fulfil our target date. This programme is totally voluntary. It was a decision taken by the Government and it will be fulfilled.

I noted that my colleague, Gordon Brown, announced in his budget speech last week a decentralisation programme for United Kingdom civil servants. For those who commented unfavourably that I should not have included a reference to decentralisation in my budget speech, I am glad to note that my friend, Gordon Brown, mentioned it in his budget speech. I refer

Deputies to an interesting document by Sir Michael Lyons, on which Gordon Brown based some of his recommendations and commentary, which is well worth reading. Sir Michael Lyons totally pooh-poohs much of the commentary about decentralisation, which Members also heard from some commentators in this country. The plan is on course, the scheme is voluntary, consultations are taking place with unions and it is a case of full speed ahead. By the way, does the Deputy's party support decentralisation?

**Caoimhghín Ó Caoláin:** It absolutely supports decentralisation.

**Mr. McCreevy:** Is Deputy Bruton's party for it?

**An Ceann Comhairle:** It is a matter for the Member to ask the question and for the Minister to answer it. We cannot have a debate here.

**Caoimhghín Ó Caoláin:** Would you control your Minister, a Cheann Comhairle?

**An Ceann Comhairle:** A very brief question Deputy, we are running out of time.

**Caoimhghín Ó Caoláin:** Good for the Minister and good for Gordon. However, has Gordon put any more preparation into it than the Minister? I am concerned that the plan announced by the Minister will not actually transpire. The Minister emphasises the voluntary nature of it but he refuses to accept—

**An Ceann Comhairle:** A question, please.

**Caoimhghín Ó Caoláin:** —the salient information that is available.

**An Ceann Comhairle:** We will have to conclude this question.

**Caoimhghín Ó Caoláin:** The Minister will be aware that the Combat Poverty Agency came before the Oireachtas Committee on Finance and the Public Service in recent weeks. In the course of that meeting—

**An Ceann Comhairle:** The time for this question has concluded, Deputy. We must move on to Question No. 6.

**Caoimhghín Ó Caoláin:** —it was indicated by the agency that this small tranche of decentralisation, numbering 25 to the town of Monaghan—

**An Ceann Comhairle:** Deputy Ó Caoláin still has not submitted a question. I call Question No. 6 in the name of Deputy Richard Bruton.

**Caoimhghín Ó Caoláin:** That is extremely discourteous. My opportunity to ask supplementary questions was taken up by the

Minister and the Chair made no allowances for the Member—

**An Ceann Comhairle:** The Chair has no control over the length of the reply.

**Caoimhghín Ó Caoláin:** —which is your wont. That is the pattern. The passage of St. Patrick's Day changed nothing with regard to the Chair and this Deputy.

**An Ceann Comhairle:** There is a means of dealing with it if the Deputy wishes to do so.

**Caoimhghín Ó Caoláin:** There is a means of asking the Minister questions. Will the Chair allow the Minister to reply? The Combat Poverty Agency—

**An Ceann Comhairle:** Deputy Ó Caoláin, there is a six minute limit for a Priority Question.

**Ms Burton:** I did not get to ask a supplementary question.

**An Ceann Comhairle:** Deputy Burton and Deputy Richard Bruton wanted to ask more questions. There is just over six minutes for each question and every Member is entitled to the same treatment in the House. I cannot make an exception.

**Caoimhghín Ó Caoláin:** You did not allow for the Minister—

**An Ceann Comhairle:** When you stood to speak the Chair told you to ask a brief question because the time was concluding.

**Caoimhghín Ó Caoláin:** You did not allow for the Minister's interruptions.

**An Ceann Comhairle:** I call Question No. 6.

6. **Mr. R. Bruton** asked the Minister for Finance if a risk assessment has been undertaken by accounting officers in agencies affected by decentralisation; and if he will make a statement on the matter. [9066/04]

**Mr. McCreevy:** On announcing the decision on decentralisation, I appointed an implementation committee to prepare and submit an overall implementation plan on decentralisation by the end of March 2004. Following this, each agency will be required to develop a detailed plan for its own element of the programme. The question of risk assessment and risk mitigation, covering such aspects as business continuity and financial and logistical issues, will be addressed in the detailed planning exercise.

**Mr. R. Bruton:** This Minister has made no secret of the fact that his decentralisation proposals follow an electoral agenda. He has made the programme subject to the electoral interests of himself and other Ministers. Every



[Mr. R. Bruton.]

town in the country would like to have some Government offices in its town square.

The Minister asked about Fine Gael's view. The Fine Gael view is that in a modern democracy, one does not make a decision such as this without taking account of the published criteria, without an assessment of the personnel and their interests, without an assessment of the property implications of the changes, without an assessment of the impact on the capacity of the organisations to continue and without dovetailing the proposals with the spatial strategy. What is at stake is the style and method of Government. The Minister is presiding over a crassly political approach to this important issue, on which there is a great deal of consensus in the House.

**Mr. McCreevy:** I still do not know whether the Deputy's party supports the decentralisation programme. Does it support decentralising these bodies to these locations and centres or does it oppose it? There seems to be a difference between Deputy Bruton's approach and that of the rest of his party.

**Mr. R. Bruton:** I am totally opposed to——

**Mr. McCreevy:** Many of the Deputy's party seem to support it but the Deputy seems to oppose it.

**Mr. R. Bruton:** I oppose turning decentralisation into an issue of the personal electoral interests of Ministers. That is what the Minister has said. That is the disgrace in this approach and not what he is seeking to achieve.

**Mr. McCreevy:** Fine Gael seems to oppose these places receiving decentralised offices. As the Deputy is aware, we spent a long time considering this programme. I accept it is very ambitious. We set a deadline to achieve the bulk of decentralisation by 31 December 2006. I made no secret of the date, which is more than three years from the date of my budget announcement and seven years from the time of my original comments about decentralisation. That is a fair and decent amount of time and should allow for the bulk of decentralisation to take place. It will certainly put pressure on Ministers and Departments to ensure that the offices and agencies under their remit have decentralised to the locations in question by that date for the obvious political reasons. It is the job of politicians to make decisions. We decided in the previous budget which offices would be decentralised to which towns. We hope to have completed the bulk of the programme by 31 December 2006.

**Mr. R. Bruton:** It is well known that the last resort of the political scoundrel is to cast a slur on those who oppose him.

**Mr. McCreevy:** It is not a slur.

**Mr. R. Bruton:** Will the Minister confirm that he made no assessment of the impact on organisations, of the needs of personnel, of the property dimensions or of the relationship of the decentralisation programme with spatial strategy? Is it not therefore a purely politically motivated choice? The Minister has not done the homework. He spent two years doing nothing.

**Caoimhghín Ó Caoláin:** It is four years. Did the Minister talk to anyone about it?

**Mr. McCreevy:** We decided some four years ago to relocate 10,000 civil and public servants outside Dublin. Most Deputies on all sides of the House, excluding the Deputy, but he is the spokesperson for Fine Gael, seems to be in favour of it.

**Mr. R. Bruton:** The Minister is persisting with the slur.

**Mr. McCreevy:** I can only take on board the Deputy's public utterances on this matter which he has repeated time and time again.

**Mr. R. Bruton:** It is clear the Minister is on the run.

**Mr. McCreevy:** When asked on the floor of the House, he has not given an unequivocal answer, which he expects me to do.

**Caoimhghín Ó Caoláin:** With whom is the Minister doing the planning?

**Mr. McCreevy:** This programme is ambitious and will be fulfilled.

**Mr. R. Bruton:** The Minister does not want to be asked questions. So much for accountability.

**An Ceann Comhairle:** There is still one minute remaining.

**Mr. R. Bruton:** Has the Minister looked specifically at the position of, for example, the Equality Authority which I understand will probably lose about 80% of its staff? Will that have an impact on the capacity of that organisation to continue to do the important ground-breaking work that it is doing?

**Mr. McCreevy:** The implementation committee chaired by Mr. Philip Flynn will shortly present its report to the Government and all matters will be considered.

**Mr. R. Bruton:** The Minister gave no thought to that.

**Mr. McCreevy:** There has been some misrepresentation on this matter. It has been known to all members of the Government for many months that this programme would be announced on budget day in December 2003.

Every Minister was consulted on many occasions on the relocation of various offices. Some decided to discuss this matter with some civil servants in their Departments. Others chose not to do so, which was their entitlement. The matter was discussed by the Government.

**Mr. R. Bruton:** That is not the question the Minister was asked.

**Mr. McCreevy:** I want to put this matter on record. The final decisions were made by the Taoiseach, the Tánaiste and me, and ample consideration was given to all the issues, including the location of the body to which the Deputy referred.

### Budget Submissions.

7. **Mr. Boyle** asked the Minister for Finance the number of organisations and persons who made representations to his office regarding the Finance Bill 2004 between Second Stage and Committee Stage and between Committee Stage and Report Stage. [9208/04]

**Mr. McCreevy:** I received 25 representations regarding the Finance Bill 2004 between Second and Committee Stages and 20 between Committee and Report Stages. These were in the form of letters, faxes, e-mails and telephone calls to my office and Department generally and came from public representatives, representative organisations and individuals. They covered a number of different tax areas.

**Mr. Boyle:** I thank the Minister for his response. When the Minister came to office in 1997, he decided to discontinue the practice of his predecessor of publishing information of submissions made prior to the budget.

Will the Minister agree that in the interests of openness and transparency, not only is there a need to restore that practice but the type of lobbying done while the Finance Bill is being progressed through this House needs to be examined? We have seen a number of examples of that over the past few years.

My last priority question to the Minister was about the lobbying over the Eircom ESOT, the ramifications of which we have seen with the recent flotation. The Minister did something similar recently in terms of pension entitlements and benefits for the teachers' unions. Last year a representation was made by a constituent, although not during the debate on the Finance Bill, in regard to private hospitals and tax incentives.

On the second phase of lobbying between Committee and Report Stages, there is a need for openness and transparency because we have seen from experience how Report Stage amendments often do not get debated on the floor of this House. Has the Minister any intention of introducing a method whereby those who have sent him letters, faxes and other communications

during the various Stages of the Finance Bill will be made publicly known?

**Mr. McCreevy:** I have no particular difficulty giving the Deputy all that information if he so wishes. I am prepared to provide him with a list of the representations in question, including the names of the representative bodies and the public representatives who made them, but subject to the normal restrictions that apply to requests made under the Freedom of Information Act in regard to releasing the names of private individuals. I can give examples of some of the representations I received. They include representations from the chairman of the Labour Court, ICTU, the Gaelic Players Association, Ministers, Deputies, Departments, the ASTI, etc. I can give the Deputy a list in that regard. I also received representations on the floor of the House on Committee Stage relating to the date of the planning applications for some of the tax incentive schemes, which I responded to on Report Stage. There is no mystery about this and the Deputy is free to get all the information he so wishes. However, I flatly reject any charge of favouritism in respect of any particular group which may wish to make representations to me or to the tax officials in my Department.

As the Deputy will be aware, every citizen has a right to contact his or her public representative or officeholder to make representations on his or her own behalf or on behalf of others. I regard this right as sacrosanct and I will not do anything that might impede or discourage people from doing so. To do so would render the political process irrelevant to the needs of ordinary citizens and put all of us out of touch with the wishes of the electorate.

I want to make it clear that, either through their public representative or to me directly, either inside or outside the House, everybody is free to make representations to me at any time. During my years as Minister for Finance I have received some ideas in the most unusual places and have incorporated them into legislation. Many of the measures in the Finance Bill are my own ideas and the Deputy will not see representations from anybody about them. I can point out many of them over the past seven years. I want to make it clear that for as long as I am Minister for Finance, people are free to make representations to me in whatever way they think fit, either by phoning me, meeting me at football matches, race meetings or pitch and toss banks.

**Mr. Boyle:** The Minister is missing the point somewhat. I am very grateful that this information can be made available subsequently but even under the neutered freedom of information legislation he is obliged to do so.

**Mr. McCreevy:** If someone makes a representation, he or she can get the information under the Freedom of Information Act.

**Mr. Boyle:** To inform the legislative process as the Finance Bill is going through this House, we, as Members of this House, should be aware of those who are making representations, the basis of those representations and the effect of those representations being acceded to. That information should be made available as they are made to the Minister's office. That is a flaw in the system that needs to be addressed. Otherwise, the Minister and the Government will invite subsequent accusations of possible favouritism and poor decision making. That is something the Minister should give consideration to in terms of fairly activating the workings of this House. I fear that, in the future, occasions may arise where we will be questioning decisions made in such circumstances.

**Mr. McCreevy:** As the Deputy is aware from his participation in Committee and Report Stages, there are representations I acceded to and some I do not accede to. One of the strongest lobbies was made between the publication of the Finance Bill and Committee and Report Stages on behalf of the Gaelic Players Association. I was lobbied by all Deputies and directly by members of the Gaelic Players Association, and I did not agree to that particular representation. I received other representations from the Deputy's colleague, Deputy Deenihan, on Committee Stage which I was gladly able to accede to. I agreed to some representations and did not agree to others. That has been the practice long before my time as Minister for Finance.

### Other Questions.

#### Offshore Accounts.

**An Leas-Cheann Comhairle:** I remind the House that as well as being subject to six minutes overall, supplementary questions and the answers are limited to one minute.

8. **Ms B. Moynihan-Cronin** asked the Minister for Finance the progress made to date by the offshore assets group of the Revenue Commissioners in its investigations into the use, for the purposes of tax evasion, of offshore bank accounts and trusts by Irish residents; the total amount of such funds identified so far; the total amount of tax collected in respect of these accounts; and if he will make a statement on the matter. [8935/04]

19. **Mr. M. Higgins** asked the Minister for Finance the response received to date by the Revenue Commissioners to the letters sent by ten top banks to 120,000 customers warning them that they had five weeks to regularise their tax affairs; the number of responses received; the amount collected to date; and if he will make a statement on the matter. [8926/04]

**Mr. McCreevy:** I propose to take Questions Nos. 8 and 19 together.

I am informed by the Revenue Commissioners that substantial progress is being made in this inquiry. Arising from an earlier part of the inquiry, 254 individuals with trust operations in a particular offshore institution came forward, made voluntary disclosures and, to date, have paid €105 million. Subsequently, 1,300 individuals with accounts in another offshore institution came forward, made voluntary disclosures and paid €45 million to date.

Following these disclosures, in December 2003 the chairman of the Revenue Commissioners met with the chief executive officers of the ten main Irish financial institutions which have offshore subsidiaries or branches and they agreed to co-operate with Revenue in a major initiative to tackle tax evasion by Irish residents using offshore accounts and structures.

These financial institutions wrote to their customers in mid-February advising them of the Revenue investigation and of the voluntary disclosure regime operated by Revenue. This allows people to make a voluntary disclosure up to 29 March 2004 and they must then pay the tax, interest and penalties involved by 28 May 2004.

I am advised by Revenue that it understands from the financial institutions that up to 120,000 letters may have issued. However, some individuals would have received more than one letter because they had accounts in different banks or in different branches of the same bank. A substantial number of individuals have made contact with Revenue both through its offshore assets group and directly to Revenue district offices regarding the voluntary disclosure scheme. It is not possible, therefore, to say how many individuals are involved, nor is it possible at this stage to give figures on the numbers of voluntary disclosures that will result from this initiative. Previous experience indicates that the majority of disclosures will be received close to the deadline of 29 March and that most payments will not be received until near the payment deadline of 28 May 2004.

The general publicity surrounding these inquiries to date has also prompted other individuals to come forward and make unprompted voluntary disclosures bringing the total amount paid to date to in excess of €180 million.

**Ms Burton:** Is the Minister disappointed or embarrassed by the number of prominent Fianna Fáil figures including Mr. Burke, Mr. Lawlor, Deputy Collins, former Minister and Commissioner, Pdraig Flynn, his daughter, Deputy Cooper-Flynn, and most recently at the weekend, the former Senator O'Callaghan, who have serious questions to answer in regard to offshore accounts and difficulties with the taxman? Does the Minister anticipate that many more members of Fianna Fáil will have to come forward in regard to these matters?

The Minister referred earlier to saving money on the tribunals. If Fianna Fáil was to address these issues——

**An Leas-Cheann Comhairle:** I have to remind the Deputy about the one minute time limit on supplementaries.

**Ms Burton:** ——as a party, would it effect serious savings? Was there a culture of tax avoidance within Fianna Fáil in that so many prominent members appear subsequently to have had difficulties in that regard? Could the Minister comment on that?

**Mr. McCreevy:** It is the duty of everybody to keep their tax affairs in order and to abide by the law of the land, particularly as it relates to taxation. That has been my position as Minister for Finance. Everybody has to abide by the law, irrespective of their political allegiance. I have no idea as to the numbers of people who will avail of voluntary disclosure or make any other tax payment to the Revenue in terms of the party to which they belong.

**Ms Burton:** Does the Minister have any words for the banks because many of those receiving the letters are understandably in distress and claim, with some justification, that the banks led them into these schemes? Is the Minister aware whether any banking companies propose to make arrangements to assist their current and former clients in addressing their liabilities and responsibilities with the Revenue Commissioners? Many of those involved are probably in their latter years. Would the Minister expect the banks, as good corporate citizens, to show some consideration for actions on their part which may have led their clients to evading taxes?

**Mr. McCreevy:** It is a matter for the individual to keep his or her tax affairs in order and to abide by the law.

**Mr. Crawford:** Does the Minister have sympathy for small account holders who opened accounts across the Border, only a mile or two from home, simply for shopping or other purposes over the years? These accounts were opened in the 1970s and 1980s before the break with sterling. These people do not know what to do or where to go. They cannot afford to go to accountants because that would cost more than is in the accounts altogether but they have to make returns before the end of this month. Can the Minister offer any leniency towards a person who is 87 years of age and now holds two very small accounts and must deal with that? Like Deputy Burton, I wish to hear what the Minister has to say about the many who were advised by banks to avail of those accounts.

**Mr. McCreevy:** It is not illegal to have an offshore account and many businesses require such accounts to conduct their businesses. Many

individuals hold accounts in Northern Ireland, particularly for shopping trips, making payments in sterling or receiving UK pensions or education grants. This is not an offence, but the difficulty is whether those funds have been taxed or are taxable. Anybody here may hold an account in Northern Ireland or the UK. The question arises as to whether the funds in those accounts were legitimately taxed here and if they earned money abroad whether tax was paid on that here? Tens of thousands of people have legitimate accounts in Northern Ireland for spending purposes, making sterling payments and going on holiday in sterling areas. The banks may have written——

**Mr. Crawford:** What about payment of pensions?

**Mr. McCreevy:** Some people were paid their pensions in sterling and kept an account in Northern Ireland or the UK in sterling not to lose on the conversion to the Irish pound or the euro. There is nothing wrong with that provided that the income in that account and the interest, if it earned any, was legitimately taxed. Many thousands of people apart from businesses have legitimate accounts of that kind and that is not a problem. The banks as part of this exercise have probably written to all their customers but that does not mean that those people have a tax liability. The question simply is was the money in those accounts taxed at source and, if the account earned money, was that taxed? I hope that clarifies the issue for the people to whom Deputy Crawford referred.

**Mr. Boyle:** The greatest number of defaulters on the list of those who settled with the Revenue Commissioners came from Cork city and county. Have the Revenue Commissioners informed the Department whether there is a geographical reason the highest proportion came from that area? Does the Minister intend initiating an investigation as to why that seems to be the case as it includes a former Member of the other House and a serving county councillor for Fianna Fáil?

**Mr. McCreevy:** There is no particular reason one county should have more tax settlements than another apart from the number of citizens in that county. In the past year many of the settlements with the Revenue Commissioners were for bogus non-resident accounts. Many of those were held in the area between the northern and southern seaboard. The figures given by the investigation of the Committee of Public Accounts showed that many accounts were held in that area. Consequently, settlements are now being reached and this would have a disproportionate effect in some counties. That is my interpretation of the figures. I have no more information beyond what is written in the newspapers in that regard.

[Mr. McCreevy.]

The tranche which the Revenue Commissioners, in conjunction with the financial institutions, are investigating arises from a power which I gave the Revenue Commissioners in the Finance Bill. The ten financial institutions had agreed to co-operate with the Revenue Commissioners but I copperfastened the legislative base in a section of the Finance Bill. Therefore, the financial institutions have written to their customers, to many of whom Deputy Crawford referred, who will not have a tax liability because their accounts are legitimate. There will, however, be many people who will have large settlements to make with Revenue as a result of this clause. I have no idea how much that will raise. We will know in the next two years.

### **Non-Resident Accounts.**

9. **Mr. Perry** asked the Minister for Finance his views on the recommendations (details supplied) of the Revenue Powers Group. [8657/04]

63. **Ms O'Sullivan** asked the Minister for Finance the progress made by his Department and the Revenue Commissioners in their consideration of the recommendations of the Revenue Powers Group; when he expects a decision will be made on its recommendations; and if he will make a statement on the matter. [8939/04]

**Mr. McCreevy:** I propose to take Questions Nos. 9 and 63 together.

I established the Revenue Powers Group, chaired by Mr. Justice Frank Murphy, to examine Revenue's main statutory powers and report to me on changes needed. As I pointed out to Deputies in my response to several parliamentary questions regarding the Revenue Powers Group last month, I am very grateful to the group for its considerable efforts in producing the report within a demanding timescale. I have decided to allow a period for debate and public reflection on the many and varied issues with which the report deals. Thus, with one important exception that would have arisen anyway — a power to allow Revenue access information held by a non-resident entity over which a domestic financial institution has control — I am not implementing any of its recommendations in this year's Finance Bill but will review all the group's recommendations for next year's Bill.

My Department and the Office of the Revenue Commissioners are examining the contents of the report. Given my view that it is appropriate to allow time for these issues to be considered, I do not consider it appropriate to comment at this time on individual recommendations.

**Mr. R. Bruton:** Is it not very difficult to have a debate and reflection if the Minister sits on his hands and says nothing? Surely the essence of debate and reflection is that there is an exchange. The Revenue Powers Group proposed that there

be access to telephone records, which is a reasonable provision if there is a clear protocol as to when it would happen. In other words, it should not be the first step in an investigation. The power suggested to question those detained by the Garda for revenue offences is also reasonable, provided it is set in a context outlining the circumstances in which these powers may be used. I have no problem either with the proposal that taxpayers need to satisfy the Revenue Commissioners that payments coming from "have" countries, that is those with which we do not have a double tax agreement, are bona fide commercial payments. I would like to hear the Minister's views on those proposals which suggest prudent tightening of the Revenue's powers. Will the Minister say whether concerns have been addressed to him or whether he has views on these matters from his experience?

**Mr. McCreevy:** It was my idea to set up a Revenue Powers Group. I promised it in the Finance Bill in 1998, perhaps on Report Stage, but did not get around to organising it until 2003. One of the terms of reference for the group was to advise me as to the appropriate balance between the need to secure the revenue of the State and the rights of the taxpayer. With regard to the three points raised by Deputy Bruton, it is important to get the appropriate balance between the powers of the Revenue Commissioners and the rights of individuals.

In my time as Minister for Finance I have given fairly draconian powers to the commissioners. The Finance Bill 1999 gave additional powers to those given in previous finance Bills and we now have a body of Revenue law which gives much of the balance to the Revenue Commissioners. Therefore, in setting up this Revenue Powers Group, I was anxious to bring back an appropriate balance between the various areas. Matters such as access to phone records and the right to question people in custody, matters to which Deputy Bruton referred, are at the kernel of the appropriate balances being struck.

The Revenue Powers Group fulfilled the recommendation as part of a package. I am not normally reluctant to give my opinion on various matters but on this matter I would like to hear the views of representative bodies, the various institutes involved in the area, the Joint Committee on Finance and the Public Service and the advice of the Deputy and other individuals before making my decision. It would not be appropriate that when the group reports, I would just set out what I personally think of what we have done in a number of areas. I decided to give this period of reflection before next year's Finance Bill. Then having considered all the issues, I will make a decision as to what should or should not be included in the Finance Bill 2005.

**Ms Burton:** The Minister is correct in saying that the Revenue Powers Group must draw a

distinction between the compliant taxpayer, who should not be excessively intruded upon, and a tax evader or tax fraudster. While I welcome the statement by the Revenue Powers Group regarding provisions for honest mistakes, partially reflected by the Minister in this year's Finance Act, I am concerned that some of the recommendations could constitute a significant softening of the line against tax evasion. Perhaps the Minister will have an opportunity to comment in detail on this. For instance, significant recommendations are made concerning mitigation of penalties and publication of the names of defaulters with regard to penalty levels.

I am particularly concerned that the group is entirely composed of eminent tax practitioners, presumably highly paid, or persons related to tax practice in terms of work. Does the Minister agree that these tax practitioners, given as they are to selling the practices of tax avoidance, are unlikely to feel the level of rage that ordinary compliant taxpayers feel about what has gone on with regard to tax evasion here over the past 20 years? Will the Minister reconsider the representativeness of this group so that compliant taxpayers — not tax practitioners making money out of tax avoidance — who have paid their whack for 20 years will have an input into the deliberations? Their input would result in something more active against tax fraud.

**Mr. McCreevy:** I remind the Deputy that this group has concluded its work and will not sit again. I am thankful to it for speedily reporting to me. The group was chaired by Mr. Justice Frank Murphy and its members were cross-representative. The group examined Revenue powers and assessed the main statutory powers available to the Revenue Commissioners. Naturally, the people I asked to sit on it were people with experience in the particular area. Mr. Justice Murphy, a retired justice of the Supreme Court, chaired the group and produced the report expeditiously.

Deputy Bruton referred to some of the additional recommendations. One of the additional recommendations to which he referred and the only one I took from the Revenue Powers Group was the matter to which the previous question referred. Most people would say that they want more powers given to the Revenue Commissioners. The group has recommended some changes in other areas.

I am trying to abide by my self-imposed silence with regard to my views on publication. The publication figure of £10,000 was introduced a long time ago. It has been suggested by many people — I have not changed it in my seven years as Minister for Finance — that we should have a different publication figure now because so many people are included in the list that if we set the figure at a higher level, greater odium would fall on those whose names were published. That is one view. I am willing to listen to views from all

quarters on this matter before making a decision for next year's Finance Bill.

I do not wish to inhibit anyone regarding what they want to say. Deputy Burton has a particular way of looking at this area but other Deputies may look at it differently. When I have heard everybody, I will decide what to include in next year's Bill.

**Mr. Boyle:** Does the Minister accept that part of the equation regarding the effectiveness of Revenue powers relates to the question of resources and that while the Revenue Commissioners have not asked for additional resources there are systemic problems within the commission. Some of these relate to the turnover of staff and specialisms which are not quickly enough addressed and which affect audits being done around the country. The matter has been partially addressed but there is constant referring of decisions upwards rather than the devolution of many of these decisions at local and regional level.

**Mr. McCreevy:** Massive changes have taken place in the operation of the Revenue Commission over the past 25 years, and all have been for the better. As someone who has spent over 30 years involved in accountancy and who has had many dealings with the commission in my working life, I am aware of the enormous changes that have taken place. I compliment the commission on how it has changed over this period.

The Revenue Commission is organised in a certain way. Its manual of instruction has changed over the years and it has changed the manner in which it makes decisions. It tries to get as much as possible done at the lower levels and to allow people make their own decisions. However, it is important that there are checks and balances within the organisational structure. The commission has made tremendously positive changes over the years — and I do not say this because I am Minister for Finance — to try to strike the right balance. I am sure it would accept that sometimes it has not got the balance right. It is important for everyone's satisfaction that there are various levels of reporting. It can happen that if a wrong decision is made at lower level, the top level gets much of the blame for it. The commission has tried to devise a system over the years to have the appropriate levels of responsibility. In my view it works exceptionally well.

#### **State Laboratory.**

10. **Ms Lynch** asked the Minister for Finance the total costs incurred to date arising from all aspects of the transfer of the State laboratory from its present location at Abbotstown to its new location at Backweston; the estimated final cost of the transfer; if compensation has been paid to staff for the transfer; if all the staff have agreed to transfer; the steps that are being taken

[Ms Lynch.]

to ensure that the transfer does not lead to further delays in the completion of tests, especially in view of the serious concerns expressed by coroners at the delays in inquests; and if he will make a statement on the matter. [8930/04]

13. **Mr. O'Dowd** asked the Minister for Finance if his attention has been drawn to the delays in the State laboratory; and if he will make a statement on the matter. [8705/04]

39. **Mr. Costello** asked the Minister for Finance if his attention has been drawn to the serious concern expressed by coroners at delays in inquests as a result of the inability of the State laboratory to complete test results; the steps being taken to deal with this situation in view of the distress caused to families by such delays; and if he will make a statement on the matter. [6259/04]

**Mr. McCreevy:** I propose to take Questions Nos. 10, 13 and 39 together.

The costs incurred to date of building the new State laboratory is €53.3 million. In addition, €9 million has been provided for equipment in the 2004 Estimate for the State laboratory, but none of this has been spent to date. I have also sanctioned up to six supernumerary posts for the laboratory to manage the procurement of equipment and the actual relocation. The estimated cost of these for the transitional period is approximately €165,000. The overall final cost of the facility at Backweston is estimated to be €87.5 million.

As the Deputy will be aware, the Government decided in 1983 that the payment of disturbance compensation in public sector employments should be discontinued for moves on or after 1 January 1984. This decision was taken following concern at disturbance payments being made to public servants who were being relocated to better premises and often moving short distances. Therefore, compensation payments for staff moving from Abbotstown to Backweston do not arise.

I am informed by the State Chemist that all laboratory staff are co-operating fully in the preparations for the relocation, which will take place in stages between May and July. The project team will have the new location and equipment ready for each of the nine sections of the laboratory which will then move in turn, keeping disruption of testing and other laboratory procedures to a minimum. Particular care will be taken in this regard in the case of the toxicology section which handles reports for the coroners.

I am conscious of the importance of the service provided to the coroners by the State Laboratory and the impact it inevitably has on relatives of people whose deaths are the subject of inquests at a time of great distress. I know the management of the laboratory share that sensitivity and constantly monitor the service by

reviewing available resources, out-sourcing possibilities and the complexity of analyses.

Additional resources have been allocated to the toxicology section and there has been a substantial increase in the number of analyses completed. However, there is still a backlog of cases due to an increase of 50% in the past two years in the number of cases referred, and a general increase in the complexity of the analyses required.

A range of measures are being taken at present to reduce the turnaround time of samples sent to the laboratory and processed by its toxicology section. Additional priority is to be given to coroners' cases over other work of the section.

Laboratory management is also reviewing the procedures and processes in the toxicology area with a view to automating as much as possible.

The possibilities of reducing the complexity of testing were discussed between the State Laboratory and the coroners and their representatives, as doing so would have an immediate impact on turnaround times. However, it was not considered possible to reduce the complexity of tests performed by the laboratory in view of the constant demand from families for comprehensive analysis, the increasing complexity of the cocktail of drugs potentially taken by victims which requires sequential analyses to be carried out and the coroners' requirement for quality analytical data, which will withstand scrutiny in a court.

I am told by the management of the laboratory that the completion of the relocation to Backweston will enable the enhancement of the quality of service provided to all its clients, including the coroners' service.

**Ms Burton:** When did the move to Backweston begin and how long will it be before civil servants occupy the new facilities?

I understand from the Minister's reply that no industrial relations problems remain in regard to the movement of civil servants from Abbotstown to Backweston. Have the civil servants and unions concerned agreed to move to Backweston without any further need for negotiation or dispute?

On a previous occasion the Minister said special measures had been taken to speed up the turnaround times of tests. I recently read reports of a coroner's inquest in the Minister's constituency in Kildare. Delays in such cases cause additional grief to relatives of deceased persons, some of whom have to wait for more than a year for results. Not alone have their relatives died in distressing circumstances, but the grief of families is compounded by the fact that they are unable to complete the coroner's court procedures. This is a cause of great distress, particularly where young people have died and parents have to wait for up to a year for tests to be carried out.

I am interested in hearing the total length of time required to develop and complete the

facilities at Backweston. Will the Minister confirm that there are no further industrial relations procedures to be negotiated?

**Mr. McCreevy:** The State Laboratory buildings are due for completion around the beginning of May 2004 with the agricultural laboratories due for completion in January 2005. A total of 109 staff will transfer to the State Laboratory.

**Ms Burton:** When did the project start?

**Mr. McCreevy:** Building started in April 2002.

**Ms Burton:** Was it not announced much earlier?

**Mr. McCreevy:** A decision was made on the relocation of the State and agricultural laboratories about a month after we announced the closing of Abbotstown for the stadium.

**Ms Burton:** Can the Minister refresh my memory? What was that date?

**Mr. McCreevy:** I cannot remember the date of the Abbotstown decision. The project went to tender and was put in train by the Office of Public Works. I have reason to remember when the work started because I kindly turned the first sod in 2002.

**Mr. Naughten:** The Minister is never shy when it comes to turning sods.

**Mr. McCreevy:** The buildings are going ahead and the State Laboratory building is due for completion around the start of May this year and the agricultural laboratories in January 2005. My colleague, Deputy Parlon, informs me that it is on schedule and within budget. I understand the transfer of staff and business from the State Laboratory will take place in the period from May to July.

Deputy Burton also inquired about industrial relations matters and compensation payments.

**Ms Burton:** I asked if all industrial relations matters were resolved.

**Mr. McCreevy:** I have been informed that all staff are co-operating with the preparatory arrangements for Backweston. They are actively participating in various logistical and equipment sub-committees under the partnership process. Staff have not indicated disagreement with their transfer, but have made a claim for compensation which is being considered under conciliation and arbitration procedures.

**Ms Burton:** The Minister said he had ruled out compensation.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. McCreevy:** I have.

**Ms Burton:** Although a claim has been lodged, they will not get it.

**Mr. McCreevy:** Civil servants make claims all the time. Such claims are considered by means of a conciliation and arbitration procedure. A Government, which comprised Fine Gael and the Labour Party, decided in 1983 that disturbance payments should no longer be made.

For the information of the Deputy, a survey was conducted by staff which indicated an average extra journey distance of 3.25 miles and an average extra journey time of 15 minutes. This is not something which justifies the payment of compensation. The information came to light from a survey conducted by the staff involved in the move. Deputy Richard Bruton and I had to walk further to go to school.

Deputy Burton also asked an important question on coroners' cases. I am concerned by the distress caused to families by delays. The reason for it is the increased demand by coroners for toxicology reports and the increased complexity of the tests required. These factors have combined to negate the effect of the additional staffing resource allocation of 29% secured over the period 2000 to 2004. The annual figures for samples received from coroners indicate a steep rise in the demand for this service, namely a 50% rise since 2001. I will not go through all the figures, but the sample numbers received in 1999 was 1,395, in 2000 it was 1,570, in 2001 it was 1,730, in 2002 it was 2,275 and in 2003 it was 2,590. More importantly, the complexity of the tests required has also increased, so despite additional resources and a large increase in the number of tests carried out, the backlog has remained.

Some recent changes have been made to alleviate the situation. Professor Denis Cusack is the coroner for County Kildare. He is also the head of the Medical Bureau of Road Safety. In the past month or so, arrangements have been made to terminate the laboratory's involvement in a pilot project on drug abuse for drivers which was being carried out by the Medical Bureau of Road Safety. Project samples accounted for 10% of samples handled by the laboratory's toxicology section and were the most time consuming samples it handled. When samples from this project, which ended last month, have worked through the system, there should be a positive effect on the backlog of samples for the coroners' service.

**Mr. R. Bruton:** My question is on the same subject. I am sure the Minister has also had constituency cases on this matter. It is extraordinarily difficult to explain to people how it can take six or nine months to get a toxicology report. They then discover that the doctor who originally admitted them has moved on and there is another long delay to obtain the pathologist's report. Can the Minister get the State Laboratory



[Mr. R. Bruton.]

to look at international best practice in speeding up the handling of imminent inquests? It is unacceptable to leave families without access to life insurance policies and many other services for such a long time. There must be a way to conduct tests in less than six to nine months if this problem is addressed with fresh ideas. I am heartened to hear the Minister state that some changes are being made that will shorten the delay. However, we need to look at best practice and streamline the priorities going through the office.

**Mr. McCreevy:** Apart from the change to which I referred in reply to Deputy Burton, there are other changes which have been carried out by the State Laboratory. First, the current processing of tests is being reviewed in order to make the test procedure more streamlined; that is to minimise the number of staff engaged in checking the results of tests. That is called a business process re-engineering. Second, a new laboratory information management system has been installed with laboratory instrumentation connected. This will improve workflow and the turnaround time for tests. Third, there has been a change regarding the involvement of the laboratory in the pilot project on drug abuse for drivers. This is being carried out by the Medical Bureau of Road Safety. I agree with Deputy Richard Bruton that this is a matter of some concern and a number of representations have been made to me from my own constituency and from people around the country who have written to me personally about the delays. The changes that have been made will hopefully expedite the processing of these tests. There has been a dramatic increase in the number and complexity of tests. Despite a 29% increase in staff there has still been a delay. The changes to which I referred should help matters. I will certainly keep it under review.

**Mr. Boyle:** Prior to the announcement to move the State Laboratory from Abbottstown, there was still a considerable amount of scientific investigation that had to be outsourced outside the jurisdiction. Will the move facilitate the transfer of all such scientific investigation to the new facilities? Has the Department of Finance any costing on the investigations that had to be outsourced during the course of the move from Abbottstown to Backweston?

**Mr. McCreevy:** Irrespective of the decision on Abbottstown, the Department was going to have to spend a lot of money on its laboratories. There was a programme which had already started at that time. In moving to Backweston the new location is not far from Abbottstown.

**Ms Burton:** It is just across the river.

**Mr. McCreevy:** That is correct and it will be easier for most people to get there, with deference to the Deputy's constituency. These will be state-of-the-art facilities with standards comparable to the best laboratory facilities in the European Union and the United States. They will be capable of achieving international acceptance and accreditation. It will meet the requirements of European Union directives and will adhere to fire safety codes, health and safety and building regulations, and it will also provide specialist containment facilities. We should be in a position to carry out all tests in the newly constructed laboratories in Abbottstown. Between the completion of the State Laboratory in 2004 and the agricultural laboratories in 2005, Ireland will have first-class facilities.

**Mr. Boyle:** Does the Minister have any figures on the outsourcing?

**Mr. McCreevy:** I do not have those figures but I can obtain them.

**Ms Burton:** Does the Minister agree that it would be a great help to the families involved in the tragedies where tests are required, if there was more published information available? Would it not help if the Minister or some other appropriate official established a working group to set out the procedures on coroners' courts from the families point of view? In some deaths the toxicology reports are formally necessary but are not absolutely necessary because the person involved is unlikely to have been using a drug. However, all sorts of family issues from property to life insurance policies are delayed. Would it be possible to set up some kind of service for the families involved, as has been done with regard to Victim Support and crime? Very often the families are left on their own to phone the coroner's court. The Minister spoke about personally receiving representations on the matter. There is very little information available and I am sure that like myself, the Minister has had to contact coroners' offices. It is an area where I think something could be done, through provision of information and support, to assist an already bereaved family. Would the Minister be agreeable to doing that?

**Mr. McCreevy:** I would like to see how everything turns out when the changes to which I referred are carried out. When the new laboratories are up and running and have had a few months to get their affairs in order, I will keep these matters under review. I do not have any principled objection to the matter to which the Deputy refers, but I am not too sure how it would help the victims. Perhaps the knowledge would help, but I think that people are so traumatised by the death of a close relative that I am not too sure whether that would help. It is my intention that as a result of the improved facilities, these tests will be carried out more

expeditiously. I am willing to keep it under consideration.

### Tax Code.

11. **Mr. O'Shea** asked the Minister for Finance the progress that has been made by the Revenue Commissioners in their discussions with the Portuguese authorities with a view to closing off a tax loophole which allows those who sell off assets here to avoid tax by taking up residence in countries such as Portugal; and if he will make a statement on the matter. [8936/04]

**Mr. McCreevy:** In response to earlier parliamentary questions on this matter I stated that a first round of negotiations between the authorities in Portugal and the Revenue Commissioners for a protocol to amend certain provisions of the Ireland/Portugal double taxation convention was held in Lisbon in May 2003. I am informed by the Revenue Commissioners that although a further round of negotiations was scheduled to take place earlier this month the negotiations have had to be deferred until the week commencing 19 April 2004 as the Portuguese delegation was not available to travel to Dublin on the original dates. It is not possible at this stage of the negotiations to comment further on their likely outcome.

As I also mentioned in my previous replies to questions on this matter, section 69 of the Finance Act 2003 amended Irish domestic law to impose a charge to capital gains tax on an individual in respect of a deemed disposal of certain assets on the last day of the last year of assessment for which the individual is taxable in the State, prior to becoming taxable elsewhere, where the individual disposes of these assets while resident outside the State and returns to the State within five years. I announced this anti-avoidance measure in my 2003 budget on 4 December 2002 with effect from that date.

**Ms Burton:** It is now high time for the Minister not only to review specific arrangements with countries like Portugal, but to review the regulations on non-residency. We have a situation where a prominent individual who went to live outside of Ireland for a number of years was put in a position where he was able to save millions of pounds in tax avoidance by acquiring Portuguese residency for a period of time. He then returned home to live in Ireland. It is a continuing scandal to compliant PAYE taxpayers that these individuals can live offshore and be non-resident, claiming residency in countries like Portugal, yet can still stay here for 183 nights a year. They can also stay here until midnight and leave just like Cinderella, especially if they have a private jet. They are at every race meeting and social function in the country. Would the Minister agree it is time to review the scandal of non-residency for these wealthy tax exiles who continue to live in Ireland for large parts of the year? Is the

Minister not disappointed at the slow pace of progress with the Portuguese authorities?

**Mr. McCreevy:** I made a significant change in this area in the Finance Act 2003. On budget day, 4 December 2002, I announced a major change in this area. This is an anti-avoidance measure which I outlined to the Deputy in my reply.

We have double taxation agreements with 42 countries and a further eight are in the pipeline. The difficulty with Portugal relates to double non-taxation. At the time the Portuguese authorities did not have capital gains tax on certain transactions while most other countries do. I do not wish to comment on individual taxpayers. An individual has a right to live in any country he or she wishes, especially in the European Union. The changes made in December 2002 will ensure the Irish authorities get their fair share of euro.

On Committee Stage and other Stages, the Deputy raised the question of residency. I pointed out to her on previous occasions that the Fianna Fáil-Labour Government of 1994 made substantial changes to the residency rules. These changes took place following considerable negotiations between the partners in Government at the time. Prior to the Finance Act 1994, residency rules were very complicated and included a mixture of revenue and administrative practice and some legislative arrangements. The changes that took place are probably more severe than in any other EU country. I have no plans to review our residency laws.

### EU Presidency.

12. **Mr. Rabbitte** asked the Minister for Finance if he will make a statement on preparations for the planned meeting of EU Finance Ministers at Punchestown racecourse in April 2004; and if he will make a statement on the matter. [8943/04]

**Mr. McCreevy:** I look forward to chairing the informal meeting of the Council of Economics and Finance Ministers of the EU, ECOFIN, on 2 to 4 April, in Punchestown, County Kildare. This meeting will be among the largest and most important to take place in Ireland over the period of the Presidency. It will be attended by some 300 delegates and up to 400 media personnel. The national delegations from the 25 member states of the enlarged EU will be led by Ministers for Finance and central bank governors in each case. The attendance will also include a number of Commissioners, among them President Prodi, and other distinguished representatives of EU institutions, including Mr Jean-Claude Trichet, President of the European Central Bank.

Preparations for the meeting are well in hand. Delegates will be accommodated in a single location — the Citywest Golf Resort Hotel in Saggart, County Dublin. The meetings of 2 April of the Eurogroup and of 3 April of ECOFIN will be held in the event centre in Punchestown,

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which will be specially adapted for the purpose. The large media attendance will be accommodated in a number of local hotels and will cover the meetings from the Punchestown racecourse facilities close to the event centre. The main hospitality arising will be a dinner for all delegates which I will host in the K Club, Straffan, County Kildare, on 2 April and a dinner similarly for all delegates that the Governor of the Central Bank, Mr. John Hurley, will host in the Royal Hospital, Kilmainham, Dublin, on 3 April.

There are many other detailed aspects to organising a meeting of this size and importance. A dedicated team in my Department has been arranging these logistical aspects for some time. I am satisfied the meeting will be successful both at an organisational level and at the level of moving forward with the demanding policy agenda that the Presidency and ECOFIN agreed for the six month period of the Presidency.

**Ms Burton:** Will the Minister agree that a charge of €83,400 for the public relations services of the consultancy company is an extraordinarily high charge in the context of the small amount of work which must be carried out? The Minister has hundreds of civil servants working in his Department, many of whom are extremely able. Given that he saw fit to cut so stringently the budget for social welfare recipients, I do not understand how he can afford to spend almost €84,000 on one day's consultancy work in respect of the meeting in Punchestown. Has enough public money not been spent already on Punchestown? I am sure the money spent on it is already a byword among European Finance Ministers.

**Mr. R. Bruton:** Will one of the subjects for discussion be the proposal by the French Government to go for harmonised corporate taxes under the enhanced co-operation measure? I would like to hear the Minister's comments on the potential impact on Ireland of such a harmonisation move.

**Mr. Boyle:** In response to a previous question, the Minister stated the total cost of the event would be in the region of €250,000. Is that still the case and will any of it result in capital fixtures and fittings being left behind in Punchestown racecourse after the meeting has ended?

**Mr. McCreevy:** I will deal with the overall cost of the event in Punchestown. It is estimated that the direct Exchequer cost of the event will be in the order of €500,000. This is net of a contribution towards the cost to the Central Bank and the Financial Services Regulatory Authority of Ireland, reflecting the participation of the central bank governors at the meeting. The Central Bank will issue a special collectors' coin in connection with the event and the enlargement

of 1 May. Profits from the coin is expected to be in the region of €1 million.

Deputy Richard Bruton has tabled a question on enhanced co-operation in the taxation area. This will be discussed at the ECOFIN meeting. The Deputy will be aware that enhanced co-operation is allowed under the treaties and was copper-fastened in the Nice treaty. However, a considerable number of processes must be gone through before a number of countries can go down the enhanced co-operation route. This poses no threat to Ireland's corporation tax rate because I do not anticipate they will decrease to Ireland's rate. I do not think there is much to fear in this regard. There are issues in regard to a consolidated tax base which the Commission has put forward. In reply to Deputy Burton, all civil servants in my Department are very able.

#### 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 Wall — to ask the Minister for Social and Family Affairs the plans her Department has to overcome the problems encountered by people (details supplied) in regard to maternity leave and the problems recent changes in legislation are having on such persons in seeking to provide for their families; (2) Deputy Cowley — the reason a girl (details supplied) assessed as having moderate Down's syndrome has been refused entry to St. Dymphna's Special School, Ballina, because of cutbacks; (3) Deputy McGuinness — the urgent need to provide a 24 hour on-call CAT scan service at St. Luke's Hospital, Kilkenny, and to evaluate a proposal from a private company to provide an MRI service; (4) Deputy Deenihan — the urgent need to provide adequate and appropriate accommodation for the pupils of Dromclough national school, Listowel, County Kerry; (5) Deputy Twomey — to ask the Minister for Education and Science to discuss the issue regarding the stay in school retention initiative for New Ross vocational college and why this college is not included in the school completion programme when New Ross is considered a RAPID town and the needs that existed in 2000 are the same if not greater today; (6) Deputy Harkin — to ask the Minister for Social and Family Affairs to rescind her decision to cut the half benefits available to those on widow's-widower's pension; (7) Deputy Durkan — the reply to Question No. 258 of 2 March 2004; (8) Deputy Hayes — the need for the Minister to discuss the issue of labelling regulations following the review announced by the European Commission; the fact that it is of paramount importance that the country of origin of foodstuffs is clearly labelled so that consumers can make informed choices about what they are buying and eating; the concern that, while it is

proposed to include beef served in the catering and service industries, in the case of own-brand products, the labels do not provide country of origin information; the widespread concern that Brazilian beef is being sold as Irish; and, in light of the fact that these forthcoming labelling requirements will apply only to beef, the necessity that the requirements should apply to all meat products sold by the catering industry such as poultry, lamb or pork; (9) — Deputy Ring — to ask the Minister for Agriculture and Food to provide funding to farmers-householders in Pullathomas, Ballina, County Mayo, to repair lands and replace stock lost in the landslides of September 2003; (10) Deputy O'Dowd — to debate the decision of the board of Údarás na Gaeltachta to sell 13 holiday homes at Eanach Mheáin to the lowest of three tenders placed before the board with the consequent loss of €500,000 to the State and its choice to disregard also another proposal from Gael Linn to develop the complex for Irish language educational purposes which was €55,000 higher than the successful bid; (11) Deputy Ó Caoláin — the recommendation of Comhairle na nOspidéal for all three consultant dermatology posts in the North Eastern Health Board region to be based in Our Lady of Lourdes Hospital, Drogheda, despite the previous decision of the board to base posts in both Our Lady of Lourdes Hospital and Monaghan General Hospital; and (12) Deputy Neville — the proposed closure of the national specialist referral centre for tuberculosis at Peamount Hospital.

The matters raised by Deputies McGuinness, Neville, Wall and Harkin have been selected for discussion.

### Leaders' Questions.

**Mr. Kenny:** The current dispute in An Post and last week's threatened industrial action at Dublin Airport and CIE have heightened the vulnerability of the public to industrial action in essential services. There is now a situation where the public must pay the price for these disputes, such as the current one where mail can neither be sent nor received. Is the Tánaiste aware that the Labour Relations Commission produced draft codes of practice for disputes in essential services, signed under the seal of the then Minister for Labour, Mr. O'Kennedy, on 6 January 1992? These impact directly on people and business. Will the Tánaiste explain whether the bodies involved have such codes of practice and why, after 12 years since the LRC wrote the draft, these have not been implemented or there is no impetus to have them implemented? Does this not demonstrate a failure of Government and a failure of the current partnership model to protect consumer interests? We are now faced with daily threats to essential services and these mechanisms have not been put in place 12 years after the LRC wrote the draft codes of practice for such bodies.

**The Tánaiste:** I share Deputy Kenny's concern about the difficulties in some State bodies, particularly those delivering essential services. I welcome the fact that both sides in the postal dispute will have talks tomorrow with the Labour Relations Commission. In the State sector generally, companies must be prepared at both management and employee level to embrace change. An Post has lost €100 million on a cumulative basis over the last few years and that is not sustainable.

There is a code of practice on essential services which parties have agreed and it is important that those who have agreed it, honour it. We have operated industrial relations in the State on a voluntary basis, staying away from the prescriptive legislation that exists in other countries and which has not worked satisfactorily in many instances. We have usually been able to resolve disputes in that way and I hope that will be the case in this situation. I appeal on behalf of the Government to both sides in the dispute. I ask employees to return to work to implement the plans which they agreed and I hope the Labour Relations Commission can resolve the outstanding difficulties in An Post.

**Mr. Kenny:** Will the Tánaiste confirm if a code of practice exists in An Post for dealing with disputes of this nature? In the LRC document that deals with essential services, they are defined as services the cessation of which would cause major damage to the national economy or widespread hardship to the community. Can the Tánaiste confirm if the Minister for Communications, Marine and Natural Resources has called in the chairman of An Post, who happens to be an active member of Fianna Fáil, and told him that mail delivery is essential to the smooth running of the country and fundamental to the State?

Will the Tánaiste outline the structure and strategy for the long-term implementation of a code of practice that will continue to deliver an essential service like the delivery of post, to the highest possible standard? Has the Minister for Communications, Marine and Natural Resources called in the chairman of An Post and what is the strategy for the long-term implementation of a high-quality essential service that is now being disrupted, causing hardship to the community and which may cause severe problems for the economy?

**The Tánaiste:** The Minister has been in constant contact with the senior management, chief executive officer and the chairman of the board of An Post about the dispute and ongoing matters affecting the company. We hope the discussions that will begin tomorrow at the Labour Relations Commission will be successful. In the first instance, the discussions will be held separately with both sides and it will be a matter for the LRC to proceed thereafter.

**Mr. Kenny:** There is no long-term strategy.

**Mr. Rabbitte:** Has a decision been made on the date to hold the referendum on citizenship? Will the Tánaiste explain to the House why the Taoiseach told us on 17 February that there were no proposals to hold any referendum in 2004 and why a couple of weeks later, on 10 March, the Minister for Justice, Equality and Law Reform said there would be such a referendum and it would likely be held in conjunction with the elections on 11 June? Why did the Minister for Justice, Equality and Law Reform say his decision was based on a meeting with the masters of the Dublin maternity hospitals who he said pleaded with him to change the law?

**Mr. F. McGrath:** It is a disgrace.

**Mr. Rabbitte:** Why did the Minister state that the meeting was held at their request when we now know from a statement issued by the masters that they deny ever asking the Minister to change the law or hold a referendum? It turns out it was the Minister's officials who invited them to the meeting which took place in October 2002.

**Mr. F. McGrath:** It is misinformation.

**Mr. Rabbitte:** Perhaps the Tánaiste knows the answers to these questions because I do not. How can this be reconciled with the Good Friday Agreement? What changes will be necessary to it given that Articles 2 and 3 derive from it? How can it be reconciled with the recommendations of the All-Party Committee on the Constitution, chaired by Deputy Brian Lenihan, which recommended not just that sufficient time should be given to debate a measure like this, but that Standing Orders should be changed to embody a presumption that every Deputy and Senator who wishes to discuss this ought to be permitted to do so and that a separate Oireachtas committee be set up to examine the Bill when it is published? He said that in exceptionally urgent circumstances, the 30-day limit should apply. Why is this so urgent? Does the Tánaiste agree with the leader of her party in the other House, Senator Minihan, who said it would be most unwise to hold this referendum in the context of the local and European elections, given how the race card has been played by some Members of this House and many candidates outside it?

**Mr. F. McGrath:** Indeed.

**Mr. Rabbitte:** Does the Tánaiste agree with her colleague, Senator Morrissey, who said at a meeting last Sunday that a decision had already been made to hold the referendum on 11 June?

**The Tánaiste:** I hope we do not start playing the race card here.

**Mr. F. McGrath:** The Minister for Justice, Equality and Law Reform has already started.

**The Tánaiste:** No one has been more open or liberal on immigration issues than me but the fact remains that the law in this country is being abused, everyone must acknowledge that. It is not acceptable that people can fly here from anywhere in the world to give birth. The referendum was discussed at Cabinet this morning but no date has been agreed yet.

**Mr. Gormley:** What was decided?

**The Tánaiste:** We decided two weeks ago to hold a referendum but the date for it has not yet been decided. Many would be of the view that we are having an election anyway —

**Mr. J. Higgins:** Disgraceful.

**The Tánaiste:** — and it makes more sense to have it on that occasion than to have it during the presidential election, if there is one.

**Mr. Gormley:** There will be an election.

**The Tánaiste:** Will the Deputy be a candidate?

**Mr. F. McGrath:** There will be an election.

**The Tánaiste:** I thought the motley group that got together had already broken up because it could not agree on the Hanly report.

**Mr. F. McGrath:** We have four times as many votes as the Tánaiste's party.

**An Ceann Comhairle:** I request that the Tánaiste does not respond to interruptions and I point out to her that this is Deputy Rabbitte's question. He is only the person entitled to an answer at this time.

**Mr. McHugh:** How many Members has the Tánaiste's party?

**The Tánaiste:** I would look forward to an election. No agreement has been reached on when the referendum will be held, that has still to be decided by Government. Any referendum will be totally compatible with the Good Friday Agreement and there will have to be a debate in this House. There are time deadlines for the passing of a Bill before a referendum can be held and the Government, when it discussed this matter some weeks ago, decided that the Minister for Justice, Equality and Law Reform should enter consultations with Opposition parties, which he did in advance of the Government decision. That remains the position.

The necessity for the referendum occurs because of what is happening and no one can disagree with that. The proposal is in line with almost every other European country, many of which have much more restrictive rules on residency than we are proposing in this legislation.

**Ms Burton:** The Tánaiste is supposed to be closer to Boston than Berlin.

**Mr. Rabbitte:** I agree with the Tánaiste that we cannot have a situation where anyone can fly in from any part of the world to use the maternity services in this city. However, we do not know the extent to which that is happening because the only figures the Minister for Justice, Equality and Law Reform has given are those for non-nationals. Furthermore, the Minister seriously misrepresented the meeting with the masters. When Deputy Gay Mitchell tabled a parliamentary question in this House to find out the extent of the phenomenon referred to by the Tánaiste, the answer was that the figures were not available and the Deputy would be contacted in writing. As of yesterday, that had not yet happened.

Why does the Tánaiste want to hold this referendum in the context of elections? Why did the Taoiseach tell the House on 17 February that no such referendum was proposed? Why would the meeting with the masters be misrepresented? Why do we not have time to tease out the implications for the Good Friday Agreement given that it can only be jointly reviewed?

Is the Tánaiste aware of the consultant from the United States brought in by the Fianna Fáil Party to identify the current issues in this polity. It was they, not I, who identified immigration as the main issue, 17 points ahead of health?

**Mr. J. Higgins:** That is despicable.

**Mr. Rabbitte:** Any collusion by the Progressive Democrats Party in permitting that issue to be put in the context of elections would be unworthy of the Tánaiste's party.

**The Tánaiste:** I was not at the meeting with the masters and I am not certain what occurred at it. I doubt very much if the masters would have come to it looking for changes in legislation but I know from private discussions with people working in the maternity hospitals in Dublin that there is enormous concern about what is happening. One senior consultant told me some time ago that if the trend continued we would need another hospital facility in the greater Dublin area. There is, therefore, considerable concern about what is happening.

**Mr. Gormley:** We need another maternity hospital in any case.

**Mr. F. McGrath:** The relevant figure for the Coombe is 2%.

**The Tánaiste:** As the Deputy knows, non-nationals account for 22% of births in Dublin, many of whom come here for that purpose.

**Mr. F. McGrath:** Many of them are working here.

**The Tánaiste:** No, not many of them are working here.

**Mr. F. McGrath:** They are in——

**An Ceann Comhairle:** Again, I remind the House that this is the Labour Party's question and it is inappropriate to answer questions from the Technical Group, which will have an opportunity shortly.

**The Tánaiste:** As regards the date for the referendum, it is important to acknowledge that it has not yet been agreed. It is also important to acknowledge that there is no doubt that whenever it is held it will stir up undesirable feelings. The onus is on all of us in the House who want to ensure that racism does not take hold in Ireland to ensure that the campaign is conducted to the highest possible standards, which has been the case generally with most parties in the House on this issue.

**Mr. J. Higgins:** By holding the referendum during the local elections, the Government is ensuring we will have a racist campaign.

**The Tánaiste:** Is the Deputy opposed to the referendum?

**Mr. J. Higgins:** The Government is facilitating——

**An Ceann Comhairle:** Is Deputy Joe Higgins taking the Technical Group's question today?

**Mr. J. Higgins:** I was remonstrating with the Tánaiste.

**An Ceann Comhairle:** We will have order in the House.

**Mr. Sargent:** I wish to focus on an issue of some interest to the Tánaiste, who has expressed views on selling public assets to private ownership on many occasions. I ask particularly about the rush to privatisation now taking hold in the marine sector as regards ports and harbours. The current edition of *The Irish Skipper* reports that the sale of Waterford Port is "irresponsible" according to local industry. Has the issue of the sale of harbours and ports arisen at Cabinet?

While I am aware that discussions on Waterford Port are ongoing with the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, has the sudden proposal to sell off Balbriggan and Skerries harbours been raised at Government level, given that the Harbours Act 1996 specifies that these named harbours are not to be sold off but transferred to the local authority? Is the Act, which states that on the commencement of subsection 88 there shall stand transferred to Fingal County Council from Dublin Port Company the following harbours, namely, Skerries and Balbriggan harbours, any more than window dressing? How

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can the legislation have credibility when we hear from the Dublin Port Authority that the harbours will be placed on the open market? Is the company acting in line with Government policy or is it effectively thumbing its nose at legislation?

**The Tánaiste:** I understand the ports mentioned by the Deputy were offered to the local authority in question and it was not interested in taking them over. The Minister for Communications, Marine and Natural Resources intends to bring to Government shortly proposals on a strategy for the ports and this will be put in the public domain for public discussion in advance of any decisions being made.

**Mr. Sargent:** Will the Tánaiste, perhaps in conjunction with the Minister for Communications, Marine and Natural Resources, read the legislation a little more closely? It is up to the Minister, acting in concert with the Minister for the Environment, Heritage and Local Government, to issue the relevant order. It is not a matter for Fingal County Council to state it does not like the look of the law; it is a matter for Government to take action.

The question which arises is whether the Government will govern by mediating between the different parties to arrive at a remedy which implements the law, or simply roll over and effectively allow the law to be flouted. Many people are interested in finding out the answer because the precedent being set in this context could be repeated whenever a body such as a local authority does not like an aspect of the law and refuses to implement it. What is the response of the Government in such a scenario? Surely its job is to govern by bringing together the different views and resolving the matter. Will it do its job?

**The Tánaiste:** It is more appropriate for smaller ports to be in the ownership of local authorities.

**Mr. Sargent:** I agree.

**The Tánaiste:** In the case of the two ports the Deputy mentioned and Waterford Port, an offer was made to the local authorities in question and there did not seem to be any interest. The facilities in question need to be upgraded and require investment. The most appropriate decisions will be made at local government level, so I suggest we focus our interest on local authority members with a view to interesting them in taking responsibility.

**Mr. Sargent:** That is the job of the Government.

**The Tánaiste:** The Government will shortly publish proposals on the ports for public discussion.

**Mr. Sargent:** Will the Government issue a directive?

## 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 of motion under Standing Order 31.

**Mr. O'Dowd:** I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of national importance, namely, the decision by the board of Údarás na Gaeltachta to ignore the recommendations of its own management to accept the highest of three tenders for the sale of a holiday complex in Connemara, with the board accepting instead the lowest of the three tenders at a loss of €500,000 to the State, and choosing to disregard the proposals forwarded by Gael Linn to develop the complex for Irish language educational purposes, which are more in keeping with the objective of Údarás na Gaeltachta of preserving the Irish language in the community.

**Mr. Durkan:** I seek the adjournment of the House under Standing Order 31 to discuss the following issue of local and national importance, namely, the proposal by the Eastern Regional Health Authority to close down its tuberculosis and respiratory facilities at Peamount Hospital, Newcastle, County Dublin, which will have serious health implications for current patients and those in the catchment area, as established over the years, and the disruption of staff and procedures, which have heretofore served the community well.

**Mr. Neville:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent national importance, namely, the proposal to close down the national specialist referral centre for tuberculosis at Peamount Hospital in view of the relatively high levels of tuberculosis in the State and the danger from multi-drug resistant tuberculosis, which is present in eastern European and Asian countries, and the occurrence of such multi-drug resistant tuberculosis in some states of the European Union.

**Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of national importance, namely, the confirmation by the board of Peamount Hospital in Dublin that it intends to close the specialist respiratory and tuberculosis unit at the hospital, which is the national referral centre for tuberculosis; the implications for staff and patients of the closure of the unit which has been a centre of excellence for decades and provides an essential service, especially for more vulnerable tuberculosis patients; the failure to put in place any alternative service; the consequences for public health in Ireland given the worldwide increase in the incidence of multi-drug resistant strains of tuberculosis; and the need for the

Minister for Health and Children to intervene immediately to halt the closure.

**Mr. J. Higgins:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the intended visit of the President of the United States to Ireland, in view of the fact that he grossly misled the Irish people in falsely claiming the existence of weapons of mass destruction in Iraq and that the invasion and occupation of Iraq was criminal and unjustified; and to discuss the statement by the Minister for Justice, Equality and Law Reform that US secret service agents accompanying the President of the United States will be allowed to use lethal force in this jurisdiction.

**Mr. Morgan:** I seek leave to move the Adjournment of the Dáil under Standing Order 31 on the following specific and urgent matter of public interest, namely, the propagation by the Minister, Deputy Brennan, and the Minister, Deputy Dermot Ahern, of aggressively anti-union attitudes from which the management of An Post and other employers are now taking their lead when dealing with industrial disputes; the fact that the handling of such disputes by employers and, in particular, An Post has shown up the fact that the partnership process is not about real partnership but merely represents an attempt by the Government and employers to co-opt union leaderships for their own anti-worker agenda; the necessity to remove the shadow of William Martin Murphy from the industrial relations process in this State by introducing legislation for mandatory trade union recognition and by Ministers abandoning their smug and arrogant attitudes and working constructively for the resolution of industrial disputes.

**Mr. Gogarty:** I request the Adjournment of the Dáil to debate an issue of national importance raised by a number of my colleagues but I raise it from a slightly different angle, namely, the need for the Minister for Health and Children to intervene immediately to halt the current plans to close TB and other services at Peamount Hospital from the point of view of public health, to investigate the issues of serious staff unrest at Peamount spanning a spectrum of employees, including nurses, consultants etc., who are extremely dissatisfied with the skulduggery of the chairman and chief executive from the point of view of patient care. I would like the Minister, if necessary, to call an emergency meeting of the board of the management, the Eastern Regional Health Authority, Comhairle na nOspidéal and other relevant bodies to discuss the implications of the current Peamount plans on patient care at the hospital and in the treatment of TB patients nationally. It is a disgrace the Minister for Health and Children has not done anything about it.

**Mr. Deenihan:** I seek the Adjournment of the Dáil under Standing Order 31 to raise a matter

of national importance, namely, the scrapping of the 2002 to 2006 Arts Plan, which was included in the Progressive Democrats-Fianna Fáil programme for Government 2002 to 2007 and the subsequent resignation of the director of the Arts Council, Mrs. Patricia Quinn.

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

#### Order of Business.

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The Order of Business today shall be as follows: No. 9, Motion re Ministerial Rota for Parliamentary Questions; and No. 1, Air Navigation and Transport (International Conventions) Bill 2004 [*Seanad*] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 9 shall be decided without debate. Private Members' business shall be No. 34, Motion re Social Welfare Cuts.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 9, Motion re Ministerial Rota for Parliamentary Questions, without debate, agreed to? Agreed.

**Mr. Kenny:** Did the Government at its meeting this morning approve the final draft of the electoral Bill which will provide for electronic voting? When can we expect that Bill to be published? Will it give the independent panel scope to express reservations about the current proposal of Government and, if it will make a recommendation of that nature, will the Government accept it?

**An Ceann Comhairle:** The Deputy's first two questions are in order.

**Ms Harney:** The Bill was cleared by the Cabinet this morning and it will be published in the next few days. The matters relating to the independent commission are dealt with in the Bill. The Deputy will have to await the Bill to see what it states about the commission.

**Mr. Rabbitte:** How long will the Deputy have to await the publication of the Bill? Will the independent panel have access to the source code?

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

**Ms Harney:** The Bill will be published in the next day or two, I presume by the end of the week.

**Mr. Rabbitte:** Will the independent panel have access to the source code?



**An Ceann Comhairle:** We cannot discuss the content of the Bill at this stage. I call Deputy Sargent.

**Mr. Rabbitte:** The Ceann Comhairle will be relieved to hear that I do not propose to do that. Will the independent panel have access to the source code?

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

**Ms Harney:** Clearly, intellectual property issues arise in regard to this, as the Deputy will be aware, but that will be a matter for the commission, as I understand it.

**Mr. Rabbitte:** It will be a matter for the commission, for the panel of five people set up by the Government?

**An Ceann Comhairle:** I suggest the Deputy submits a question to the appropriate Minister, as we cannot have a debate on this matter now.

**Mr. Cullen:** It is a matter for them to seek access.

**Mr. Rabbitte:** It is a matter for them to seek access? This is an important matter.

**An Ceann Comhairle:** That is why it should be dealt with in a proper fashion by submitting a question to the appropriate Minister.

**Mr. Rabbitte:** It applies to the 165 Members of the House other than yourself, Sir.

**Mr. Cullen:** I will not tell the commission what it should not should not do.

**Mr. Rabbitte:** The panel will have the right to seek it. That is quite a different matter.

**Mr. Stagg:** We all have the right to seek access to it.

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

**Mr. Durkan:** We should get clarification on what that means.

**Mr. Cullen:** I can neither speak for the commission—

**An Ceann Comhairle:** Minister, we are on the Order of Business, not questions to the Minister for the Environment, Heritage and Local Government.

**Mr. Durkan:** I am delighted we have the right to seek access.

**Mr. Sargent:** Taking account of the Ceann Comhairle's ruling that this matter does not arise on the Order of Business, I ask that he facilitate

party representatives coming together to provide some consultation on it, as proposed by his former colleague, the then Minister, Deputy Molloy, who insisted that this matter would be dealt with through consultation. We are not seeing that. Such consultation might take the place of the exchanges we must have on the Order of Business in the absence of consultation.

**An Ceann Comhairle:** It is not necessary to have these exchanges on the Order of Business.

**Mr. Sargent:** Unfortunately, it is because there has not been consultation on this matter. However, I wish to ask a question about promised legislation.

**An Ceann Comhairle:** The Tánaiste stated that legislation on this matter will be published and when it comes before the Dáil Deputies will have an opportunity to speak on it.

**Mr. Sargent:** It was expected that there would have been consultation on this matter.

On promised legislation, although it is to be dealt with soon, it is important that the maritime safety Bill and the maritime security Bill should be published early to enable us to get to grips with the lack of Government policy in regard to the marine. This involves health and safety aspects, trawlers sinking and the serious threat to life posed by that.

**Ms Harney:** I understand that Bill will be published later on this year.

**Mr. Crawford:** Given that Traveller and business people literally took over the town of Clones on St. Patrick's Day and there were many articles written about the trouble caused by the abuse of alcohol on that day, when will the intoxicating liquor Bill be introduced to ensure that there will be control and understanding in this regard?

**Ms Harney:** The intention is that the Minister will circulate the heads of that Bill later this year.

**Ms McManus:** We were promised two Bills from the Department of Health and Children this session, the health and social care professionals Bill and the health (amendment) Bill. Can the Tánaiste confirm whether those Bills will be introduced this session?

**Ms Harney:** The health professionals Bill will be ready this session as will the health (amendment) Bill.

**Caoimhghín Ó Caoláin:** On 10 March the Taoiseach responded that the civil liability and courts Bill was ordered for Second Stage for the following day, 11 March. Can the Tánaiste indicate when it is intended it will be brought before the House?

**Ms Harney:** That Bill is currently in the Seanad. It is matter for the Seanad to conclude its deliberations on the Bill and then it will come to this House, soon, I hope because it is important for the Government's insurance reform programme that it is enacted as quickly as possible.

**Mr. Kenny:** In respect of the Garda Síochána Bill, on the occasion of the visit of the US President to Ireland this year, has the Government considered and can the Tánaiste confirm that it is the Garda Commissioner who will lay down the criteria for qualification to carry arms here during that visit and not the Minister for Justice, Equality and Law Reform?

**Ms Harney:** I am surprised at this question. As the Deputy knows, it has nothing to do with the legislation.

**Mr. Rabbitte:** I sincerely hope it is not the Minister for Justice, Equality and Law Reform, as we would all have to leave.

**Ms Harney:** In regard to the right to carry arms, what is happening in relation to President Bush's visit is no different from what happened for the former President Clinton or anybody else.

**Mr. Rabbitte:** Not since Sam rode at the Battle of Aghrim has there been anything like the Minister for Justice, Equality and Law Reform.

**Mr. G. Mitchell:** The Ceann Comhairle knows I have been raising the issue of Luas line safety in the House for some time. I understand there is a proposal to create a public safety authority. When will the long-awaited Report Stage of the Rail Safety Bill, for which we have been waiting almost 12 months, come before the House in order that these important matters can be raised? The Tánaiste will be aware of the serious issue of Luas line safety.

**The Tánaiste:** I understand from the Minister that it will be in the next month or so.

**Mr. Naughten:** The Minister sounds like a broken record.

**Mr. Costello:** In regard to issue, raised by Deputy Kenny, about the right to carry arms in Ireland, the Minister for Justice, Equality and Law Reform has also stated that the security services who come to this country will have the right to shoot.

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

**Mr. Costello:** I do.

**An Ceann Comhairle:** Perhaps the Deputy would come to the legislation.

**Mr. Costello:** The right to shoot to save lives seems an unusual one. Does the Government have proposals to amend the Diplomatic Immunity Act 1967 so that secret service agents can shoot in this country?

**The Tánaiste:** There are no proposals to amend any diplomatic immunity Act, as the Deputy well knows. He should be careful in case he misquotes individuals. The Minister for Justice, Equality and Law Reform did not say what the Deputy suggests he did.

**Mr. Costello:** The Minister for Justice, Equality and Law Reform should be careful in case he misrepresents the people.

**Mr. Naughten:** The pigeons need to be careful too.

**Mr. Boyle:** Members have received correspondence from the dormant accounts disbursement board about future decisions and probably the last ones to be made by it. Given that Government policy dictates that the board will become an advisory one and decisions will be made for the Minister for slush funds, that is, the Minister for Community, Rural and Gaeltacht Affairs, when will the dormant accounts (amendment) Bill come before the House? Will it be before the local elections and will the Minister make decisions on the disbursements of dormant accounts before the local elections?

**The Tánaiste:** I do not know when the legislation will come before the House but it is due to be published towards the middle of this year.

**Mr. Hayes:** It will be after the local elections.

**Mr. Coveney:** The broadcasting authority of Ireland requires legislation before it can be set up. When can the House expect that legislation given that it had been promised for early this year?

The new registration system for marine leisure craft promised by the Minister for Communications, Marine and Natural Resources also requires legislation. When can we expect this and will it be before the summer?

**The Tánaiste:** If legislation is required in regard to the leisure craft registration system, it will go before the Government in the second half of this year. The heads of the broadcasting authority of Ireland Bill will be published in the middle of the year.

**Ms O'Sullivan:** What is the cause of the delay in bringing the Report Stage of the Education for Persons with Disabilities Bill before the House? It is well over a month since we completed Committee Stage. It appeared on a list approximately three weeks ago and was taken off before it came to the floor of the House.

**The Tánaiste:** I do not know whether it is an issue of time or one in respect of amendments. I will check into the matter for the Deputy.

**Mr. Durkan:** On promised legislation, given the constant reassurances of the Minister for the Environment, Heritage and Local Government to the House regarding the authenticity and security of the proposed electronic voting system, will he explain why the travelling roadshow—

**An Ceann Comhairle:** Can we have a question on legislation?

**Mr. Durkan:** This is on the legislation. Why is the travelling roadshow making appeals to the public for submissions to enhance further or ensure compliance with the Minister's wishes?

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

**Mr. Durkan:** The Minister shrilly reasserted his views on this issue in the House on several occasions.

**An Ceann Comhairle:** The Minister would be out of order to interrupt at this stage.

**Mr. Durkan:** Perhaps the Minister might like to come forward and reassure the House.

**An Ceann Comhairle:** I call Deputy Kenny on something appropriate to the Order of Business.

**Mr. Kenny:** Two years ago, the Minister for Justice, Equality and Law Reform published legislation dealing with the financing of terrorism, abduction of hostages and terrorist offences. That Bill has not yet been sent to committee. Given the urgency with which the Government has moved following the Madrid atrocity and the meeting of last week, has the Government considered taking Committee Stage of the Bill and when can we expect it?

**The Tánaiste:** The Bill is a priority for the Government and the Minister for Justice, Equality and Law Reform. I understand a number of amendments will be tabled and the views of the Human Rights Commission must be considered in their drafting. I understand it is a matter of the Whips agreeing time.

**Mr. Broughan:** On a recent visit to Clonsbaugh industrial estate, I noticed that seven major factories are lying empty, including two 30,000 square metre units.

**An Ceann Comhairle:** Does the Deputy have a question appropriate to the Order of Business?

**Mr. Broughan:** Will the Tánaiste arrange for a debate on the rules she agreed to in regard to regional economic aids in the EU because they discriminate against Dublin?

**The Tánaiste:** If the Deputy wishes to table a question on this matter, I will answer it. He has already asked me about it. As the Deputy is aware, employment in Dublin is still buoyant. We still have some unemployment blackspots but, of all the capital cities in Europe, Dublin probably has the lowest level of unemployment.

**Mr. Allen:** I do not know whether it was a mini Ard-Fheis in the House but the Taoiseach promised a fast-track approach to certain industrial development. We have heard nothing since and I wonder if it has been relegated to the slow lane. What is happening to it? When can we expect the legislation?

**Mr. Durkan:** The Minister for Transport is building the tracks.

**The Tánaiste:** I understand the Deputy is referring to the fast track for strategic decisions. I understand the Minister for the Environment, Heritage and Local Government will come forward with proposals to the Government shortly in that regard.

#### **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 Minister for Defence, shall be set down to Ministers in the following temporary sequence:

Minister for Education and Science

Minister for Foreign Affairs

whereupon the sequence established by the Resolution of 6th June, 2002, shall continue with Questions to the Minister for Communications, Marine and Natural Resources.

Question put and agreed to.

#### **Private Notice Questions.**

##### **Industrial Disputes.**

**An Ceann Comhairle:** I will call on the Deputies who tabled questions to the Minister for Communications, Marine and Natural Resources in the order in which they submitted their questions to my office.

**Mr. Broughan:** asked the Minister for Communications, Marine and Natural Resources the steps he intends to take to help secure a solution to the dispute at An Post which has lead

to the suspension of many workers and serious disruption of the postal service, especially in the Dublin area, particularly given the serious consequences of a prolonged dispute for business, especially small business, and the distribution of social welfare payments; and if he will make a statement on the matter.

**Mr. J. Higgins:** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on An Post's management's disgraceful actions in suspending An Post workers.

**Mr. Eamonn Ryan:** asked the Minister for Communications, Marine and Natural Resources to make a statement on the future of An Post given the ongoing dispute between the unions and management at the company, the stalling of employee share ownership trust, ESOT, legislation for the workforce and the serious financial crisis in which the company finds itself due to the poor strategic direction taken by the board in recent years.

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I thank Deputies for tabling their questions and giving me the opportunity to say a few words in regard to this issue.

I welcome the decision of the Labour Relations Commission, LRC, to invite An Post management and the Communications Workers Union to talks tomorrow on the current industrial difficulties in the company. In the context of the proposed intervention of the LRC, it would not be appropriate for me to become involved or pre-judge in any way the deliberations of tomorrow's meeting, but I wish them well.

The Taoiseach is also of the view that the established industrial relations mechanisms should be used in this instance. In disputes of this nature, the people ultimately affected are An Post customers and, for this reason, I encourage all parties to the dispute to engage fully with the LRC to resolve the current difficulties. The restoration of services, which An Post customers are entitled to expect, is required now.

The issues involved in this dispute are complex. However, there is one underlying reality which can not be ignored. An Post is in deep financial trouble and no amount of wishful thinking can airbrush away this reality. The simple facts are the company is losing €600,000 every week, that is, €120,000 per working day or €2.5 million each month. This is the stark reality that all sides must address. To do otherwise is to walk away from responsibilities, not just to the taxpayers who own the company but to the employees who work for it and the customers who rely on it.

The problem is more serious than that. Between 2002 and the end of this year, An Post will have lost €100 million. Its cash reserves are almost exhausted. The company has only a finite

amount of family silver to sell to keep afloat. The economy and the public cannot afford to bear continuing price rises to sustain the existing cost structures of the company.

An Post must return to profitability. To do this the company needs a cost base which reflects reality. The company has to change but time is not on its side.

The company is facing significantly more competition. Customers, particularly those in business, have increasing choice. With increasing choice comes keener pricing, more challenging service requirements and competition from e-mail and mobile texting. The postal market is liberalising. Efficient and aggressive operators and efficient operators in Europe, such as Deutsche Post and the Dutch operator, TPG — both partly state owned — are chasing business in Ireland through their subsidiaries. Until An Post aligns its cost base and efficiencies with industry leaders it will not be in a position to meet the challenges arising from liberalisation, globalisation and changing technology.

The current industrial relations in An Post have been simmering for some time. An Post customers in Drogheda, Tuam, Galway and Mitchelstown have been suffering disruption to postal deliveries since early February. Its escalation into the Dublin area and surrounding counties and international mail deliveries is a very damaging development.

The economy cannot afford disruption to an essential service such as the postal network. Business lost cannot easily be regained. I have urged all parties to the dispute to bear this in mind. However, I caution against sticking plaster solutions. The problems in An Post are substantial and real. The solution to the current issues must put the company on a long-term sustainable financial and operational footing.

The rationale for the employee share option plan was to give An Post employees a stake in a reformed and profitable company, quite simply a stake in their future. The plan provided for the transfer of up to 14.9% of the company in return for cost savings and specified profit levels. Savings amounting to €34 million were to be achieved between 2000 and 2003, and 5% of the transfer related to the delivery of savings within specified timescales. The remainder of the shareholding, 9.9%, was contingent on profits. In May 2003, the board of An Post claimed that savings amounting to just €7.17 million had been achieved under the plan.

In view of the underlying financial situation in An Post, I decided to commission a review of the company ESOP to see whether, in fact, the share option plan has contributed in any way to company transformation as required. I expect to receive this report shortly. However, the indications are that neither the savings nor the profits projected have been achieved. However, the Government and I are fully committed to the ESOP provided that the change and cost-saving terms of the agreement are delivered. This has

[Mr. D. Ahern.]  
clearly been communicated to the CWU and the other unions.

I am assured that An Post and the Department of Social and Family Affairs have put in place measures to ensure that welfare recipients paid by cheque receive their payments. Social welfare clients who are paid through the post office are not affected by the current dispute.

**Mr. Broughan:** The whole community is seriously threatened by the escalation of this dispute into an all-out strike. The decision by the union not to proceed, despite a massive vote in favour of strike action last Friday, showed the fundamental interest of the workforce in achieving a firm future for the company.

The national programme, Sustaining Progress, states that industrial relations in semi-State bodies and commercial semi-State companies were to be based on partnership. Does the Minister agree that there has been a major breakdown in trust between the workforce, the current management and the Minister, particularly in the last six months, which has contributed to the current difficult situation? Last September, the Minister announced a recovery plan which involved the Minister being briefed on a monthly basis on the essentials of the company's performance. That being the case, what actions did the Minister take, particularly in the last two or three months, to avoid the impasse which has been reached in the four hubs, particularly in the Clondalkin hub, last Friday? How did the Minister pursue his brief under the recovery strategy? Last October, he informed the House that he was alarmed at the performance of the board and previous management of the company, which had been poor and inept. What steps has he taken in that regard?

Is it the case, as the media report today, that the Minister gave a green light to management to proceed with what has been happening in the past week or so? The transformation through partnership deal was agreed three years ago and a series of steps put in place, including the creation of an ESOT, which were to lead to financial stability for the company's future. Having achieved such a meeting of minds three years ago, it seems incredible that this has been allowed to dissipate under the Minister's administration. Will the Minister get transformation through partnership back on track as soon as possible and get the company into a profitable service mode for our community?

**Mr. D. Ahern:** There is, undoubtedly, a breakdown of trust between the company and the unions. I do not agree that there is a breakdown of trust between myself and the company or between myself and the unions. I have made it clear to the unions that, as far as the Government is concerned, an agreement exists and that if the conditions of the agreement are met, the Government will meet its side of the bargain.

A recovery plan was put together by the company after a change in management. That draft recovery strategy was published and approved by the entire board of 13, including the five worker directors, in September 2003. Negotiations with the trade unions began last November and I was briefed on the draft recovery plan. My position was that it was a matter for management and the trade unions to discuss the issue, to progress the strategy and to approve the final draft of the strategy. Those negotiations entailed substantial changes for the workers, including 1,350 redundancies, and the unions expressed concerns regarding the rewards available and the phasing of those rewards. The negotiations between the company and the CWU broke down in December 2003 and have not recommenced. The situation has become progressively worse since then.

With regard to newspaper reports, I did not give a green light to management or indeed the unions, with regard to this dispute. My officials and I have been available to facilitate in any way possible. This problem has been simmering for some time. My position has always been that the bushfire disputes in a number of regions are unofficial actions and that there is a time-honoured labour relations apparatus, set up under partnership agreements and before, to facilitate round table discussions. This dispute will ultimately be solved around a table. I had a meeting early this morning with the chief executive of An Post and other members of senior management about the issue and the possible involvement of the Labour Relations Commission. I am delighted that the commission subsequently invited the company, the management and the trade union, which had previously said it was willing to participate in any talks, to take part in talks which will commence as soon as possible. We all appreciate that the lack of trust between both sides means those talks will be especially difficult.

On the employee share ownership plan, ESOP, I spoke about this issue during a reply to a parliamentary question on 3 February and possibly on a date since that. The reply I gave on 3 February clearly illustrates my position and that of the Government. I have taken the time to read the transformation agreement related to the ESOP. One does not have to be a lawyer to read it because it is the simplest document I have ever read. It clearly states the conditions for the delivery of a shareholding to the workers in An Post in return for 5% of the company shareholding. Cost savings amounting to €34 million were to be achieved between 2000 and 2003. Instead of achieving those cost savings — the union will blame the management and the management will blame the union — the opposite happened. Staff costs rose by €52 million between 2000 and 2001, which represented a 13% increase, and by €40 million between 2001 and 2002.

**Mr. Rabbitte:** How much of that was overtime?

**Mr. D. Ahern:** That is only related to cost savings and the increase in staff costs. As regards profits, in September 2003, An Post advised that the forecast profit for 2003 would be €1 million, but that turned into a loss of €29.5 million.

I have a long chronological list of the position I adopted when I became Minister and when my officials advised me of the position as far back as November 2000. In a letter to the then chief executive, we set out our concerns about what we believed were the costs. We had this discussion during a previous Question Time. We were concerned about the facts and figures we were given. The company consistently denied over many months that there was any need for a recovery strategy or a survival plan. As a result, I refused, probably for the first time in the history of the State, to bring the annual accounts of An Post to Government for approval until such time as I believed the company came clean about the financial position. It was only in May 2003 that it finally admitted there would be losses, which ultimately transpired to be the case.

I say that in the context of the ESOP to which we are committed. I would be more than willing to deliver on the ESOP, but I have a duty to the taxpayer to ensure that, if that happens, there must be cost savings on the other side.

**Mr. J. Higgins:** An Post and the Communication Workers Union have agreed to go to the Labour Relations Commission. Will the Minister call on An Post management to restore all workers to their positions immediately pending discussions to get the mail flowing and to deliver a service to customers? Is the Minister aware whether An Post, while preparing to go to the LRC, is obtaining legal advice on whether it can lock out all its staff nationwide?

**Mr. D. Ahern:** I am not aware of An Post obtaining legal advice and I had a long discussion with its management this morning about this matter. It is clear there is a difficulty in the Dublin mail centre, but that is not replicated in other parts of the country. I am not sure, therefore, where the Deputy is coming from. As regards calling on anyone to prevent a lock-out or to ensure the workers go back to work, we all want the work to resume and the workers to do the duties they were doing immediately before the strike. We want that to happen as quickly as possible, but that issue will be a kernel of the initial discussions with the Labour Relations Commission. I would not like to pre-judge or pre-empt that by saying one thing or another, and I am sure the Deputy would not want me to do that.

**Mr. Eamon Ryan:** The Minister made two statements which are interesting. He said he met the chief executive and senior management of An Post early this morning and he also said that last year he was unhappy with the accounts presented by the company and refused to bring them to the

Government. What I notice in the dealings of the Oireachtas joint committee which examined An Post—

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

**Mr. Eamon Ryan:** What is the board's position in this regard? The Minister's job is to appoint the board and to allow it to give strategic direction to the company.

**Mr. J. Higgins:** It is probably at a cumann meeting.

**Mr. Eamon Ryan:** The cost management problems in the company are not necessarily due to high labour costs but to atrocious management decisions in recent years. The board failed to supervise that. Does the Minister agree that the board does not seem to have any strategic—

**An Ceann Comhairle:** The Deputy should ask a question because other Deputies are offering.

**Mr. Eamon Ryan:** Is the Minister happy with the performance of the board of the company over the past three to four years? Does he intend to change the membership of the board in light of the disastrous position in which this company finds itself?

**Mr. D. Ahern:** The people in management are paid full-time salaries. Some of them are paid multiples of what the Deputy and I are paid to manage a substantial company with 10,000 employees and significant difficulties on a day-to-day basis. The board is a part-time one which acts on the information it is given at any one time.

The Department officials who interact on a day-to-day basis with the 55 companies or agencies under our aegis, of which An Post is probably one of the more substantial, had difficulties obtaining precise financial details of the company. As far back as October 2002, the company advised me in a budget presentation that the profits would be €5.6 million in 2003. On 15 November my Department wrote to the then chief executive officer setting out our concerns at the scale of losses. We received a reply which stated that a survival plan was not needed because the existing plan was working. We wrote back in January stating that there were differences between our position and that of the company in terms of its finances. On 15 January we received a reply which stated that the company was expecting profits of €1.1 million. Late in January we received another letter which stated the company would be profitable in 2003 and 2004. We wrote back in February stating that we were still concerned. This went on continuously. The Department and I had many meetings with the management at that time at which we expressed alarm at the position.

The remark made about the board was unfair and unworthy of the Deputy. The members of the

[Mr. D. Ahern.]

board are substantial members, including the worker directors. I defend their position in this regard. They were working on a situation which was similar to that on which we were working. However, that situation has changed dramatically. Instead of denying the financial situation, the company now fully accepts that it is extremely difficult. We must work together on this issue.

My officials, the unions and management must work together to try to turn the situation around. However, it will incur extreme hardship for the company. This is a company which had cash reserves of €170 million in late 2000. Today, it has no cash reserves. It is living on selling the family silver—

**Mr. Broughan:** It spent €100 million on machinery.

**Mr. Eamon Ryan:** There is no control.

**Mr. D. Ahern:** —and on increasing costs. It spent €100 million on new machinery. Unfortunately, however, the productivity and staff reductions that were inherently required in that process were not delivered. Savings to be made by implementing new work structures, such as new machinery, were not delivered. More than 200 extra staff were employed and the new machinery, which was supposed to reduce costs, cost €100 million.

**Mr. B. Smith:** The Ceann Comhairle will be aware that many of our constituents in County Monaghan are affected by this dispute. I have received a number of queries already. How will social welfare recipients be affected by the dispute?

**Mr. D. Ahern:** I am guaranteed that social welfare recipients will be able to receive their social welfare payments through systems set up by the Department of Social and Family Affairs which will be advertised in the newspapers. Cheques will be available for collection in social welfare offices. I am assured by An Post that those who receive their payments through the post office will continue to receive them there.

Over the years this House, regardless of who was in government, was regularly in convulsions about rural post offices. We were constantly told that the rural post offices had to close because they were a millstone around the neck of the postal service. The post office system is profitable today. The reason is that it went to the trouble of finding extra business such as the AIB contract and the payment of utility bills through the post offices. Today, the two millstones for An Post are the letter post service, where costs have increased each year by an average of between €20 million and €30 million for the past few years, and the SDS delivery service, which is working in an extremely competitive market.

I assure Deputy Smith that arrangements are being made between An Post and the Department of Social and Family Affairs to ensure that all payments are made to clients.

**Mr. Coveney:** All Members of the House accept that An Post needs to go through fundamental change and that the recovery plan must be put in place. What are the Minister's views on his responsibility to ensure that some consistent and modern postal delivery service continues during the difficult transition period? In his discussions this morning, did the Minister discuss with management of An Post the possibility of resuming normal service during the LRC talks process or can we still expect post boxes in Dublin to be sealed in the next few days to prevent people posting letters? What time does the Minister believe the LRC process will take or is it possible to predict at this stage? Is there an appetite on the part of management to invite people who have been suspended in recent days to return to work during the difficult talks process, which might be ongoing for some time?

**Mr. D. Ahern:** I answered that question to some extent in a previous reply. I will not preempt what is probably one of the key issues for the initial stage of the discussions in the LRC, that is, the conditions upon which staff will return to work. The company has a position and the union has another position. That situation must ultimately be mediated by the independent mediator. We will just have to wait and see. I do not know how long the process will take.

Obviously, we want the service to be restored as quickly as possible. The country does not need this problem and, in particular, the company and the staff do not need it. Look at what happened 25 years ago when there was a substantial strike in An Post. Many new businesses were set up because of the strike — I remember it because I was in business at the time — and they are still in being. In this day and age, particularly with the availability of new technology, the damage to the State postal service will be even worse unless there is a quick return to work.

**Mr. McHugh:** Obviously, the Minister's early morning meeting spurred An Post management into accepting the intervention of the Labour Relations Commission. In an earlier reply the Minister included Tuam with all the other centres. I am concerned about that because the disruption in Tuam does not have the same cause as the disruption in other centres. It is not about pay but about unsatisfactory and unsafe working conditions. That is acknowledged by both management and workers. Will the Minister confirm that the Tuam situation will be considered by the Labour Relations Commission? Will the Minister use his good offices to ensure that it is dealt with first and separately? It is a different situation and is not related to the other disputes. It could be resolved.

It is only a matter of deciding whether the workers in Tuam are engaged in continued unofficial industrial action. Will the Minister ensure that is done?

**Mr. D. Ahern:** The Deputy raised this matter with me previously. In any discussions I have had, particularly about getting this issue into the LRC, I have insisted that if it is possible within the structure, problems such as Tuam and Drogheda in my constituency should be part of the solution. While the Deputy might say these matters have nothing to do with the broader issue, they are part of the difficulties in An Post in the context of relations with management. I hope Tuam is one of the issues that will be dealt with by the LRC.

**Mr. Broughan:** Clearly the non-payment in November of the 3% due under Sustaining Progress by management was a key point in the descent into the current situation. With regard to the ESOT, are the Minister's figures correct or in line with the 2002 reports, which stated that savings of €9.4 million had already been achieved by the end of 2002? That figure was projected to rise to €22 million by the end of 2003. With regard to the employee share ownership plan, are any of the figures submitted by the previous management to this House in its reports and so forth to be believed? What basis was there for establishing an ESOT in the company?

The postal Bill was on the agenda for the first day the House resumed after the break but the Bill still has not been published. The only Bill around is the old Bill published in 2001. Has the Minister plans to publish the new Bill? When will the 2003 results be published? Last year we got the 2002 report in April. Can we expect the 2003 final result next month?

I note that KPMG is the auditor of the 2002 report. Given the chairperson's address and some of the remarks the Minister has made, can we expect the 2002 report to be accurate? The Minister seems to be raising very fundamental questions in that regard. The point has been well made by colleagues. The Minister, as far as I understand, attended a board of directors meeting before Christmas. What action did he take on foot of his fairly complete briefing on the state of the company to try to head off what is now happening?

Does the Minister accept that one of the difficulties regarding the current position, in terms of the directive on full market liberalisation by 2009, is that we had one of the cheapest postal services in Europe during the 1990s and we still have the third cheapest basic stamp at 48 cent — the average in the EU is 71 cent? In addition, regarding the people who are being laid off, in particular the delivery staff, we are talking about average wages of €350 to €400 a week, which at a few euro above the minimum wage, is by no means exceptional money for a workforce of 8,000 people who have been running a

remarkable universal service since the foundation of the State. They are rightly famed up and down this land for the care and attention they have given and for the way in which the postmen and women of Ireland took care of seniors and people in vulnerable situations and who do a very difficult job — the controversy over letterboxes will be remembered. That must be acknowledged in this House today. It is appalling that such outstanding servants of the public should be locked out of their own workplace.

Will the Minister appeal to management to end its provocative action? I know the Minister does not want to go into the nitty gritty of the negotiations which are, I hope, going on at the Labour Relations Court. However, regarding the second phase of the transformation agreement on delivery staff, will the Minister appeal to the management to withdraw the action it has taken to allow service to be resumed and then together, in a partnership mode, work out the future for this vital service?

**Mr. D. Ahern:** The Deputy raised the question of an ESOP. I dealt with that earlier.

**Mr. Broughan:** The 2002 accounts seem to be different.

**Mr. D. Ahern:** I gave the costs. There is an operational loss in 2002 of €70 million, an operational loss of €42.7 in 2003 and an expected loss of €30 million this year. That totals somewhere in the region of €90 million to €100 million. In that context people are asking that we comply with the transformation agreement which indicated that relatively small savings could be achieved over a period but these were not achieved. The company and the unions admit they were not achieved over the period. It is doubtful whether they were achieved in the context of the increasing costs on the other side.

**Mr. Broughan:** It is stated here that it was achieved in 2002.

**Mr. D. Ahern:** In terms of independent checking, I am due to get a report in the very near future. Indications are that independent report will show that those savings were not in any way achieved.

Regarding the 2003 accounts, I cannot give the exact figures, but we have seen a draft of unaudited results of An Post which seem to show an operating loss of €43 million. There may be savings on the other side because An Post has, in the past year, sold very substantial properties, but that cannot go on forever. The 2003 accounts show that most of the other sectors in the company are either breaking even or making money. Letter post and SDS, unfortunately, are the reasons for the crisis in An Post. Regarding letter post, while revenues improved in 2002 by €30 million, it was not enough to absorb the €50 million increase in the letter post cost base. SDS



[Mr. D. Ahern.] budgeted for revenues of €20 million but missed the budgets. Again, the situation relating to the cash position was extremely difficult in 2003. It is hard to sustain an argument that any cost savings have been achieved. Overall revenue declined in 2003. The group is increasingly looking to price increases rather than new products for revenue growth. What we are seeing at the moment is a slowing down in the use of letters because of a slowing down of the economy and an increase in new technology. In an increasingly difficult market, costs are going up but revenues are going down. The international market is liberalised since January 2004. No union deal has been struck, yet the company will suffer sporadic action. It is not clear what the company achieved for the €15 million severance pay which was paid out, nor is it clear how the €35 million severance provision will ever be met. Only four post office conversions were achieved in 2003. It is very illustrative. I have a string of Deputies coming to me from all parties about post office conversions. There was an agreement some time ago in which post office officials got an increase of 12.5% on the basis that they would, within a certain period, achieve conversions of rural post offices under the agreement. Fifty of them were to be achieved. Only four have been achieved. Unfortunately that sort of problem is endemic.

**Mr. J. Higgins:** Would it be helpful to understanding where responsibility for the present crisis lies if the Minister abandoned his “do not look at me” posture and accepted responsibility for the crisis? Would the Minister agree that the turning of a projected loss of €1 million into €40 million within a few months during his watch under a board that he or his predecessor appointed and which is answerable to him, is his responsibility and that he should, therefore, desist from joining the chorus which puts the onus on the workers? What is the Minister’s attitude to the management methods of An Post management? I have heard of midnight raids conducted by the authorities. I have heard of the authorities conducting dawn raids. Will the Minister condemn the disgraceful provocation of An Post management in conducting a between midnight and dawn raid on its workers, descending Dracula-like on the workers at the ungodly hour of 2.30 a.m. on a Saturday morning, unilaterally attempting to push on them new unagreed working practices, suspending them when they quite rightly refused, and persisting with that in the cold light of day afterwards. Even Dracula retreated into his coffin as sunlight approached.

Will the Minister agree that at the heart of this dispute is the policy of the Government in giving encouragement to these counter-productive and aggressive methods of An Post management? Will he agree that the attacks by the Minister for Transport, Deputy Brennan, on Aer Rianta and CIE are wrong? Will he agree that the

Government’s attitude to Departments and civil servants is that they are “decentralisable” baubles to be traded for votes, all of which is a direct encouragement to management in An Post to adopt this incredible posture which is contemptuous of the workers who perform a crucial and valuable service in our society?

Will the Minister use his influence today to call on the management to immediately restore workers to their positions, which he has so far refused to do? Will he agree that the best and only future for An Post is as a public service but with workers at the heart of the management of that service at all levels, fully involved and with decent wages and conditions? That is the way forward rather than these contemptible, almost pre-capitalist practices of the current management.

**Mr. D. Ahern:** I do not agree with the Deputy’s political hyperbola and I do not agree with engaging in the blame game at this stage, and I have not since I became Minister. I do not go down the Deputy’s road of blaming one side and not the other. Unfortunately, the difficulties in all of this have been endemic in the company for some time and the Deputy’s attitude is not helpful in solving it. What is helpful is that people like the Deputy and other Members of this House who might have influence with some of these people — I also have a duty in that respect — use their influence to ensure that people come back to the table and do not put in preconditions. I agree with the Deputy that measures should not be taken in such a way that will exacerbate the situation on either side.

**Mr. J. Higgins:** They have been.

**Mr. Eamon Ryan:** I have three questions for the Minister. First, the Minister is right, we cannot simply blame one side or the other but to date the Minister appears to have singularly blamed the failure of the unions or the workers to bring in cost savings. Will he agree that the investment decisions by the management of this company in recent years were incredibly poor and were made, as the Minister more or less said earlier, without the proper control that would apply to a private sector company making the same decisions and that hundreds of millions of euro were seemingly misspent in the past three years?

Second, given that the transformation plan is in tatters, why would the Minister not consider proceeding with the ESOP so that the workers would have an incentive to try to reduce costs and get the company working again? Why do we have to wait until the company is profitable or is ready for sale before we give a shareholding? The idea of worker shareholdings is that it gives the workers an incentive to turn the company around and also gives them a stronger say in terms of the direction of the company. That should be the purpose of the ESOP. Why is the Minister

sticking to this plan which has utterly failed? In his role as chairman of the company, effectively, would he not instigate a new plan, the first brick in which could be to give the workers a share in the company?

My third question is the most important one. It is a dire situation when the Minister with responsibility for communications can say that the key problem in the postal company is that it is losing money on the post. The Minister is right, we are talking about a company that is in dire financial straits. What will the Minister do if the company becomes insolvent? What does he propose to do if the management tells him it has no more cash in the bank, that it has sold all the assets, which it is doing rapidly at the moment, that it has no more money and it will go out of business? What does the Minister intend to do if those circumstances arise?

**Mr. D. Ahern:** In regard to the ESOP, I have a duty to the taxpayer. An agreement was made a number of years ago in regard to the transformation of this company. There was a *quid pro quo* and, unfortunately, the *quid pro quo* has not been delivered. I agree with the Deputy that workers should have a stake in a company but what is the point in having a stake in a company which is cumulatively €100 million in the red?

**Mr. Eamon Ryan:** So there is no cost to the State—

**Mr. D. Ahern:** I will say this, and it is a point I perhaps missed earlier. In regard to the delivery of the Sustaining Progress payment, the company, unusually in this sector, has pleaded inability to pay but having given the Deputy the figures, he probably understands why the company is in a position where it is losing €120,000 per working day. It is not in a position to make that payment. It is pleading inability to pay under the clause in Sustaining Progress but the management has made it clear that it is prepared to pay the Sustaining Progress payment of approximately €18 million per annum if the full set of agreed changes are implemented and result in the efficiencies that had been already agreed.

The Deputy, like Deputy Higgins, is asking me to get involved in the blame game, but I will not do that.

**Mr. J. Higgins:** It is not blame, it is responsibility.

**Mr. D. Ahern:** What I am asking is that both sides would get around the table because my view on this, from Saturday evening last, was that the sooner they did that, the better because they would have to do it anyway. Thankfully, the Labour Relations Commission is involved because of contacts that had been made through the implementation group and through other contacts—

**Mr. Broughan:** Will the Minister ask for the provocation of the workers to end? Will he ask for the suspensions to end? Let us go back to work, is that what the Minister is saying?

**Mr. D. Ahern:** —including senior trade union officials who have been fully involved to try to ensure the participation of the CWU and other trade unions, although there is not so much of a difficulty with the other trade unions.

While I might like to make one comment or another in terms of what should be done, it is only fair to say that the two sides have fairly entrenched positions and we should leave it to the Labour Relations Commission which, hopefully, will appoint an assessor or perhaps a few people because this is a substantial job.

**Mr. Broughan:** Will more workers be suspended in the meantime? Will the service fall apart?

**Mr. D. Ahern:** I hope it can make recommendations on the basis upon which work can resume.

**Mr. Eamon Ryan:** The Minister did not answer the question I asked about what he would do if the company told him it has sold all its assets. Does he have any indication of what he would do in those circumstances?

**Mr. Broughan:** He would resign and promote the Minister of State, Deputy Browne.

**Mr. D. Ahern:** This is a State company. I do not envisage that happening in any way. That is only a proposition.

#### **Air Navigation and Transport (International Conventions) Bill 2004 [Seanad]: Second Stage.**

**Minister for Transport (Mr. Brennan):** I move: "That the Bill be now read a Second Time."

Before moving on to the detailed provisions of the Bill and the Montreal convention, which the Bill enables us to ratify, it is useful to place it in the proper context. Aviation is first and foremost an international activity. As far back as 1929, when the first Warsaw convention was adopted, it was clear that an international agreement was needed to facilitate the smooth operation of air transport. Even during the extremely difficult international circumstances of the Second World War, nations came together in 1944 to adopt the Chicago convention, which created the International Civil Aviation Organisation and which still serves as the framework for the conduct of worldwide civil aviation.

We, in Ireland, have always recognised the importance of international aviation for our economy because we are an island on the western periphery of Europe and because of our deep business and historical links with North America over the centuries.

[Mr. Brennan.]

As everyone knows, there has been an enormous growth in air travel in recent years, both for business and pleasure, and for high value and perishable cargoes. Ireland has participated fully in the development of international aviation and its various international conventions. Due to our location on the eastern edge of the Atlantic ocean, we played a pivotal role in the early development of transatlantic aviation and Ireland continues to enjoy a strong reputation within the international aviation community. The purpose of the Bill is to enable us to ratify the 1999 Montreal convention along with our European Community colleagues. That convention is a further milestone in the co-operative development of international aviation, and it is right that we should support it and continue our tradition of support for international aviation.

In the course of preparing the Bill, the opportunity has been taken to restate the existing law relating to the existing Warsaw convention and its amendments so that one Bill covers the entire subject. The Montreal convention is an updated replacement for the 1929 Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air, which, together with numerous subsequent amendments, is referred to as the Warsaw system. The Warsaw system now provides a worldwide system of standards and rules for carriage by air and, in particular, common rules on liability limits for the carriage of passengers, cargo and baggage in the event of damage, delay or loss. The Warsaw system is already enshrined in Irish law in the Air Navigation and Transport Act 1936, as amended.

The Montreal convention represents a major improvement over the liability regime established under the Warsaw convention and its related instruments relative to passenger rights in the event of an accident. Among other benefits, the convention holds carriers strictly liable for damages up to 100,000 special drawing rights; removes the upper limit on damages for accident victims which exists in the Warsaw system; extends the range of jurisdictions in which claims for damages may be brought; clarifies the duties and obligations of carriers engaged in code-share operations; and, with respect to cargo, provides for modernised documentation.

Special drawing rights, otherwise known as SDRs, are units of currency drawn up by the International Monetary Fund for use whenever it is necessary to refer to currency amounts internationally, including in international conventions. This was done to avoid the necessity for referring to the value of gold or major currencies such as the US dollar or the euro. One SDR is worth €1.18. The value of SDRs is based on a basket of currencies of all 184 IMF member states, including the euro. Ireland has been a member of the International Monetary Fund since 1957. For any countries which ratify the Montreal convention but are not members of the International Monetary Fund, provision is made

in the convention at Article 23(2) for using a currency unit based on gold.

Significantly for passengers, the convention makes it easier for them or their relatives to bring legal action. In addition to the jurisdictions in which legal action for damages may now be taken under the Warsaw system, the Montreal convention allows legal action to be taken in the state where the passenger lives if the carrier operates services to or from that state. That will, in almost all cases, allow the passenger to take legal action in the courts with which he or she is most familiar.

The new Montreal convention will supersede the Warsaw system in every state which ratifies it. However, the Warsaw system will continue to apply to international air travel where either or both states has not yet ratified the Montreal convention. The Bill deals with that by providing that the most recent convention common to both Ireland and another state will apply to air travel to or from that state. The rules of the Montreal convention are already included in European law for all European airlines and their passengers through EU regulations. Ratification of the Montreal convention will extend the higher liability limits worldwide, thereby providing very significant benefits for passengers travelling with non-EU airlines.

Ratification of the Montreal convention by all EU member states and the European Community before enlargement day on 1 May 2004 will ensure the Montreal convention will automatically extend to the ten accession countries when they become members. Ireland, as EU President, will be holding a major celebration on 1 May 2004 to mark the accession and it would be most inappropriate if it were the only country preventing Community ratification before that date. If the convention is not ratified by the Community before enlargement, the whole process of ratification will be delayed.

I now turn to the main provisions of the Bill. Sections 1 to 3 contain standard provisions in legislation, the short title, the purpose of the Act and interpretations. Section 4 provides for the two versions of the Warsaw convention and the new Montreal conventions to have the force of law in Ireland. The first two are already enshrined in Irish law in the Air Navigation and Transport Act 1936 which has been amended several times. The texts are set out in the three Schedules to the Bill. The provisions in the Air Navigation and Transport Act 1936, which enshrine the first two conventions, are repealed in section 11 of this Bill. That means all the legislation in the area will be conveniently included in one Act. Section 5 provides for the French language to prevail if there is a dispute about differences between the English and the original French texts of the Warsaw system conventions. Those conventions were originally drafted only in French, and the original French texts are deposited with the Ministry of Foreign Affairs in Poland. Section 6 empowers the

Government to certify which states are contracting parties to this convention. Section 7 sets out the liabilities of a carrier if a passenger dies and specifies who is entitled to claim compensation. It is based on section 18 of the Air Navigation and Transport Act of 1936, as amended.

The Government-sponsored amendments to this section made in the Seanad are for the purpose only of incorporating into this Bill amendments that were introduced into the Air Navigation and Transport Act 1936 by the Civil Liability Act 1996, and which had been overlooked when this Bill was being drafted. Section 8 empowers the Minister to make a notification, as provided for in Article 57 of the Montreal convention. That article allows a state to declare that the convention will not apply to international flights carried out by the state itself for non-commercial purposes or to military flights. There are no immediate plans to make such notifications. However, it is customary in international aviation to treat state aircraft separately from civilian aircraft. Section 9 empowers the Minister to extend the convention to apply to internal or non-international flights. In practice, internal flights are already subject to equivalent provisions through EU law. Section 10 is a standard provision authorising money to be provided by the Oireachtas. It is not expected that the Act will give rise to any additional costs for the Minister. Section 11 repeals certain provisions of the Air Navigation and Transport Act of 1936 and includes some consequential amendments to ensure that this new Act will be taken into account, when appropriate.

I will now give some background to the Montreal convention and describe its main provisions. The Montreal convention represents the successful culmination of work by the International Civil Aviation Organisation to modernise the patchwork of liability regimes around the world. Air carriers operating to non-EU member states are faced with widely differing liability regimes depending on the treaties to which various governments are parties. There are also many private intercarrier agreements which further complicate matters. That the Montreal convention was immediately signed by 52 countries, including many EU member states, illustrates its success. Ireland signed in 2000. In November last, the United States became the 30th country to ratify it, thereby causing it to enter into force, among the states that have ratified it. As soon as the convention is ratified by Ireland, then by the other EU member states and by the Community, it will become part of European Law and will take precedence over the Warsaw convention and any of its amendments and related instruments.

Chapter 1 covers the general provisions of the convention and deals mainly with who and what it covers. Chapter 2 deals with the documentation and duties of the parties relating to the carriage of passengers, baggage and cargo. Articles 3 to

11 deal with the documentation requirements for international carriage by air. Most significantly, they provide benefits to the cargo industry by providing for modernised electronic documentation, including the elimination of the need for consignors of cargo, to complete detailed air waybills prior to consigning goods to a carrier. Consignors may use simplified electronic records to facilitate shipments. Chapter 3 deals with the liability of the carrier and the extent of compensation for damages. Article 21 provides for compensation in the case of death or injury of passengers.

The carrier will be strictly liable for the first 100,000 SDRs, or approximately €118,000 of proven damages for each passenger. This is a great increase from the approximately 16,600 SDRs under the Warsaw system. A carrier may not avoid liability for this amount even if it can prove that the harm was not caused by its negligence. This means that even if an accident was caused by weather or a third party, such as a terrorist, the carrier is still liable for damages up to 100,000 SDRs. The only way that a carrier can exonerate itself from this liability is if it can prove that the passenger for whom the damages are sought caused or contributed to the accident.

In addition to the amount of 100,000 SDRs carriers are subject to unlimited liability if the plaintiff can show that the carrier was negligent. This is a major change from the Warsaw system which placed a low upper limit of 16,600 SDRs on the amount of damages, except in very unlikely cases, where it could be proved that the carrier or its staff intentionally or recklessly caused the accident. Since these limits are already in force in Ireland under European law, there are no cost implications for Irish air carriers. Also, under European law all European air carriers must insure themselves sufficiently to meet these liability limits. Consequently, ratification of this convention will not increase costs for carriers in Europe nor will it lead to increased fares for passengers.

Article 28 provides for advance payments which acknowledges the right of states to have national laws requiring their own carriers to make such payments in the event of passenger death or injury and addresses certain procedural issues related to such payments. In addition, a resolution adopted by the diplomatic conference as part of the final act of the conference, encourages all states to adopt such laws.

European law already provides for advance payments of the type referred to in Article 28. Amounts of at least 16,000 SDRs, approximately €19,000, are to be made without delay to persons entitled to make claims to meet immediate financial needs. These advance payments do not involve an admission of liability and may be offset against the total amount of damages payable.

Articles 29 to 35 provide for rules relating to the basis for making claims and include a new provision allowing persons to bring actions in the state where the passenger lives, if the carrier

[Mr. Brennan.] operates services to or from that state. Disputes may also be settled by arbitration.

Chapter 4 of the convention deals with combined carriage. This is where a person or cargo makes a journey partly by air and partly by surface transport. In that case the convention only applies to carriage by air. Chapter 5 deals with carriage by air performed by a person other than the contracting carrier. This is primarily to cover what is known as “code-sharing” among airlines. Code-sharing is where airline A agrees to carry passengers on behalf of airline B and the tickets issued by airline B carry its flight number. This has become a very common arrangement among airlines as it allows much wider international marketing by, for example, linking internal US flights by US airlines with Aer Lingus’s transatlantic flights. When a claim arises under the convention, a claimant may take an action against the carrier from which the carriage was purchased or against the code-sharing carrier operating the aircraft at the time of the accident.

Chapter 6 of the convention deals with other provisions, such as nullifying clauses in contracts that do not comply with the convention and which require insurance. Chapter 7 contains the final clauses, covering such matters as signature, ratification and entry into force. Article 53 includes provision to allow regional economic integration organisations, such as the European Community, to ratify the convention.

The provisions I have described reflect the many benefits that will accrue under the convention to the air transportation industry, especially its many consumers. The Montreal convention focuses extensively on consumer interests in contrast with the Warsaw convention where the focus was mainly in favour of the then developing international airline industry. One key benefit, not reflected in the provisions, is the benefit of uniformity. Based upon the response to the convention at the diplomatic conference and on communications with other governments since that time, Irish ratification of this convention, which will allow EU ratification by 1 May of this year, will help to achieve a much-needed and long sought after modernisation and unification of the liability regime applicable to international air carriers.

I commend the Bill to the House.

**Mr. P. Breen:** I welcome the opportunity to speak on this Bill. Essentially, this Bill updates the 1936 transport Act and the Warsaw convention and paves the way for ratification of the Montreal convention, which has already been signed by 50 OECD countries.

The provisions laid down in the Montreal convention and this Bill will come as a relief to passengers as they are a major improvement on the liability scheme established by the Warsaw convention. It is important that we pass these provisions to ensure a harmonised approach to the level of insurance held by aircraft carriers.

With the recent increase in terrorist attacks, particularly since the events of 11 September 2001 in the US, it is vital in the event of any catastrophe that passengers can more easily access compensation.

Many airlines now provide cheap flights and operate on a “no thrills and low frills” basis. The provisions in the Bill for dealing with lost and damaged baggage will reassure passengers who feel more and more that the airline companies do not care about them. Many people travel regularly because of the low cost carriers. Ryanair is a low cost carrier in this country and Aer Lingus is taking the same road. Passengers can travel to many European destinations for a few euro and often the taxes are higher than the price for the flight. People are flying more and Ryanair is opening new routes to Spain. I hope the Minister suggests to Mr. O’Leary that Ryanair should open more routes from Shannon.

It is important to have a unified system of standards and rules for air carriers and to have common rules in respect of liability limits for passengers, cargo and baggage in the event of damage or loss. We all know of occasions when damage was done to baggage or baggage was delayed. Increased security measures since the events of 11 September 2001 mean we have more baggage searches and more random searches of passengers. Throughout the US people are now requested to leave their suitcases unlocked for security reasons.

It is also important that Ireland does not delay in ratifying the Montreal convention. As the Minister is currently president of the EU Transport Ministers, it is important the Bill is passed before 1 May and before the accession of the ten new countries. If we do not ratify the agreement by then, we will delay ratification by those ten countries, which could delay its ratification by years. The agreement is particularly important for the new eastern European countries. Many of these have very different work practices in their airlines and do not have modern aircraft fleets. It is important that they ratify the agreement when they join the EU.

Under the Montreal convention, the overall liability of carriers for passengers has been greatly increased from what was established under the Warsaw convention. Compensation for death of a passenger has been raised to approximately €120,000 compared to the €25,000 awarded by non-EU carriers. The upper limit for damages for accidents is removed and the range of jurisdiction for which claims for damages may be brought has been extended. This Bill provides for a maximum fine of €520 per kilogram for lost or damaged baggage. It also clarifies the duties and obligations of carriers in respect of passengers’ baggage and places responsibility on them to prove they were not negligent in handling baggage. This means the passenger no longer has to prove the fault is the carrier’s, which is important.

As I said earlier, many passengers travel on low cost airlines and other carriers. Baggage can get damaged on conveyor belts. After a recent flight my suitcase was saturated when I got it back — it must have been left in the rain. This issue is particularly important when one is transferring from one flight to another.

The most crucial part of the terms of the convention is the extension of jurisdiction. This will make it easier for passengers to take legal action against a carrier for damages. Under the Warsaw convention, action could only be brought in the place of business of the airline, the place of accident, the point of origin or destination of a flight. If an incident occurred during a long haul flight one could encounter problems due to possible language barriers and so on.

The Montreal convention allows action to be taken in the place of residence of the passenger. I welcome this development, especially when one considers the frequency with which people take connecting flights. It is important that one can take an action in one's own country. Many people travel through Heathrow Airport because of the broad range of flights available from this airport, which can give rise to problems with flight connections due to the airport's four terminals. Reports frequently tell of luggage being delayed or arriving with some articles missing.

The Montreal convention will not only benefit those travelling with EU carriers, but also EU citizens who fly with non-EU carriers. EU carriers have high levels of cover, up to €1 billion, but many carriers from non-EU countries have cover for considerably less than this. The EU Commission has brought forward this proposal to ensure that a harmonised global approach to insurance prevails. The regulation will apply to all EU and non-EU carriers and operators that fly into EU airports or use EU airspace. All such carriers will be required to have specific minimum levels of insurance for passengers, baggage, mail, cargo and third parties.

Current regulations require aircraft and aircraft operators simply to have insurance, but do not specify the actual amounts of insurance. The existing recommended amounts are relatively low compared to that held by most carriers in EU member states. The levels of insurance will depend on the maximum take-off weight of the aircraft and insurance must include cover for acts of war or terrorism. Given the age we live in, that is important.

Ratification of the Montreal convention will expand the higher liability limits worldwide, thereby ensuring significant benefits for passengers travelling with non-EU airlines. The Bill will not be a hardship on our airlines, as both Aer Lingus and Ryanair already meet the proposed levels of insurance. Thankfully, they both have an excellent safety record to date and this regulation will not present difficulties for them. The level of insurance cover for Irish-registered airlines is substantial and is well above the levels specified in the new regulation.

Non-EU aviation carriers operating in Ireland are currently regulated by the Department of Transport. The implementation of this regulation is not expected to have significant implications for the Department. The Irish Aviation Authority, IAA, will be responsible for enforcement in the area of individual aircraft licences. More importantly, this legislation will ensure that sufficient funds will be available to meet the compensation costs of an accident in Ireland involving EU and non-EU carriers from any of the states which are party to the convention in Ireland. To avoid complications and ensure that the Montreal convention works, it is imperative that the Bill is passed before 1 May.

The proposals outlined in the Montreal convention promote greater co-operation between airlines, Governments and passengers. The implementation of more strict standards for airlines will result in greater diligence in their everyday operations and a more careful checking of baggage. Airlines will be more prepared to deal with passenger complaints as well as more willing to work together to ensure the overall satisfaction and safety of the individual passenger, which has to be at the heart of the business.

The aftermath of 11 September 2001 and the Madrid bombings gives rise to increased fears of terrorist threats. Flights to the US from Europe are cancelled on a regular basis. Recently, flights to Washington were cancelled from Heathrow and flights to Los Angeles were cancelled from Paris. While the bombings in Madrid affected the train network, it has had negative effects on tourism and the number of people travelling in general, both by rail and airplane. It is important that the necessary security is provided for all travellers. I am aware that the Minister is examining security on the train network, which is important. Airlines and Governments must work together for the well-being of passengers whose safety must be of primary concern. Without such provisions as those specified in the Montreal convention and in the absence of increased co-operation between carriers throughout the world, passengers will not be able to regain the confidence that has been lost as a result of the horrific actions of a few individuals.

While I have outlined many of the positive aspects of the Bill, a few areas still remain which I urge the Government to examine. I am concerned about the issue of ticketless flights. These days, most people have a computer at home. Aer Lingus stated that 50% of its business is done on the Internet and the figure for Ryanair is higher still, up to 80% or 90%. The Bill does not sufficiently address the possibility of confusion arising in this regard. How can a person prove his or her right to a seat on a plane in the case of a ticketless flight. This matter needs to be examined. In the US someone who has booked a flight electronically can approach the counter, punch into a machine and get his or her seat

[Mr. P. Breen.]  
 allocated. The same technology will be used across Europe in due course. That is something about which I am concerned as it is occurring regularly, especially in low-cost airlines.

I hope that airlines make customers aware of their rights under the convention. I am aware that many of these rights are in the small print and that most people do not read them. A customer has to make a claim within 21 days. Many passengers are fed up with the attitude of the airlines and sometimes they just give up on a claim. For example, when a customer calls these airlines, be it at home or abroad, he or she is put on hold and advised that the call will be answered in strict rotation. The customer is kept waiting until eventually he or she gives up in frustration. If it happens at home the problem is not too severe but if it occurs abroad then the customer has to deal with the language barrier and the high cost of calls. This can get confusing, frustrating and it should be examined.

In my own area of County Clare, Shannon Airport is used by military all over the world and not just the US military. Why does the Bill not contain provisions covering the difference between accidents involving commercial and non-commercial flights? If an accident at a military air show happens in an airfield, I am sure that those involved are covered by an insurance policy. Does the Bill cover the possibility of an accident happening outside the airfield and the attendant insurance problems? The Minister believes that there is a difference between state airlines and commercial airlines. The public should have assurances that the military should be held to the same level of accountability as commercial flights. It is not that long since there was an accident involving a US military plane which cut through a cable car in Switzerland. Many died in that accident. It is therefore important that people are protected in that respect. This is especially the case as there are many military flights which operate from Ireland and this issue should be included in the Bill.

I would like to address the current air agreements between the EU and the US. The US is anxious that this Bill is ratified before any agreement is completed between the EU and the US. The Commission has assured the US that the Bill will be ratified before enlargement takes place. I have to commend Aer Lingus on its operating profits this year which were up 30% to €83 million, far ahead of its target of €75 million. Its turnover fell by just over 7% to €888 million, which was largely due to the fact that Aer Lingus has cut its fares to become a low-cost airline. However, I am disappointed with the reaction of Aer Lingus when it decided to push ahead with cost-cutting measures to keep driving fares down. How much more cost-cutting can the workers take? A sum of €83 million is a solid profit by any standards. Despite the Iraq war, the transatlantic routes recorded an increase in passenger numbers

of 19.4% to 1.1 million. Aer Lingus also carried 2.1 million passengers on its European routes.

I am aware that it is planning 13 new routes this year to Europe which include Berlin, Venice, Bilbao, Valencia, Lyon, Zurich, Dubrovnik and Warsaw. Shannon Airport was the only airport that suffered after 11 September 2001. Aer Lingus should consider some routes out of Shannon to continental Europe but I do not believe it will do so, given the comments made recently by Mr. Willie Walsh. He claimed that Aer Lingus has been restricted by the current US agreement. He stated that he would like to open five new destinations to the US but he is required to serve Shannon and Dublin on an equal basis. That statement is quite worrying for the future of Shannon Airport as he seems frustrated by the current arrangement. He hopes to grow the transatlantic business, provide additional low-cost fares and provide five new routes; Dallas, Philadelphia, Florida, San Francisco and Canada. I gather that these routes could all be out of Dublin. Looking at the pattern of job lay-offs and other cabin crew problems, I believe that Aer Lingus is consolidating its business out of Dublin to prepare for privatisation in the long term. I am disappointed given that Aer Lingus has been the backbone of Shannon Airport over the last 60 years. It has had excellent relations with people in the west of Ireland and the mid-west area in particular. There has been a gradual erosion of services out of Shannon since 11 September 2001 and it looks like Shannon will again be the big loser in 2004. For instance, flight EI 111 is now operating out of Dublin. That means that there will be less passengers coming through Shannon Airport because the percentage of the flights will be sold out of Dublin. The Boston flight that operated seven days a week last summer, EI 135, has been reduced to five days a week. This is occurring despite the fact that the flight was overbooked throughout the summer season and passengers had to stay overnight in Shannon. I do not know what is the agenda of Aer Lingus when it reduces the Boston flight from seven to five days a week. There is also the case of the American company, Crystal Travel, which was instructed by Aer Lingus to sell seats out of Dublin before Shannon. Aer Lingus should consolidate its existing routes out of the US. It currently has five routes into the US. It should be doing much more marketing. It is obvious that it is not doing sufficient marketing in the east coast. Looking at the 2004 schedule, there are just two flights a day from Shannon and Dublin to the US when there should be at least another flight for the summer period. US Air, which came into Shannon Airport last year, had 94% occupancy on its flights, which was based on successful marketing and a good hub route. It is worrying that this year there will be 48 additional charter flights into Ireland, organised by travel agents and operators in America. More charter flights are coming into Ireland this year because operators in America believe there are not

sufficient scheduled flights to Ireland from the US. I am aware of this from talking to passengers who cannot get a flight out of Shannon on a particular day because there is just one flight. Many tour operators operate US flights out of Heathrow Airport. Aer Lingus is losing revenue as a result, which is frustrating.

It is worrying that charter flights are replacing scheduled flights, rather than Aer Lingus consolidating its existing routes. There are many Irish-Americans on the east coast, therefore, Aer Lingus should operate more flights to Boston, New York and other east coast areas. Florida as a destination is open all year round. Obviously flights to the mid-west, particularly to Dallas, where there are adverse weather conditions throughout the winter, will be just a seasonal business. Aer Lingus needs to consolidate its business.

The charter flight service is worrying. The Minister should encourage Aer Lingus to operate more scheduled flights in existing routes. The Bill refers to the code-sharing practice of airlines. Aer Lingus code-shares in the One World Alliance with American Airlines. Could it code-share with other US carriers, particular in the other hubs? I know there is a problem with carriers in America where it is probably given just so many seats. Perhaps it could code-share with other US carriers such as Delta, US Air or North West who have hubs all over the US, whether in Detroit or Memphis.

I worry about the cabin crew dispute. Despite its huge profits, workers in Shannon are being sacrificed as a result of the latest cuts by Aer Lingus. Given the wages and family commitments, it is not practical to expect people to transfer to Dublin. I condemn this move by Aer Lingus, particularly given that it made a profit of €83 million. It flies in the face of the Government's decentralisation programme whereby employees of other State bodies are being asked to move to the country on a voluntary basis. Aer Lingus employees are being asked to move to Dublin on a compulsory basis.

I hope the Minister will take on board my views. I welcome the Bill which I hope will have a speedy passage through the House.

**Mr. Shortall:** I welcome the Bill. From the Labour Party's point of view, we are happy to facilitate its quick passage through the House over the next couple of weeks.

However, I take issue with the manner in which it has been handled. While Ireland signed the Montreal convention in 2000, it is incredible that it has taken up to four years to ratify it and to introduce legislation. It is even more surprising it has taken so long given the deadline of 1 May. All of us accept it is important that the deadline is met and that the convention applies to existing member states and the accession states. It will apply automatically, provided it is passed before 1 May. While I do not think anyone wishes to obstruct that intention, I would like to know why

it has been left to the last minute. We have had four years to deal with the matter and I do not see why it was not possible to introduce legislation before now without putting people under pressure to debate and finalise it.

The transport committee met at 2.30 this afternoon. There was a telephone call from an official of the Minister's Department notifying the clerk to the committee that the Bill had been referred to the select committee before Second Stage had even started. We were asked to deal with Committee Stage by next Wednesday, 31 March. It is an indication of the rushed approach to the legislation, which is not good practice. Given that we have had almost four years to deal with the issue, it would have been better if it had been handled in a more considered and slower manner.

I welcome the legislation, which ratifies the 1999 Montreal convention. That convention is to be welcomed because it restates the Warsaw convention and subsequent amendments, and consolidates all these provisions into one Bill. It provides for common rules and liability for the carriage of passengers, cargo and baggage. The eventualities of damage, delay or loss were adequately covered in the conventions. The Montreal convention provides a major improvement in the reliability regime provided in the Warsaw convention. I welcome the related instruments on passenger rights in the event of an accident. The convention holds carriers liable for damages up to 100,000 special drawing rights. It removes the upper limit on damages for victims of accidents. It provides for advance compensation payments where immediate expenses occur, which is important. People can find themselves in a very distraught situation, very often abroad, where there is an immediate need for cash in order to pay for immediate expenses. There is provision for that kind of advanced payment, which is welcome.

It also extends the range of jurisdictions to which the convention applies. At a time when there is an increasing number of code-share arrangements, it is important that it clarifies the obligations and duties of carriers involved in such arrangements. In regard to the carriage of cargo, the legislation provides for a modernising of the system of documentation. It will make it easier for passengers to bring actions in their home state, providing the carrier concerned operates into or out of that state. If a claim can be processed through one's home state, it makes it much easier in terms of potential language barriers, access to one's established legal advice and the use of domestic courts, which is a welcome provision.

This is, by and large, a technical Bill. It is not open to us to amend any of the Schedules to the Bill or to amend the convention. The Bill itself is very short. The Labour Party will table a number of technical amendments where there are difficulties. There are just 11 sections but there are difficulties with approximately four of the



[Mr. Shortall.]

sections, some of which are minor. In section 1 there is no reference to the existing air navigation Acts, an omission that should be rectified. Section 2 is meaningless, it merely restates the long title of the Bill and it should be removed.

There are provisions for the making of ministerial orders in sections 6 and 9 and I am concerned that there are no controls over those orders. It should be necessary for the Minister of the day to lay those orders before both Houses and, ideally, there should be an opportunity to debate them. There is no such provision in the legislation as it stands and that weakens it.

It is strange that in both of those sections there are references to the need to give notice of orders by publishing them in *Iris Oifigiúil*. That requirement already exists under the Statutory Instruments Acts and I am not sure why it has been restated in this Bill. The only conclusion I can draw is that it is intended to diminish the provisions of the Statutory Instruments Acts. It is either superfluous or there is another reason for this and I would like to hear an explanation for the reference to *Iris Oifigiúil*.

The Minister referred to section 5 in his own speech, stating that there might be inconsistencies between the English language text and the text in French. In that situation, the exact provisions of the French text will prevail. If that is the case, why is the French text not provided as a Schedule to the Bill? The section states that the French text prevails and the French text of the provisions is deposited in the archives of the Ministry of Foreign Affairs of Poland. It is ludicrous that such a situation could exist. A person would not want to be in a rush to obtain the French text if he or she has to go routing through the archives of the Ministry of Foreign Affairs of Poland. It would have been much easier to attach the French text as a Schedule to the Bill or at least to lay it before both Houses in the Oireachtas Library. That should be addressed because we should deal with it in a more practical way.

Apart from that, I have no difficulties with the legislation. This is a straightforward, technical Bill and the Labour Party is happy to co-operate with its swift passage.

**Mr. Eamon Ryan:** I wish to share time with Deputies Crowe and Connolly, members of the two wings of the Technical Group who will assist the fuselage.

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

**Mr. Eamon Ryan:** I agree with Deputy Shortall that it would be entertaining to see the Minister scurrying over to the archives of the Polish Ministry of Foreign Affairs.

All parties support this Bill and I cannot see Committee and Report Stages being contentious. I will comment, however, on how we deal with this legislation. I looked at the manner in which

the British handled the passing of this Bill. The British Department of Transport, Local Government and the Regions decided not to secure parliamentary time for the primary legislation but to amend the 1961 Act by affirmative secondary legislation. Perhaps the Minister will tell us in his reply if this might be possible in this case. There is a difficulty with Bills coming through the House that we cannot amend because they are tied to international conventions. It should be easy to find a mechanism agreed by the parties where non-contentious legislation would not use up valuable parliamentary time unnecessarily. The process of parliamentary debate is useful, it allows us to raise faults in legislation that would otherwise escape attention and I would never denigrate our fundamental role as legislators. However, with certain Bills, particularly those with a deadline, we might look to the example of Britain where this was achieved by affirmative secondary legislation, and see if we could follow a similar model. If not, I would not have a problem but it would be interesting to see if we could have dealt with this legislation in this way.

I broadly welcome this Bill and the Minister accurately reflected what it will achieve. The replacing of the Warsaw convention, which largely focused on the needs of the developing international airline industry, with the Montreal convention, which is more focused on consumer interests, is welcome. We should be able to pass this before 1 May, allowing the accession states to become party to it. I doubt people will be dancing in the streets on 1 May to U2 because we have passed the air navigation Bill but this House should be able to pass it by then.

The provisions in Article 57 of the convention allow state aircraft, particularly military aircraft, to be excluded under the terms and conditions of the convention. I am surprised to see that we are including this as a possibility because only three other countries that have passed the Bill have applied this article — the United States, Canada and Japan.

I echo Deputy Pat Breen's concern, given the dramatic increase that has taken place in recent years in military traffic over Ireland and landing at Shannon Airport, about the provisions if there is a serious accident involving such foreign military aircraft which are exempted under the provisions of this convention. The Minister knows the figures — there were 3,691 foreign military over-flights in the last year, up from 2,460 in the previous year and only 1,770 the year before that. We are seeing a massive increase in the use of Irish airspace by foreign air forces. This year ten American divisions, 120,000 troops, have used Shannon Airport as their base in transit on the way to Iraq. Given such volumes the chances of an accident occurring are increasing significantly. What provisions are there if there is an accident involving a US, Japanese or Canadian military aircraft over-flying Ireland or if there is loss of

life on the aircraft or on the ground? What consequences and liabilities would arise?

Will the Minister outline the circumstances in which this State would apply this? Why, of all the 50 countries that have signed up to this protocol, have only three opted to use Article 57 to exempt military and state flights? In what circumstances would we apply the provisions of the article? We now have good international co-operation in aviation. While doing some research on the regulation of international shipping recently, it struck me that there is an astonishing lack of regulation in this area, with flags of convenience being used in many cases to remove the obligation to abide by standards, including international and local labour standards. While I welcome the Bill as a good example of international co-operation in action, I regret it is not in place in other areas of the transport sector which have an international dimension.

To follow up on the military issue, this is a good example of how international co-operation can work and the international community can do its business. Many of the problems and issues we face, whether in protecting consumers, the environment or our economy, must be addressed on an international basis. It is ironic that the United States Government, under President Clinton, gave the convention legal force when it became the 30th state to sign it, given that the US has been extremely remiss in failing to sign and support the Kyoto agreement.

As regards Deputy Pat Breen's comments on the development of our aviation industry and the possibility of flights from every Irish airport heading in every direction, we need to recognise the massive environmental costs involved in high speed aviation. The damage being done by aircraft at a high stratospheric level, which has been recognised by a royal commission established by the United Kingdom Government to investigate this issue, will have massive consequences in terms of global warming. These will impose a limit on the development of the aviation industry and this should be acknowledged in every discussion of the sector.

**Mr. Crowe:** I am grateful for the opportunity to speak on the Bill. It is a welcome development in international air travel and Sinn Féin will support its broad parameters. The Bill will enshrine in Irish law the Montreal convention, which is designed to eventually replace the 1929 Warsaw convention.

It is amazing to consider the development of air travel in the 75 years since the Warsaw convention was signed. Back then, there were no jet engines, the notion of flying non-stop from Europe to Japan was inconceivable and travel by air was a far more hazardous choice than it is today when thousands of people fly through Irish airspace daily.

I note that the Government has taken the opportunity to restate the existing provisions of the Warsaw convention in order that the law

operating in this area is contained in a single Act. This is a welcome convenience. The proposals set out in this legislation will have significant and positive benefits to passengers travelling on aircraft. The legitimate question which arises, however, is why it has taken so long to be introduced in the House.

In April 2001, the Council of Ministers met and considered the convention in Luxembourg. The Council welcomed the convention and the phasing out of the old Warsaw convention, describing the proposals as major and urgent steps for international aviation in general and, in particular, to promote the rights of air passengers. It also called on all EU member states to ratify the Montreal convention as soon as their national constitutional requirements permitted, with the aim of co-ordinated deposition of instruments no later than 31 December 2002. It is three years since that Council meeting and 15 months since it requested that the convention be ratified, yet the House is only now examining the relevant legislation.

It is safe to say there are few serious objections to this legislation, which has been universally welcomed in this House. As I have no doubt the Opposition will facilitate its swift passage, I am a little curious as to the reason it has taken so long to reach this point, given that the Government signed the convention in 2000.

If the Bill before us was more controversial, it would have been better practice to have more time for debate instead of rushing it through to make a deadline of 1 May, which appears to be one of the central arguments advanced in favour of the last minute rush of this legislation. We are told that if ratification is completed by all EU member states before 1 May, it will mean the Montreal convention will be automatically extended to the ten new accession states. While I can see the convenience of this approach, I would welcome clarification from the Minister as to whether the accession states were made aware of this or consulted or asked their opinion on the convention. As positive as the legislation is from our point of view, some of the new member states may have wished to extol its merits or demerits.

It has also become clear in recent months that, as Sinn Féin predicted in the context of the Nice treaty debates, the less than generous terms extended to the accession countries on entering the European Union have become gradually less generous in the intervening period. Rushing legislation through to ensure it can be ratified to apply to the new member states strikes me as extremely dubious practice, unless the Governments in question were thoroughly consulted beforehand. Will the Minister clarify whether this was the case?

The Montreal convention removes the upper limit the Warsaw system imposed on compensation claims by passengers involved in an accident. This is a significant and welcome change from the current, extremely low upper limit on damages of €16,600. It came as a surprise,

[Mr. Crowe.]

however, to discover that, according to section 7, a limit of €20,000 will be set for damages claimed for mental distress. Since mental distress is not included in the Montreal convention, I can only assume that this is a specific limit imposed by the Government. If this is the case, it raises a number of serious questions. Why is the Government imposing such a limit when the upper limit for accident victims is being removed in the Montreal convention? Does it not appreciate the severe mental distress which can result from airline accidents? Does the Minister not accept that it is conceivable that someone involved in such an accident might never recover mentally from such a traumatic experience? We hear of the nightmares, cold sweats and insomnia from which some people involved in automobile accidents suffer. This would surely be multiplied in the case of an aircraft accident.

Why was the figure of €20,000 selected and on what basis? Did any outside consultation take place on the question of including a limit in the first instance or on its size? An upper limit for one type of injury does not appear to follow any logic. I would welcome an explanation from the Minister and I ask him to introduce amendments on Committee Stage to change this provision.

I am also concerned about section 8, which gives the Government power to make non-commercial state and military flights exempt from the terms and conditions of the convention, although I accept that the Government has indicated it has no plans to make flights of this nature exempt. For a neutral country, Ireland has a large number of foreign military aircraft flying overhead. These include warplanes and military transports moving through Shannon Airport as part of the illegal American war effort in Iraq which is being pursued with the support of the Government, and the occasional so-called accidental straying of British military aircraft and helicopters across the Border. In recent months, two Lynx helicopters crashed in the Six Counties and it was only through luck that nobody was injured or killed on the ground.

Although the Government has chosen not to exempt state non-commercial and military flights, is it aware of whether the United States and British Governments have exempted such flights from their application of the Montreal convention? While I understand the Rome convention deals with compensation for people on the ground in the event that such an aircraft were to crash, it would be of little use in current circumstances since it has not yet been ratified by a sufficient number of countries.

We must also consider the possibility of British or American military flights being involved in mid-air collisions with civilian aeroplanes. Will the Minister clarify whether military and non-commercial state flights carried out by foreign Governments in Irish airspace come under the scope of this legislation? Will he state what implications the convention has for Irish

passengers who might be involved in a collision with flights of such a type or be killed or injured while on the ground in the event of a crash?

Debate adjourned.

### Private Members' Business.

#### Social Welfare Cuts: Motion.

**Mr. Penrose:** I move:

”That Dáil Éireann:

— noting that there are approximately 120,000 persons in receipt of contributory or non-contributory widow/er's pensions;

— conscious of the enormous social and financial difficulties that they face following the loss of a spouse and that many are forced to work in order to provide for the welfare and education of their families;

— deplores the decision of the Government to end the entitlement of this group of recipients to the additional half-rate payment of disability benefit, injury benefit and unemployment benefit as part of the savage sixteen social welfare cuts, which was based on the social insurance contribution they had paid;

— further deplores the decision to apply these cuts to those on lone parent payments;

— notes that while the cutback will create severe difficulties for widow/ers and lone parents, the saving to the Government will be less than €6 million;

— calls for the reversal of this mean and miserly cut especially against the background of positive exchequer returns for the first two months of this year, which show tax returns running €430 million above the level forecast, and

— urges the Government to give a commitment to the early extension of the social welfare free schemes to widow/ers who do not currently qualify.”

Is the Minister, Deputy Coughlan, coming to the House?

**Mr. Brennan:** I will pass on the Deputy's comments to her.

**Ms O'Sullivan:** She should be present.

**Mr. Penrose:** I am disappointed the Minister is not here, as this is an important issue. I presume she will arrive.

**Acting Chairman (Mr. Sherlock):** Ar aghaidh leat, a Theachta.

**Mr. Penrose:** I wish to share my time with Deputies Ring and Boyle.

**Acting Chairman:** That is agreed.

**Mr. Penrose:** This motion has been tabled by the Labour Party in co-operation with our colleagues in Fine Gael and the Green parties, whom we thank for their support.

The number of people directly affected by this motion is quite small, perhaps not much more than about 2,000. The amount of money involved is tiny when compared to Government expenditure of more than €40 billion in this current year. However, the issue involved is of crucial importance and goes to the heart of determining the sort of society we want to create. The issue involved raises questions about the degree of financial and other support we are prepared to give to the most vulnerable in our society. It raises questions about who should be asked to suffer when a Government decides that, for whatever reason, savings have to be made and cutbacks imposed.

Members may recall that on 13 November last the army of Government advisers and spin doctors was mobilised for the Minister for Finance, Deputy McCreevy, to publish the Book of Estimates at a press conference in Government Buildings. The Government announced spending of €40 billion for 2004 and, unlike the previous years, there were few cutbacks so the Government was determined to milk it for all the positive publicity it could. However, at the same time this was happening, across on the other side of the city the Minister for Social and Family Affairs was slipping out an announcement of a series of very significant changes in the social welfare system. In the mass of media coverage of the Book of Estimates, this announcement received very little attention. On the day the Minister, Deputy Coughlan, made her statement, I identified it, on behalf of the Labour Party, as a serious attack on the poorest and most vulnerable sectors of our society. There were 16 cutbacks announced and I said these savage 16 were every bit as vicious and nasty as the infamous dirty dozen cuts that had been imposed by the Minister, Deputy McCreevy, when he was Minister for Social Welfare in the early 1990s. What, I asked, were we to make of the mind set of a Government that continued to provide generous tax breaks for its wealthy supporters, while singling out children, the unemployed, one parent families, the disabled and other vulnerable sectors for cutbacks? I went on to warn the Government that these cuts would be the slow-burner of the Estimates and the decisions announced by the Minister, Deputy Coughlan, would, in turn, come back to haunt her backbenchers.

While the primary focus of our motion is the plight of widows, widowers and lone parents, it is important to remind the House that the savage 16 cutbacks impacted on a whole range of social welfare recipients and a significant number of entitlements. There were cuts in supplementary welfare allowance, for those with special dietary

needs and in crèche payments. Restrictions were imposed on the entitlement to rent supplement, which has created severe difficulties, especially for lone parents and others hoping to start their own homes. However, the decision of the Government to end the entitlement of widows, widowers and lone parents to the half-rate payment of disability benefit, injury benefit and unemployment is one of the meanest and most unnecessary of the savage 16 social welfare cuts announced by Minister, Deputy Coughlan, last November.

The Labour Party made a major effort to highlight the impact of these cuts. We held a press conference to highlight our concern about them. We launched a campaign against them and printed and distributed more than 50,000 leaflets. However, despite our best efforts, and the valiant efforts of many community and voluntary organisations, many social welfare recipients were unaware of their impact, until the necessary ministerial orders were made in January and last month and the cuts began to bite. That is exactly what has happened in regard to working widows and lone parents, who have been paying their social welfare contributions and who now suddenly find that the financial safety net they previously enjoyed if they lost their jobs or fell ill, is no longer available.

It is difficult to think of a meaner or more spiteful cut than the one that is the subject of this motion. The loss of a spouse is a traumatic event that can place enormous social and financial pressure on the surviving partner. Not only is the surviving partner left alone to cope, but now he or she must find the money and resources to provide for the education and welfare of his or her family. The widow's pension is so modest that, even if the person wanted to remain full time in the home, many have no option but work to provide for the welfare and education of their families. It is almost beyond belief that these people, who should be supported in every possible way, are instead targeted by the Government for a cutback. It is now clear that there was no financial justification for this cutback which will save the Government less than €6 million this year.

When she came under pressure on "Morning Ireland" towards the end of last year, shortly after the publication of the Estimates, the Minister, Deputy Coughlan, said she had no alternative but to impose these cuts as she had been instructed by the Department of Finance to find cutbacks of €56 million. This is the same Minister and Department of Finance which had the Minister for Social Welfare preside over the dirty dozen cuts back in 1992 when the Minister tried to emasculate the social welfare system then, but he did not succeed because when we returned to Government we reversed most of those cuts. However, revenge was taken with an axe in the context of these cuts we are debating.

We now know the Government was in a far stronger financial position than it was prepared to

[Mr. Penrose.]

admit at the time of the Estimates or the Budget. Within weeks of the announcement of the savage 16 cuts we had end of year financial returns, which showed that borrowing last year was almost €900 million below the projected level and that tax revenues were almost €450 million ahead of target. When one puts the two together, there was €1.35 billion. The Exchequer returns for the first two months of this year show that the situation has improved even more dramatically since then.

**Ms O'Sullivan:** Here, here.

**Mr. Penrose:** At the end of February, just two months into the year, the tax take was already running more than €430 million ahead of target.

**Mr. M. Higgins:** Here, here.

**Mr. Penrose:** In other words, in the first two months of this year the Government has already taken in eight times more in additional tax revenue than the €56 million it will save by the imposition of the savage 16 cuts and more than 70 times the amount it will save by penalising working widows and lone parents. Even if the Government had decided that cutbacks were necessary — the figures I quoted show they were not — surely there were many other groups in Irish society who could have been asked to make the sacrifice required rather than asking widows to make the ultimate sacrifice. For instance, the Government could have reviewed the €100,000 per day it pays out for consultants. If the Government dispensed with the services of consultants for just two months, it would have provided the money necessary to avoid penalising widows, widowers and lone parents.

**Ms O'Sullivan:** Here, here.

**Mr. Penrose:** The Government could have decided to review the amount of taxpayers money spent on property-based capital allowances, which allowed the top 400 earners in the State to avail of tax benefits worth €70million.

**Mr. M. Higgins:** Here, here.

**Mr. Penrose:** If one asked any ordinary taxpayer if he or she would prefer his or her hard earned taxes going to provide a little protection for widows or to feather-bed the super-rich, I have no doubt what answer one would get.

**Mr. Howlin:** Here, here.

**Mr. Penrose:** It is not too late for the Minister to revisit this issue and do a U-turn. The Committee on Social and Family Affairs, of which I am chairperson, prepared a detailed report on carers and it brought forward 15 recommendations. One of the central recommendations was that widows and widowers

who are providing essential care for their elderly relatives or a young person who is handicapped, would get half the carer's allowance paid to them. This means that report has already been consigned to the dustbin because widows and widowers who have paid their contributions cannot get the half rate to which they are entitled. What chance do they have of getting one penny of the carer's allowance from this ideologically-driven, right of centre Government? This is in the context of the millions of euro widows, widowers and lone parents save by providing care for their loved ones who are incapacitated or suffering from a long-term illness.

According to my correspondence, the people affected by this sneaky and sly cut do not want sympathy. They want back what they paid in. They have paid their PRSI. This is not a charity. The PRSI fund is a contract between employers and employees. The Government has already raided the fund in order to feather-bed its election campaign. The Government has no right to take money from the fund and still deny widows, widowers and lone parents what they are fully entitled to. It is a contractual obligation and I wonder, in law, if one can unilaterally change the terms of a contract which was entered into six or seven years ago.

The Minister is under pressure from her backbenchers this evening. The Minister for Finance, the Tánaiste and others impose massive cuts on those least able to bear them and are always the focus of their attention. I ask for nothing more than a recognition of the contributions these people have made into the social fund which is sacrosanct. This is what widows and widowers are looking for.

The Minister must surely appreciate that for the sake of €5.8 million, this cut is having a significant impact on the people affected. What is especially noteworthy is the reaction of the general public who are bewildered and bemused that such a measly cut should be implemented at a time of apparent plenty and with great manifestations of wealth — when people can jump into helicopters and go wherever they want and are well featherbedded with generous tax reliefs. The people have expressed themselves on the radio in the past fortnight and they have made their voices heard about the cut. In their view, it is an injustice which must be remedied. The cut has the effect of perpetrating an injustice against the most vulnerable who have made their appropriate contributions and feel entitled to their payments as of right.

The Labour Party has always stated that when the insidious nature of these cuts impacted at individual level, they would provoke the wrath and ire of those upon whom they impacted. As I stated in my contribution to the House on 11 March 2004 when we debated this matter, this issue has erupted like a volcano and it will not rest until this cut is rescinded and the benefit restored to widows, widowers and lone parents who are duly entitled to it.

It is not too late for the Minister to do a U-turn on the issue. She would not be the first to do so. She should do the decent thing by reversing this cut and beginning a full review of all the “savage 16” social welfare cuts.

**Deputies:** Hear, hear.

**Mr. Ring:** Since I came into this House in 1994, I have seen many debates and people angry about many issues. A widow of 57 years of age came to me in my office yesterday. She does not get free schemes. She raised a family of children when her partner died. She worked and at times had to leave work simply because there was none to do. Some weeks ago she went to the local social welfare office and was told that she would no longer receive her “stamp money” or PRSI as we now call it. This is an attack on the most vulnerable in society. It is an attack on the weakest.

In a newspaper on 14 March I read an article which stated, “Magnier gets €4 million a year from one horse” and “shares in stallions pay €17 million in dividends”. That is what people think about the horse industry in Ireland — they do not pay one penny in tax. Some 400 Irish people live abroad — they fly in and out and use this country. They do not pay a penny in tax to this country and are not being policed by anyone because we do not know whether they are here or abroad. However, we know they have not subscribed one penny to the taxpayers of this country. They are not helping the widowers, widows, lone parent or people on social welfare. These are the people the Government has looked after week in, week out, month in, month out. It is a disgrace.

**Deputies:** Hear, hear.

**Mr. Ring:** A woman came to my clinic yesterday and I do not like to say this but she asked if I knew the Minister, to which I answered that I did and that she was a nice person. However, the woman replied that the Minister is so mean she makes Scrooge look like Santa Claus. The Minister should know that people are angry.

Sometimes we complain about RTE and other radio stations. However, I compliment “Liveline” and Joe Duffy for having people tell their stories on air. There was one sad story after another. It annoys me that we are saving just €5.8 million through this cut and we are attacking the most vulnerable in society — the forgotten people who are the widows and widowers who have been let down over the years by not being looked after.

Deputy Penrose referred to the free schemes. The 57 year old woman who visited me yesterday told me that she now has to live on a widow’s pension and does not get the free schemes. Should she not get the free schemes? Is she not entitled to be looked after as well as the 400 rich people living in Spain and Malta rather than in Ireland? It is outrageous.

I do not want to hear hypocrisy from the Government backbenchers telling us how sorry they are when they are doing nothing within the parliamentary party or on the backbenches to have this issue resolved. It is a wonder they are not out on the plinth this evening.

**Mr. S. Ryan:** Where are the backbenchers?

**Mr. Ring:** Where are they tonight? A fortnight ago, Deputy Penrose and I forced them into a vote in the House on this issue. Tomorrow night we will give them a third opportunity to do so. Members of Fianna Fáil, the Progressive Democrats and some of the Independents — the hypocrites who support Fianna Fáil on a day-to-day basis — need to come out and we need to see how they vote tomorrow night. I am sick and tired of them supporting the Government.

**Mr. F. McGrath:** I hope the Deputy is not referring to me.

**Mr. Ring:** I am talking about the Independent Deputies who vote with the Government every time. They call themselves Independents but I am more independent and I am in a political party.

**Mr. Crawford:** That is true.

**Mary Coughlan:** No truer words spoken.

**Mr. Ring:** This is not a big decision for the Minister. She saved just €5.8 million. As Deputy Penrose stated, the Minister announced this cut and two weeks later the spin doctors went to work on it. Between 2000 and 2002, we spent €100 million on spin doctors. They are spinning and spinning and spinning and if one complains about them, one gets a letter from the Ceann Comhairle. They do not like to be named or mentioned although they do not mind throwing dirt when they want to.

The social insurance fund was raided two years ago by the Government before the general election. It took €600 million of widowers’ money and the money of this country’s workers to pay for the election. That fund is in credit to €1.4 billion and the Government has taken €5.8 million away from widows and widowers. Who needs it most? Is it McCreevy, Magnier or Alex Ferguson? We saw the big row over the past two months. They were going to the High Court and Supreme Court in a fight over horses. The members of the Government do not give two damns about the poor people of the country. They have been consistent in that they have attacked them every seek since they came to office. They have made the rich richer, the poor poorer and they are squeezing the middle class.

When the Minister speaks, I hope she will do the honourable thing and admit that the Government has made a mistake and done something wrong.

**Mr. Stagg:** This is nothing to laugh at.

**Mr. Ring:** The Minister should apologise to the widows and widowers of the country and announce her intention to redress the wrong that has been done. It will only cost €5.8 million. If she does this, the Opposition will say: "Well done, Minister, you have done the right thing". There will be no hard feelings.

Why has the Government angered so many people? Sons and daughters of widows and widowers know how much their parents worked to raise their families. Now, when they most need help, they are attacked by the Government while the super rich get away with murder.

We heard promises with regard to medical cards. Before the previous general election, we were told that 300,000 extra medical cards would be made available to the poor. What did we get? After three years, 47,000 fewer people have medical cards. The Minister and her public relations team meet groups which represent the weak and poor. She tells them that she understands their problems and will try to deal with them while her spin doctors are busy sending out press releases. The minute she goes behind closed doors, she introduces social welfare cuts. The person in her Department who thought up the dirty 16 should be sent to somewhere such as Vietnam because they could not live in a civilised society.

**Mr. Rabbitte:** Decentralisation is bad enough without sending civil servants to Vietnam.

**Mr. Ring:** The Government is spending €40 million on electronic voting which no one wants. The Punchestown equestrian centre received €15 million without even completing an application form because the horse people involved are friends of the Minister for Finance, Deputy McCreevy. In Kerry, €350,000 was spent on a marina which was built on the wrong site and had to be removed. These are the people who are taking €5.8 million from widows and widowers.

The programme managers are the people I dislike most.

**Mary Coughlan:** There is no such thing any more.

**Mr. Ring:** The Minister will probably announce this evening that she has commissioned another consultant's report from a friend of Fianna Fáil. This will continue until two weeks before the general election when she will announce that she will deal with the matter after the election.

**Mr. Rabbitte:** She will set up an implementation committee.

**Mr. Ring:** The people have had enough. It is my duty to help the people in need. Members of the Select Committee on Social and Family Affairs, including Deputy Penrose and I, fought against the 16 savage cutbacks in the Social Welfare Bill, including the cutbacks in rent

allowance, assistance to crèches and all the little cutbacks which affect a small minority of people.

Will the Government leave the widows and widowers alone and, instead, tackle the 400 tax dodgers who have left the State? The Minister should give back to widows and widowers their €5.8 million. They find it difficult enough to live and raise their families.

Fianna Fáil backbenchers should not shed crocodile tears. Progressive Democrats Members do not even think it worth their while to be in the House. I ask them to vote with the Opposition to reverse this nasty, dirty and mean cut. We do not want to hear about all the money they spent since 1997.

**Mr. Carty:** We did.

**Mr. Ring:** Let us compare the price of a loaf of bread in 1997 with the price today. ESB charges have risen by more than 25% in the past year. People on low incomes find life difficult and voluntary organisation inform the Minister of these problems every day. The Society of St. Vincent de Paul has never had as many calls for help as it had this year.

The Minister has made a mistake. She was led up the garden path by her officials and the Minister for Finance. That Minister, Deputy McCreevy, has looked after the horseracing industry. Will the Minister for Social and Family Affairs look after the poor and the weak? She should look after the widows and widowers who supported their families and did not let them down. I say shame on the Government for letting down the widows and widowers of the country.

**Mr. Boyle:** The Minister can feel slightly more comfortable now that she has been joined by three of the 87 Members on the Government side, although there is no representative in the Chamber of the "no such thing as society" party. This speaks volumes for the Government and for the nastiness and vindictiveness of this cut which is deserving of so much opprobrium from this side of the House and from the wider society.

The Green Party is pleased to agree to the moving of this motion and thanks the Labour Party for making its Private Members' time available to have it debated in the House. This is the first debate on a three party opposition motion since the Fianna Fáil Ard-Fheis. I remind the House of the last line of the speech by the Minister for Finance, Deputy McCreevy, to that Ard-Fheis. He said: "We have had the pain; let us share the gain". This encapsulates the philosophy of the Government and begs a series of questions. Who is meant to suffer the pain, who has suffered it and who is to achieve the gain? Of the savage 16 social welfare cuts, this one identifies clearly those who are most likely to suffer the pain which has been inflicted by the Government and who are least able to do so. On those grounds alone, we must oppose the

Minister's actions with all the vehemence we can muster.

It is not only widows and widowers who are affected by this cut. Lone parents can no longer enjoy — a bad choice of word — half-rate disability or unemployment benefit. At the heart of the Minister's Department there appears to be a double jeopardy rule. A single social welfare payment, inadequate as those payments are, is deemed to be enough for any citizen. Any means related or social insurance related benefit added on to that must be ignored, even when it is a carer's allowance or a benefit to which the recipient has contributed. Not only is this a cut that was made mistakenly, it is a philosophical cut which the Minister and the Government have made deliberately because they do not believe in the idea of anything other than the deserving poor and people who deserve a social welfare system on the basis of how they contribute and have contributed to our society.

On the other side of the equation, we see those who have enjoyed the gain. Those people have not been asked to share the pain of any of the policies implemented by the Government. We see the growing disparity between rich and poor. We see a tax system which rewards people for owning property and for having capital yet penalises people who need social welfare as a cushion or as a crutch, as do many of the families affected by this payment cut. Our society is limping because of the Government's social welfare policy.

I regret that the Minister is failing the people she is meant to represent at the Cabinet table. As regards discussions on the Book of Estimates, the Minister is responsible for social and family affairs. She must ensure that the people's entitlements are not only recognised in terms of changing social realities, particularly in terms of keeping pace with rising costs, but also protected. The Minister has introduced only her second set of Estimates, but she has failed this important sector of society. I await the Minister's argument on behalf of the Government as to how such a cut is necessary and why it should be sustained. This cut cannot be justified.

As regards the monetary cost, it is not even one third of the cost of the Punchestown racecourse event centre, which the Government seemed to be able to put through on a nod. It is a fraction of the cost the Department lost through faulty IT systems in recent years. When the Minister makes such decisions as part of the stewardship of her Department, she must take responsibility. The Government must also take responsibility for the likely effects.

As regards the aftermath of the decisions the Minister made and her justification for them, one thing the Department failed to do was to analyse the effects of the cuts. The Minister did not seek to examine how they would affect widows and widowers or how the cut in supplementary welfare benefit would affect the increasing numbers of homeless people. She did not examine how the cut in crèche benefit would

affect lone parents who have been hit two or three times by the series of cuts the Minister introduced at the end of November. She did not consider how those caught in a poverty trap could use innovative schemes, such as the back to education scheme, to find a route out of the darkness in which they find themselves. The Minister closed that door in the face of many people in our society when she introduced that series of cuts in the Book of Estimates. Some of them are here this evening, while many more are outside the Chamber. I hope the Minister shows some compassion because I have given up hope that the Government has any. The junior partners in Government lack compassion.

We are talking about more than economics or book-keeping exercises; we are talking about the way people in society relate to each other. We should have values as a society. Part of that is encapsulated in the way we structure our social support systems. Not only is the Minister making savings, she has created a domino effect in terms of how those cuts impact on individuals and families in our society. The Minister must respond to the criticism and she must put measures in place which can restore the public's badly-dented confidence in our social welfare system. I hope the Minister can do that.

The Minister has a difficult role to play in the Government because social welfare is not part of its policy agenda. The Government has one eye on the next election. It is not concerned about the interests of the citizens of this country but about accumulating a war chest which can be used to buy the next election, in the same way as it bought the last election. However, elections are not bought with pounds, shillings, pence, euro or cent. Elections must also reflect our values as a society. The Minister has shown herself to be sadly lacking in this area.

The Minister is now supported by nine backbenchers.

**Mr. Carty:** It is more than the Deputy has.

**Mr. Boyle:** The Opposition must be having some effect, although I notice the doughnut effect on the Government benches.

**Mr. C. Lenihan:** That is why the country is questioning who constitutes the Opposition.

**An Ceann Comhairle:** Deputy Boyle, without interruption.

**Mr. Boyle:** Rather than having full Government benches, a strategic area around the Minister is suitably filled with Deputies. I congratulate the assistant Whip, Deputy Kelleher, for giving credence to the fact that the Government supports its Minister. Whatever about the representation of Government backbenchers in the Chamber this evening, the absence of everyone else speaks volumes. The whispers and private conversations of many on



[Mr. Boyle.]

the Government benches show they are unhappy with these cuts. They must find it difficult to justify these cuts in their constituencies.

**Mr. S. Ryan:** That is par for the course.

**An Ceann Comhairle:** Allow Deputy Boyle to continue without interruption.

**Mr. Boyle:** We are well used to Government backbenchers saying one thing on the plinth and something else in their constituencies. This motion is about the Government backbenchers standing tall and being proud of a policy which reduces many in our society to also-rans and which states that their halfway payment is a step too far. If the Government backbenchers are prepared to do that tomorrow night, they will do well. However, they will get one answer in the local and European elections on 11 June and a further answer in the general election in a number of years. The Government cannot sustain such bullying. As a party, Fianna Fáil used to boast about such values. However, it has left them behind in the same way it left behind the three national values which were part of that party when it was established.

The Minister did not carry out an analysis at the beginning of this exercise on the effect of these cuts on widows, widowers, lone parents and those in need of accommodation and crèche facilities.

**Mary Coughlan:** Who told the Deputy that?

**Mr. Boyle:** If the Minister did, I would like to hear the result. From reading the Minister's replies in the Dáil, she does not seem to have carried out or to be in the process of carrying out any analysis of the impact of these cuts. If she had done that, she would see the effect these cuts will have on people's lives. There does not seem to be any analysis of how many more people will be made homeless as a result of the changes to the supplementary rent allowance, how many more people will not be able to put their children into crèches or how many more people will not be able to avail of the back to education allowance scheme. The Minister has not asked those questions because she and the Government do not want to know the answers.

**Mary Coughlan:** I answered a parliamentary question from one of the Deputy's colleagues on that issue today.

**An Ceann Comhairle:** Allow Deputy Boyle to continue.

**Mr. Boyle:** I refer to that question which had an unsatisfactory answer.

**Mary Coughlan:** How does the Deputy know that, given that he did not read it?

**Mr. Boyle:** This cut, which is only one of the 16 the Minister introduced, will have a visible effect. The Minister has received an answer, which is unacceptable as far as she is concerned, regarding the consequences about which the Opposition is concerned. These consequences are like a train coming through a tunnel. Perhaps because of naivety or inexperience, the Minister allowed herself to be politically brow-beaten by others in the Cabinet who are ideologically driven. They have caused unnecessary concern in our society. The Minister has one opportunity to redress that balance and I hope she avails of it. If she does, she will find support on this side of the House. I fear that the Members around her now and those who are absent will not offer her that support. However, people elsewhere in this Chamber and outside the Chamber need such a decision to be made.

**Minister for Social and Family Affairs (Mary Coughlan):** Gabhaigí mo leithscéal, a Cheann Comhairle agus a Theachtaí. Bhí mé beagnach mall, mar bhí cruinniú agam leis an Widows Association.

I move amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

— notes the measure announced in November 2003 and introduced in the context of the Estimates for 2004 to discontinue entitlement to an additional half rate payment of some benefits where the recipient is already in receipt of widow/er's pensions, lone parent payments etc., for new claimants;

— notes that only a small fraction of the approximately 120,000 persons in receipt of contributory and non-contributory widow/er's pensions will be affected by the measure as it will not have an impact on those over 66 years of age and existing claimants;

— welcomes the Government's ongoing recognition of the particular difficulties facing people following the loss of a spouse and notes the improvements provided in recent years including:

— the substantial increase since 1997 of over 85% in the widow/er's contributory pension for those over 66 years, increasing the rate to €167.30;

— an increase of over 55% in the widow/er's contributory pension for those under 66 years, increasing the rate to €140.30;

— the introduction of a widowed parent grant in 1999 which was increased in budget 2004 to €2,700;

— notes that while only 7% of persons in receipt of widow/er's pension have

dependant children the Government has increased substantially the support for children in the form of child benefit;

— notes in addition the special allowances provided in respect of widows/widowers, that is,

— that substantial special tax allowances are provided for widows/ers with children in the three year period following bereavement;

— that widow/ers pensioners are not liable to pay any social insurance contributions on their pension income;

— that widow/ers pensioners who are working are only liable to pay employee's social insurance contributions if their income from employment exceeds €287 per week;

— that widow/ers pensioners who are working are not liable for the 2% health contribution as is the case with other workers; and

— commends the Government's prudent management of the public finances which has allowed for a record allocation of €11.62 billion this year to provide real increases in social welfare payments and notes the Government's intention to make further improvements in the widow's/widower's pension in line with the commitment in An Agreed Programme for Government and in Sustaining Progress."

When we came into office in 1997, the level of spending on social welfare was €5.7 billion. This year, the Estimates provide for total spending of well over €11 billion, a doubling of social welfare expenditure over this period.

Since 1997, our country has undergone a transformation and this has been reflected in the substantial increase in national resources which are set aside for social protection. We have seen tangible results from this investment as the percentage of persons who are experiencing poverty has continued to fall. Real increases in social welfare payments have improved the buying power of pensioners and changes to eligibility for benefit have facilitated persons if they choose to take up paid employment. This major investment in social policy has been helped by a strong economic engine and by our clear vision for the future but we have not achieved it by weakening our commitment to sustaining economic growth and maintaining full employment. Low inflation, responsible fiscal policies and effective investment policies are central to this strategy.

However, our efforts have not been confined to economic improvements alone. They also encompass major improvements in social protection programmes.

**Mr. Stagg:** On a point of order, can the Minister's speech be circulated?

**Mr. Durkan:** Is the spin doctor on holidays?

**Mary Coughlan:** It has just been completed.

**Mr. Stagg:** I hope it is not changed.

**Mary Coughlan:** It will not be changed because whatever I have to say will be said in this House.

**Mr. Stagg:** The widows know that too.

**Mary Coughlan:** It is often said that the success of a country can be measured by the way in which it cares for those less well off in society. This Government is investing record sums in the health and welfare of citizens. Spending on health, education and social welfare, for example, will now account for two thirds of total Government spending this year. At more than €10 billion in 2004, spending on health will have increased by €6.4 billion or 178% since 1997. Spending on education will amount to €6.5 billion in 2004, representing an increase of €3.3 billion or a doubling of expenditure since 1997.

The Estimates for the Department of Social and Family Affairs announced last November, in the context of restricted public finances, included a number of provisions to better target resources within the social welfare code. These provisions afforded scope for resources to be found for general improvements in social welfare provision and to copper fasten supports and increased payments for those less well off, disadvantaged, ill or unemployed.

The Government's prudent management of the public finances has allowed for a record allocation of well over €11 billion this year to provide real increases in social welfare payments, which means real money in people's pockets. The slow-down in international economic activity in recent years has affected us and we have had to make difficult choices in terms of our priorities. This is as it should be. However, it did not undermine the Government's commitment to strengthen and develop social protection.

The record level of spending announced at the time of the 2004 Estimates and the subsequent package of €630 million announced in the budget underscores this Government's commitment to helping the less well off in society while at the same time keeping the public finances in a healthy condition and keeping down taxes in order to strengthen and maintain the competitive position of the economy. The increase in social welfare spending could only be delivered if Government decisions on spending guidelines were respected. This required some difficult choices and was reflected in some of the measures announced at the time of the Estimates last November.

One measure provided for the discontinuance of the entitlement to an additional half rate payment of some benefits where the recipient is already in receipt of a widow's or widower's pension or lone parent family payments. This

[Mary Coughlan.]  
measure follows a general principle, common to social security systems across the world, that a person is only entitled to one income maintenance payment at any one time.

**Mr. S. Ryan:** Their spouses already paid for it.

**Mary Coughlan:** It was introduced with effect from 19 January 2004 and applies to new claimants only.

In identifying the measures that we eventually adopted at the time of the Estimates, we were concerned to avoid hardship among those in receipt of payments. Only a small fraction of persons will be affected by this measure. Those persons will already be in receipt of payment from my Department. The truth is that the Government has been particularly concerned to improve the level of payments provided to widows and widowers, who have benefited from the largest increases in social payments since 1987.

This Government has recognised the particular difficulties facing people following the loss of a spouse and improvements provided in recent years include the substantial increase since 1997 of more than 85% in the widow's and widower's contributory pension for those aged 66 years, increasing the rate to €167.30. This represents the largest increase granted to any group of social welfare recipients over the period. In addition, the rate of this payment has been progressively increased to the level of the old age contributory pension and the retirement pension, a process which was completed by me this year.

There has been an increase of more than 55% in the widow's and widower's contributory pension for those under 66 years, increasing the rate to €140.30. An increase of 80% for those in receipt of widow's and widower's non-contributory pension and aged 66 years and over, brings the weekly rate to €154. The increase in 2004 was €10 per week or an increase of 6.9%. For those in receipt of widow's and widower's non-contributory pension and aged under 66 years, the weekly rate has increased by €49.09 to €134.80. This represents an increase of more than 57%. The increase in 2004 was €10 per week or 8%. For those in receipt of one-parent family allowance, the weekly rate has increased by €49.09 to €134.80. This represents an increase of more than 57%. The increase in 2004 was €10 per week or an increase of 8%.

A new widowed parent grant of €1,270 was introduced in December 1999 for newly widowed persons with children. The grant has been more than doubled since then and was last increased in budget 2004 by €200, to €2,700. The bereavement grant was introduced in 1999 to replace the old death grant. The rate increased substantially from €127 to €635 at present. Entitlement to a non-contributory pension was extended to widowers in 1997. After death payment arrangements were enhanced in 2003 and 2004 to ensure that

household social welfare income was maintained in all circumstances for the six week period after the death of a spouse. Revised capital assessment arrangements were introduced in 2000, benefiting all non-contributory widows and widowers and lone parents.

Improvements for widows and widowers in the budget included a special additional increase for widows and widowers on contributory pension aged 66 years and over, bringing them up to the maximum rate of old age contributory pension. That is an overall increase of €11.50 per week or more than any other recipient received in the budget. There was a €10 per week increase for all other widows, contributory and non-contributory, with increases ranging from 7.7% to 8% or more than three times the projected rate of inflation in 2004, which is 2.5%.

Other special allowances provided in respect of widows and widowers include access to the back to work allowance and back to education allowance supports. These were extended to non-contributory widows and widowers in 2002 to facilitate and encourage their return to employment or education. Significant additional funding has been supplied for groups providing bereavement counselling. All widows and widowers aged 70 years and over now have automatic entitlement to the household benefits package, that is, free travel, electricity and phone allowance, regardless of household composition. Those in receipt of a contributory or non-contributory widow's or widower's pension will also receive the household benefits package at the age of 66 years and many widows in the 65 to 66 years age bracket whose spouses had been in receipt of the free schemes will continue to receive them after the demise of the spouse. While these changes have made meaningful improvements to the lives of many of the Department's customers, the Government is further committed in its programme to implement improvements in the widow's and widower's pensions and, in particular, to increasing all payments to contributory pensioners aged 66 years and over, including those payable to widows and widowers, to €200 by 2007.

Expenditure on the various social welfare payments is reviewed on an ongoing basis by my Department to ensure these schemes continue to meet their objectives. During the course of last year, areas of potential savings were identified and a number of measures were implemented to ensure that social welfare spending is better targeted. For the most part, these measures do not affect existing claimants but apply to new claimants from various dates in 2004.

I would like to explain more fully for Deputies the measure which is the subject of this motion. The social welfare system is primarily a contingency-based system. This means that entitlement to social welfare is based on a person satisfying one of a number of predefined contingencies, such as sickness, unemployment,

old age, widowhood, etc. However, it can happen that a person may experience more than one of these contingencies at the same time. For instance, an unemployed person may become sick or an old age pensioner may become widowed. Accordingly, a general principle usually applies whereby even if a person experiences more than one of these contingencies at any one time, they only receive one of those payments. This principle is common to social security systems across the world.

Under the Irish social welfare system there have been a limited number of exceptions to this general principle. In the past these have included the situation whereby a recipient of widow's or widower's pension or one-parent family payment could, at the same time, receive short-term social insurance benefits such as disability benefit or unemployment benefit at half rate if the contingency arose.

Social welfare payments are paid mainly in the case of an inability to generate an income, either through lack of work due to unemployment, illness, etc., or through role perception, such as old age, retirement or widowhood. A key argument against concurrent payments is the fact that people should not be compensated more than once for the same inability to work. This argument is as valid in the case of widows, widowers and lone parents who are unemployed or ill as it is in the case of old age and retired pensioners who may also be widowed.

Accordingly, in the context of the preparation of the spending Estimates for 2004, this entitlement to concurrent half-rate payment of a number of benefits was discontinued for new claimants with effect from 19 January 2004. Existing recipients were not affected by this measure for the duration of their claim. The implementation of this measure has resulted in the more consistent treatment of recipients of widow's and widower's pensions as compared with other recipients of social welfare payments.

However, in considering the impact of this measure, it should be noted that many employees are currently covered by company sick or maternity pay schemes. Under these arrangements, such employees are entitled to full pay or a proportion of full pay while absent from work on sick or maternity leave. Most company sick and maternity pay schemes co-ordinate with social welfare provision. This means that many widows, widowers and parents affected by the measure will not be at an overall financial loss. This arises as the loss of the half-rate disability or maternity benefit payments will be offset by an increase in the level of occupational sick or maternity pay.

There has been some suggestion that the measure is particularly harsh on widows and widowers who are parents of young children. This is particularly difficult to accept as over the past number of years, the Government has made it clear that it was delivering income support for children not through primary payments which can

then act as an employment trap but through child benefit which is paid to all families irrespective of their social welfare, employment or income status.

**Mr. Durkan:** The Government broke that promise.

**Mary Coughlan:** Since 1997 the rates of child benefit for the first two children have been increased by almost €94 a month, or 245%, while the rates for the third and subsequent children have been increased by almost €116 a month, or 233%. I would also point out that working widows on low income may be eligible for family income supplement and this can have a significant impact on the level of income support which is provided depending on the circumstances in the case.

While the Government provides considerable support to widows and widowers through its income support schemes, it is also worth noting their position with respect to taxation and PRSI systems. The tax code provides: a total exemption from inheritance tax for benefits taken by the surviving spouse; a complete relief from the 2% probate tax for the part of the deceased's estate that is transferred to the surviving spouse; special income tax rules that apply for the year of death, and if there are dependent children, special income tax credits available for the years after bereavement; recipients of widow's and widower's pension are not liable to pay any social insurance contributions on their pension income; those in receipt of widow's and widower's pensions, in common with other employees who are working, are only liable to pay employee's social insurance contributions if their income from employment exceeds €287 per week or the equivalent of around €15,000 per year; and unlike the position of other workers, widow's or widower's pensioners who are working are not liable for the 2% health contribution.

I have already mentioned that the former arrangements for concurrently paying disability and unemployment benefits at half rate to recipients of widow's and widower's pensions, etc., was unique from an international perspective. However, the removal of these arrangements does not mean the removal of the preferential treatment of widows and widowers within the social welfare system. Contributory widow's and widower's pensions are still provided on a much more favourable basis in this country than in most other EU countries. In general, contributory widow's and widower's pensions are only paid in the other EU member states where there are dependent children still living with the surviving spouse, where the surviving spouse is over a defined age, ranging from 40 to 50 years, or where the surviving spouse is not working. None of these restrictions apply to the contributory widow's or widower's pension scheme operated in this country. Support for the

8 o'clock

[Mary Coughlan.]

less well-off, the disadvantaged, children and specifically for widows and widowers has been and will continue to be the hallmark of this Government.

I have come directly from a meeting with the National Widows Association during which we discussed the context of this measure against consistent and major spending in providing for widows and widowers and the reasons this measure was put in place. Following the meeting and having listened to what the association had to say, I undertook to evaluate its concerns, particularly about the impact this change will have on widows and widowers under the age of 66, and to get in touch with the association in due course. The association has advised me that it will keep me informed on an ongoing basis. I would like to ensure that interaction is completed over the next number of weeks or months. I assure the association of the Government's commitment in its agreed programme to implement improvement in the widow's and widower's pensions.

**Mr. Carty:** I wish to share my time with Deputy Kelleher.

The amount of money made available to the Minister for Social and Family Affairs for pensions was €630 million. That is two and a half times the level set by Fine Gael and the Labour Party when they were last in Government. Decisions had to be made as to how this money could be best spent.

**Mr. Durkan:** That is history.

**Mr. Carty:** The Deputy should listen to it. He might learn from it.

**Mr. Ring:** We are not interested in listening to spin doctors.

**Mr. Carty:** Certain commitments were made by this Government to be met when it was returned to office. The Minister must allocate the funding to meet these commitments. If it did not those in Opposition would be screaming about the Government's failure to keep its promises.

**Mr. Ring:** They are broken promises.

**Mr. Carty:** The Government made a commitment to increase the pension to €200 within its lifetime. This year the Minister increased the pension by €10. We will not apologise for this.

**Mr. Ring:** What about widows and widowers?

**Mr. Durkan:** That was before the election.

**Mr. Carty:** The Government acknowledges in full measure the contribution of older people to society and is fully committed to improving all aspects of their lives. All our budgets have been characterised by measures designed to improve

the position of older people in our society in terms of pensions.

In the 1997 general election, we promised to increase all old age pensions to at least €127, or £100, per week over the Government's term. We delivered on that commitment. In the 2002 general election, we promised to increase the State pension to €200 per week. Over our term we will deliver on that commitment. The budget for 2004 puts us well on track to deliver. It provides for a €10 per week increase in the full personal rate of old age and related pensions.

People with selective political memories should not be allowed to forget that, over three budgets of the rainbow Government, the Labour Party Minister for Finance gave pensioners an average increase of a derisory €2.95. In contrast, the average increase to pensioners in the budgets of the current Minister, Deputy McCreevy, now stands at a massive €9.75.

**Mr. Ring:** What about cost of living increases?

**Mr. Crawford:** And car insurance.

**An Ceann Comhairle:** Deputy Carty should not allow himself to be deflected by interruptions.

**Mr. Carty:** The inflation rate was never as low. Let us talk about social welfare benefits in general.

**Mr. Ring:** The Deputy should talk about the widows and widowers.

**Mr. Carty:** In percentage terms, the old age contributory pension increased by less than 10% under the rainbow Government. Under Fianna Fáil, it has increased by well over two thirds. The figures speak for themselves.

**Mr. Durkan:** That is history. The Deputy should tell us about now——

**Mr. Carty:** That is why the Deputies opposite are history.

**Mr. Durkan:** ——or he will be history.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. Carty:** There was much criticism from people and non-governmental organisations that baseline payments were low. It was decided, therefore, that there would be an increase in everyone's payment of €10 and also in the respective qualified adult allowances.

The Members opposite are determined to create the idea that the Government does not care about those who have lost a loved one.

**Mr. Ring:** It does not.

**Mr. Carty:** That is simply not true.

**Mr. Penrose:** The people outside this House know.

**Mr. Carty:** When we returned to Government in 1997, widows and widowers' contributory pension was €90.30 per week. It is now €140.30, representing a 55% increase.

**Mr. Durkan:** Four and a half years ago——

**Mr. Ring:** Does that mean the Deputy is happy with the widows and widowers' payment?

**Mr. Carty:** It is important to note in this debate that, since we returned to office, there has been an 80% increase in the non-contributory pension for those aged 66 and over and a 57% increase in the non-contributory pension for those under 66.

A widowed parent grant of €1,270 was introduced in December 1999 for widows and widowers with children. The grant was last increased in the budget for 2004 by €200 to €2,700. A bereavement grant was introduced in 1999 to replace the old death grant. The rate has been increased substantially from €127 to €635 at present.

It is unfortunate that the Department of Social and Family Affairs does not have the money to do everything.

**Mr. Durkan:** What about the €100,000 a year for the spinner?

**Mr. Ring:** Who wrote that speech?

**Mr. Carty:** It must therefore prioritise certain issues.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please.

**Mr. Carty:** In common with social security systems throughout the world, our system is primarily a contingency based one. One's entitlements are based on pre-defined contingencies such as sickness or unemployment. People can have more than one contingency at the same time. For example, a person could be unemployed and become sick. The general principle that usually applies is that, where a person experiences more than one of the contingencies at any one time, he or she only receives one payment.

**Mr. S. Ryan:** The Deputy does not say that in his constituency.

**Mr. Carty:** I will say it anywhere I like.

**Mr. S. Ryan:** He does not say it.

**Mr. Carty:** I will say it anywhere I like, and it is on the record of this House.

**Mr. Ring:** Is the Deputy happy with the way the widows and widowers' payments are being cut?

**Mr. Carty:** I know as much about widows and widowers as Deputy Ring.

**Mr. Durkan:** Does Deputy Carty support the cuts?

**An Leas-Cheann Comhairle:** Order, please.

**Mr. Carty:** Many members of my family have been so affected. The Minister had to consider a large number of savings up to €55 million. I agree that the removal of any social welfare entitlement is not palatable. However, this had to be done. Certain decisions had to be made to accumulate a saving of——

**Mr. Durkan:** Why?

**Mr. Carty:** If the Deputy will listen I will tell him.

**Mr. Ring:** There was no need for it to be done.

**Mr. Carty:** Since returning to office in 1997, Fianna Fáil has introduced the most generous social welfare increases in the history of the State. We have increased old age contributory pensions by more than 68%, more than trebled child benefit rates and raised the lowest rates of social welfare by 50%.

**Mr. Durkan:** An increase of 4.5 cent per day in child benefit. The Deputy should be ashamed to mention it.

**Mr. Carty:** The average rise in the lowest social welfare rates under the rainbow Government was €2.74 compared with €6.96 under this Government.

Unfortunately, we cannot give everything to everyone. It is the Minister's job to make tough decisions when necessary, and that is what he did in this year's budget.

**Mr. Kelleher:** I thank the Minister for outlining the position with regard to this particular measure. I wish to underline at the outset that we do not need to take lectures from people who were on this side of the House in previous incarnations and who did very little for those on social welfare. A lecture from the Opposition is akin to a lecture on human rights by Saddam Hussein.

**Mr. Penrose:** The late Frank Cluskey gave an increase of 25%.

**Mr. Durkan:** The Deputy's party has been on that side of the House for the past 20 years giving us a history lesson at every opportunity. Its members should be ashamed of themselves.

**An Leas-Cheann Comhairle:** Allow Deputy Kelleher to speak without interruption.

**Mr. Kelleher:** Let us visit the recent history of the Opposition. These motions give us an opportunity to examine the Opposition's credibility when it was in Government. As Deputy Carty and the Minister already outlined, there have been dramatic increases in all social welfare payments in recent years.

**Mr. Ring:** What about food and ESB increases? Do they not happen?

**Mr. Kelleher:** Let us not be under any illusions. This is an emotive issue. The Minister has outlined the reasons the change has taken place, but we must look at the overall record of the Government with major increases across the board in all pension payments.

**Mr. Durkan:** Prior to the general election there was significant opposition——

**Mr. Kelleher:** We hear Fine Gael proposals week in, week out when it espouses financial prudence, fiscal rectitude and savings that should be made in different areas. Where would it make savings in social welfare? It has been talking about prudent public expenditure in recent years.

**Mr. Durkan:** We heard that rubbish before.

*(Interruptions).*

**Mr. Kelleher:** With all due respect, we are here to have a fair, open debate. We should at least have decent contributions from the Opposition as opposed to shouting people down when the facts speak for themselves.

Major increases in child benefit over recent years have been another hallmark of the Government. That is something that has been accepted by everybody. Payments to children are the most effective way of addressing child poverty.

**Mr. Ring:** What about the widows and widowers?

**Mr. Kelleher:** Over the years, the Combat Poverty Agency and all the other agencies have highlighted that and encouraged major increases in child benefit. Since 1997, the Government has delivered on its commitment to child benefit, which is a direct way of addressing child poverty.

Deputy Ring said that 47,000 fewer medical cards are being issued but, because of the Government's ability to ensure we have a strong economy, many more people are at work.

**Mr. Ring:** That is rubbish.

**Mr. Kelleher:** That is something the Deputies opposite continually forget. They massage the figures to ensure they can highlight——

**Mr. Ring:** A total of €206 for a couple and 47,000 cut off the medical card list.

**Mr. Kelleher:** Deputy Ring knows that the figures speak for themselves.

**Mr. Ring:** The Government promised 300,000 more.

**Mr. Kelleher:** I have come into this House many times to listen to Deputy Ring, whose contributions are often colourful, but I wonder if he ever wants to listen to the facts as espoused by the Minister.

**Mr. Ring:** I hate listening to rubbish.

**Mr. Kelleher:** We have delivered the lowest employment rate in Europe at 4.4%——

**Mr. Ring:** We heard the same words from Deputy Carty and the Minister.

**Mr. Penrose:** It is the same speech.

**Mr. Kelleher:**——and the lowest inflation rate. All the Opposition's arguments about high inflation over recent years stand for nothing because this Government has made major contributions to ensuring we have a strong economy, low inflation, increased social welfare payments, increased child benefit and tackling the real issues of child poverty. All the experts suggest that we have made major advances in addressing poverty in this society.

I commend the Minister on attending and explaining the reasons for this change. I also commend her on the major increases provided in social welfare over past Estimates and the budget. If the Members opposite want to talk about recent history, as Deputy Carty outlined, €3 was the average increase for old age pensioners when they were in Government.

**Mr. Durkan:** It was better than an increase of 2.5 cent per day.

**Mr. Kelleher:** That is what a Labour Finance Minister, a Democratic Left Minister for Social Welfare and a Fine Gael Taoiseach did when they were in Government.

**Mr. Durkan:** The Deputy's party was 20 years in government.

**Mr. Ring:** He was the very man the Minister for Finance tried to destroy with the "dirty dozen".

**Mary Coughlan:** One does not need a consultant to do one's job.

**Mr. Kelleher:** We will continue to highlight and address the major issues raised in this debate. I commend the Minister for meeting the National Widows Association and assuring them that she

will consider and address their problems on an ongoing basis.

The only comfort the Opposition can give is to come in here and shout down the Government and the Minister when she is trying to explain her policies. Deputy Ring will not get away with that. He too will be found out.

**Mr. Ring:** I will tell the widowers in Cork what Deputy Kelleher is doing. Is he happy with the cutbacks for widowers?

**Mr. Kelleher:** The people have spoken and will speak again when they will judge us in the round and on the major increases. I thank the Minister for coming into the House.

**Mr. Ring:** They are waiting for the Government.

**Mr. Penrose:** They are looking forward to it.

**Mr. C. Lenihan:** Deputy Ring was found wanting in the High Court.

**Mr. Ring:** I will go down to Cork and tell the widowers about the cutbacks.

**Mr. O'Connor:** Why would Deputy Ring go all the way down there?

**Mr. Neville:** I welcome the opportunity to speak on this motion and congratulate the Labour Party on its initiative. That two other Opposition parties have joined it indicates how strongly the Opposition in general feels about this issue, as do many Government backbenchers, regardless of what happens here. There is real concern about the cut in allowances for widows and widowers who were living a full life until God took away their spouses. Suddenly their lives changed: they had to deal with bereavement, different economic circumstances and often had to raise families alone. These people were forced, or in some cases rightly chose, to go to work as well as manage their domestic life and rear their children. They did so to survive and ensure their families had a good quality of life, although it might not reach the level it would have done were their spouses alive. They did the best they could in difficult circumstances.

When further adverse circumstances intervened, whether loss of a job, temporary lay-off, or an illness, they had a cushion because in addition to their widow's or widower's pension, they received unemployment or disability benefit. They were not forced to go back to work because they had the safety net of their pensions albeit that was less than they earned in the workplace. Now that has been taken from them. The Minister should reflect on the reality of these people's situation. We can shout at one another across the House on the political implications of the issue but we need to consider the human implications for people trying to rear and educate their children and maintain a standard of living

when their work has been removed for whatever reason. Anyone who has lost employment and had to live on basic social welfare for any amount of time knows its impact. A widow's or widower's pension is basic social welfare.

One of my constituents lost her husband when her family was young. She returned to work as a caretaker and cleaner at the local school where she earns a reasonable sum to help her family. Each year at Easter and summer she is laid off for the holidays. Hitherto she had the cushion of social welfare through her PRSI contributions, as was her right. This was not a gift from the State. Insurable employment means being insured against difficulties that may arise whether losing one's job or being unable to work through illness or disability. That woman wants to know how she will survive, especially during the summer months when she will not have the safety net that was available in other years.

She asked me if she could get supplementary welfare allowance but she is not eligible for it. She wants to find a way to meet the commitments she has made on the basis of having her pension, her job, and in times of crisis, the safety net of unemployment benefit. She cannot understand why as a public representative I cannot do something about that but that is because the rules have been changed. Sixteen rules have been changed without consultation with widows and widowers who are experiencing difficulties as a result. I urge the Minister to look at the human situation, re-examine it and without any loss of face, reverse the decision.

**Mr. Crawford:** I wish to share time with Deputies Durkan and Lynch. I welcome the opportunity to speak on this very important issue. Some of the Government backbenchers have spoken quite loudly of their anxiety about this issue in private and within their constituencies. I take issue with the comment that people lost medical cards because of the increased income in our society on the principle that a rising tide lifts all boats. I can cite an example of how people lost their medical cards. This is a farming case, which some people do not understand, concerning a farmer who milks 18 cows on 40 acres. The community welfare officer estimates her income at €630 per week yielding an average profit of €1,800 per cow. Does anybody believe that? The best herds are being sold because there is no profit in dairy farming. Anyone who reads the *Irish Farmers' Journal* or any other newspaper can see that. Every creamery manager is worried about the number of herds being sold yet a community welfare officer can say that a small to medium-size farm is making €1,800 per cow.

The Government's ethos is to deprive those who are least well off of benefits. The worst aspect of that case is that the woman involved is seriously ill and on medical evidence alone should have a medical card. However, the Government is using these extraordinary figures to deny her one. The Minister knows very well how I feel on



[Mr. Crawford.]

the issue of widows and widowers, especially young widows trying to raise a family and who receive harsh treatment. This cut is the last straw. One young widow asked me recently what we would do about this, almost blaming the Opposition for what the Government has done. Her eldest child is going to college. She is in a FÁS job which will finish in May and was looking forward to receiving some social welfare payment based on her stamps. However, she has been hit by this cutback. Her only fault is that her husband died and she has to go out to work.

It is a crying shame that these cuts are made at a time when millions of euro are available for areas such as Punchestown. This House met to discuss a Bill to deal with dormant accounts and a new impartial group was established to deal with the expected €25 million to €30 million raised. However, when the Government found the money raised would be approximately €150 million, it decided to scrap the group and use the extra money as a slush fund. This Minister should ensure that she demands her €5.8 million from that slush fund. Another slush fund is expected from dormant insurance policies, and I am sure it will be dealt with in the same manner. Plenty of money is available.

When we look for more money, the Minister always asks us to explain where it can be found. As an Opposition spokesman on community and rural affairs, I am explaining it to her clearly. I know in her heart the Minister wants to make some of these improvements. I was glad to hear she had met the people involved and that she will examine the issue. Will she examine it now before it is too late?

**Mr. Durkan:** I am amazed by the backdrop for this debate, namely, what is alleged to be the most worthwhile and well-managed economy in the world. We were told a few months ago at budget time about how this economy was being managed in the best interests of the people. We were told they were never happier and had given a mandate to those in Government to do what they had to do.

I cannot believe that, against this backdrop, the Government has embarked on the weaselly, swingeing cuts it has announced or that it has singled out the most vulnerable group of people in society to pay for them. The Government is saying that, although this is a great and flourishing economy in which many people are doing well, this group must pay. What has the Minister to say to the widows of Ireland and their children? What excuse can she make to them having told them they must pay? What have they done to her? Have they offended her or is there a specific reason this vulnerable group should be singled out for repeated punishment?

Several Members on the Government side of the House referred to the budget. Let us look at how the budget affected widows, widowers and single parents who live in private rented

accommodation. They received an increase in the budget but, the following day, community welfare officers reduced their rent supplement or support, thus leaving them without any increase.

**Mary Coughlan:** That is not true.

**Mr. Durkan:** They received nothing and the Minister should know that this is what has happened. She should consult community welfare officers to find out what is happening. This is happening and I do not understand how the Minister is not aware of it.

**Mary Coughlan:** That is not a fact.

**Mr. Durkan:** As God is my witness, I assure the Minister that this is exactly what is happening. If welfare officers are acting *ultra vires*, it is time she called them in.

We can ask further questions. One of my constituents has been a widow for almost 35 years. She was a young woman when she was widowed. She reared her family on a small pension and worked as a cleaner and did everything she could to get some employment. She got on her knees and scrubbed floors. After that she looked forward to the day when she could have some pride and dignity and get some return for the contributions she had made. However, the Government has decided she has had it too easy and will make life difficult for her. It will punish her so that society can continue to flourish until the next general election. The Government wants to save money between now and the next general election to buy the people at the time of the election. The Government is walking away from its responsibilities and laughing in the face of the people. It is dividing society.

As some Opposition Deputies have already pointed out, society is being divided, slowly but surely. In the same way Margaret Thatcher divided society in the United Kingdom, middle income groups here are being pushed to the side of the poor and we are left with just the rich and the poor. If this continues, the Minister will soon have no opportunity to apologise to the people. They will call a halt, inform her that her time is up and that she is the weakest link.

**Mary Coughlan:** A strong performance with no substance, as usual.

**Ms Lynch:** Having been involved in the budget debate with Deputies Ryan, Penrose and Ring and other Opposition speakers, this is, I suppose, my second bite of the cherry. During that debate, the Minister did not realise there would be such a huge reaction to this cut. At the time, it was clear that the reason it was made was that it would affect approximately 2,000 people who now become, to all intents and purposes, lone parents. The loss was unexpected to people working and trying to rear their families on their own. This was not their plan. Their plan was

made in conjunction with their partners and was based on two incomes. They had children and decided what education their children would receive based on two incomes. Their loss was not planned and could not have been foreseen. If they could turn back the clock, they would.

In recent weeks I have often heard something to which the Minister took offence when I said it to her. However, I will say it to her again. I have promoted women all my life; there are few enough of us in public life. I continue to say that, unless we have women in positions of power, we will never have answers to an agenda which will benefit the entire community. The names Margaret Thatcher and Golda Meir have been thrown at us as examples of women in power. Now we will be told that we wanted equality and that we have a female Minister for Social and Family Affairs who has introduced the most scathing social welfare budget of all time.

Deputy Ring said that the Minister made Scrooge look like a spendthrift. She makes Margaret Thatcher look like a socialist, and that is some task. Before and during the debate on social welfare, we for the free schemes to be extended to widows under 66 years of age. It is difficult to rear a family on the pittance they receive — €145 — which is nothing to boast about, plus the €19 for a child dependant. Nobody could live on that. I offered to try with the Minister to live on it for a week to see how far we would get.

Instead of extending the free schemes, the Minister cut back. We repeatedly hear her say that it is only to keep us in line with the rest of Europe. What are the rates in Norway, Sweden and the rest of Europe for people in this position? I guarantee the Minister that they are double what they are here.

Last weekend I sat next to a woman from my and Deputy Kelleher's constituency. She asked me if it was true what the Government was doing to widows? I told her it was. She told me she was widowed since her early 30s and that she worked full-time. She said she had three children and was grateful they were nearly all through school and would not be dependent much longer. She had remortgaged her house to fund her children's education.

She told me she had a serious illness a number of years ago and is praying that it will not return. If it does, she will be left to live on the paltry sum which the Government thinks is the best in Europe. There will not be any additional money for her. In case the Minister does not understand the social welfare system, the widow's and widower's pension is based on the contribution of the person that has died.

Those who are looking for the return of what the Minister has taken away, want the pension to be paid on the basis of their own contributions. They are not looking for something for nothing. What the Minister is doing may be illegal. She cannot tell people they will not receive a benefit from this. In spite of that, the Government still

insists it will continue to pay it. The Minister should have the courage to reverse this cut. I do not believe it was done by civil servants, it was done by the Minister who is sufficiently experienced. It will take courage for the Minister to reverse this cut. She should not let it be said that a woman did this.

Debate adjourned.

### Adjournment Debate.

#### Hospital Services.

**Mr. McGuinness:** On 27 January I tabled a parliamentary question on this issue. I asked the Minister for Health and Children to provide a 24 hour on-call CT scan service at St. Luke's Hospital, Kilkenny. I asked about the procedure in place for scans required outside the hours of service, the locations used and the costs involved. In response I was told I would receive a reply from the South Eastern Health Board in regard to the matter. As is usual, to this day I have not received a reply to that parliamentary question.

Little did I know that on the same day an 18 year old boy would require that service out of hours at St. Luke's Hospital, Kilkenny. At almost 11 p.m. at night he was asked to travel to Beaumont Hospital where he received a scan. He travelled in the back seat of his parents' car wrapped in a sleeping bag on the way back to Kilkenny where he arrived at 6 a.m. in the morning. That is an unacceptable service. The people of the city paid almost £300,000 for the provision of a CT scan unit at St. Luke's Hospital. The full cost of the unit was £600,000. At that time, there was an expectation that an on-call service would be provided seven days a week for those who required it. They did not expect that at least one patient per week would have to travel to Beaumont Hospital for scanning. Such patients have to be accompanied by professional nursing staff and this also necessitates an ambulance being taken off call. It is a waste of money and is the cause of further anxiety and trauma to the patient involved.

The 18 year old boy to whom I referred died a number of days afterwards. Many families are affected by the fact that the CT scan is not working seven days a week on a 24-hour basis. It only operates from Monday to Friday from 9 a.m. to 5 p.m. The Minister must intervene in this matter. There has been no response from the health board to requests made by hospital consultants and me on the matter.

On 24 February 2004 I asked the Minister to comment on a plan for a private operator to provide an MRI scanner at St. Luke's Hospital which would allow 750 public patients to be dealt with free each year. I tried to discover the outcome of a meeting that took place in 2003

[Mr. McGuinness.]

between departmental officials and the consultant involved at St. Luke's Hospital. I asked if a needs assessment report which was prepared by the hospital was examined. I also asked if discussions had taken place with the private contractor. To this day I have not received the comprehensive response I requested.

There is a great need for this service in Kilkenny city and county and the surrounding counties. It is unacceptable that one person per week has to leave the county to access this service. What happened to the 18 year old boy is also unacceptable. I received a letter from his relatives which stated that he had spent his last night in a Dublin hospital. He travelled home tired and in pain. He never got to stay in his own home with his family again. The family found the staff at St. Luke's Hospital to be excellent, especially the nursing staff who must also be frustrated with the poor service on offer to the public in 2004. They felt that the people of Kilkenny would be outraged if they realised the limited operation of this vital service which was paid for by the people of Kilkenny. Having made a local contribution and received a commitment from the South Eastern Health Board that an on-call, seven days a week service would be provided, the health board should be asked to deliver.

We are in an age of public private partnerships and design, build and operate programmes. These terms are used by various Departments. I cannot understand why, when somebody from the private sector comes forward with a new concept of operating an MRI service and who is willing to conduct 800 free scans per year, this would be ignored, or that the response received would be so sluggish that the operator would be likely to go away. The people of Kilkenny and the region deserve better. As a public representative I deserve a better response from the health board. That family I spoke of deserves a better service. I expect a clear reply to both of my parliamentary questions and to the request made in regard to the private operator. The people of Kilkenny, who invested in that CT scan, also deserve a clear response. Any further investigation of the matter by the health board is not acceptable. What is required now is action.

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I welcome the opportunity to make a statement on the position in regard to the matters raised by the Deputy.

A CT scanning department was commissioned in St. Luke's Hospital, Kilkenny, and it became fully operational in March 2001. The scanner, which cost in the region of €760,000, was jointly funded by the Friends of St. Luke's General Hospital, Carlow/Kilkenny, and the South Eastern Health Board.

Capital funding of some €825,000 to house the new CT scanning equipment was provided by the Department of Health and Children. The CT department consists of a sedation room, CT room, CT control room, ultrasound room, conference-viewing room and ancillary accommodation. The associated revenue costs, such as the employment of a third consultant radiologist and related support staff were also provided by the Department.

The CT scanner has state-of-the-art multislice technology with rapid imaging and processing. The scanner has added capability including three-dimensional imaging and measurement of bone density in cases of suspected osteoporosis. The hospital is now in a position to image suspected pulmonary emboli on CT, which was not possible with older scanners. The installation of the CT scanner has meant that staging CTs for cancer patients can now be performed at St. Luke's Hospital.

To date, approximately 15,000 examinations on patients of all ages have been performed in the unit. The hospital has an image link to the neurosurgery department at Beaumont Hospital in Dublin, which allows it to transmit images when a specialised neurosurgical opinion is required. Arrangements can then be made to transfer the patient to Beaumont if appropriate.

The availability of CT scanning at St. Luke's Hospital has meant a great improvement in the diagnostic services it can provide for patients. This CT scanner has also been used to target biopsies and drainage procedures, which may otherwise have required open surgical procedures. The radiology department also offers high-quality ultrasound services with a second ultrasound room in the new extension. The new extension also has a sedation-recovery room for procedures.

The CT service is available to the public between the hours of nine and five, for five days a week. The Department of Health and Children has been informed by the South Eastern Health Board that negotiations are taking place between hospital management and staff representatives with regard to the provision of an out-of-hours CT service. The Department has been informed that a meeting took place with hospital management as recently as this morning on this issue.

As the provision of services at St. Luke's Hospital is a matter for the South Eastern Health Board, it will therefore be a matter for the board to decide on the extent of the out-of-hours cover required. Any extension of the existing service and resultant resource implications will need to be addressed by the health board in the first instance. Similarly the issue of access to MRI services is a matter for consideration by the board in the context of regional requirements. In this regard, an MRI centre was opened in Waterford regional hospital in February 2003 to enhance

further the diagnostic facilities available in the region.

The South Eastern Health Board has submitted a needs assessment report to the Department involving the provision of MRI scanning services at St. Luke's Hospital, Kilkenny, by a private company. This issue is under consideration by my Department in consultation with the board. Significant investment has occurred in the South Eastern Health Board region and St. Luke's Hospital, Kilkenny, in recent years. The Minister and I are committed to ensuring that the hospital services needs of the region will continue to receive full attention in the future.

**Mr. Neville:** I welcome the opportunity to raise the issue of the difficulties at Peamount Hospital due to the proposal to close the TB facility there. Last Friday, the board of Peamount Hospital legally changed the articles of association to remove the post of medical director. It is accepted that the post is a vital one and a properly constituted hospital cannot exist without one. The Minister must intervene to stop the chief executive officer of Peamount Hospital from removing the medical director.

The number of recorded cases of TB in Ireland each year remains constant at about 400. Most patients are diagnosed and receive treatment within their own region. However, a significant minority require in-patient treatment for at least eight weeks in the specialist unit at Peamount Hospital, the only one in the State. due to personal and social factors, these patients cannot receive complex multiple therapy and follow-up tests without hospital admission. Without such facilities, these people are at a high risk of developing multi-drug resistant TB with the added danger of passing on this highly contagious form of the disease to others.

We are removing this facility at a time when enlargement of the EU is about to occur. The risk to the public health from TB is set to increase. Latvia, Lithuania and Estonia have TB incidence rates up to eight times that of Ireland. They also have a higher percentage of cases of multi-drug resistant TB which requires a longer treatment time and more expensive drugs. The decision to phase out the TB unit at Peamount will remove an essential safety net in the fight against TB. It is the only place with a good record of treating those patients who cannot manage self-treatment. The removal of the Peamount facility will create a danger of higher rates of multi-drug resistant TB in Ireland and experts claim that this is a real possibility. Last Friday, the first reported outbreak of multi-drug resistant TB took place in the Netherlands. It was claimed that a TB patient from eastern Europe had infected six Dutch nationals and it was recommended that TB control in Holland be strengthened at a time when we are removing that control.

According to the World Health Organisation, the prevalence of multi-drug resistant TB is exceptionally high in the former republics of the Soviet Union, including Estonia, Latvia and Lithuania. Drug resistance in new patients is as high as 12% in Estonia. The WHO also called for increased investment in TB prevention programmes, yet we are doing the opposite. Incidences of TB worldwide have fallen dramatically over the past 20 years. However, places that saw themselves as TB-free and removed treatment facilities experienced an increase in TB. Every country which believed it had cured TB had removed the facilities, with a few exceptions. New York state must spend \$19 billion revive its TB treatment service.

The board of Peamount Hospital has decided to close the service without a request from the Minister, the Eastern Regional Health Board or the three Dublin health boards. A total of 7,794 patients attended Peamount hospital last year. There were 5,033 X-rays, 150 procedures in theatre, 806 patients admitted for an average stay of 16 days, 85 diagnosed with cancer, 72 of which were chest cancer, 48 dead and 63 cases of TB. Where are the facilities beyond Peamount Hospital to treat these patients?

**Mr. T. O'Malley:** The background to the future organisation and delivery of respiratory and tuberculosis services can be found in a report of a review on respiratory medicine carried out by Comhairle na nOspidéal and published in July 2000. This found that, in line with major advances in medical treatment, the optimal in-patient care of patients with respiratory diseases, including tuberculosis, is more appropriate to local acute general hospitals staffed by consultant respiratory physicians and other consultants supported by an array of investigative facilities.

While recognising the valuable role which Peamount Hospital has played for many years in the delivery of respiratory services, it was not regarded by Comhairle na nOspidéal as an appropriate location for the treatment of TB patients, especially those requiring ventilation and specialised treatment for other symptoms, for example, heart disease and HIV.

Comhairle na nOspidéal subsequently appointed a committee to advance the implementation of the 2000 report. The committee, in its report, endorsed the recommendations in the 2000 report, and this was adopted by Comhairle in April 2003. Specifically, the committee recommended that Peamount Hospital play an active role in the provision of a range of non-acute support services, including pulmonary rehabilitation, within the South Western Area Health Board. For example, it recommended that patients who have been treated in the nearby St. James's Hospital and other major acute hospitals and who require on-

[Mr. T. O'Malley.]

going rehabilitative care could be transferred to Peamount Hospital for completion of their care.

The Minister understands that, in addition to the Comhairle advice on this issue, the

board of Peamount Hospital has developed a strategic plan for the development of the hospital over the next five years. The board employed external support to assist it in this process and advise of developments in the wider health care environment. The strategy adopted by the board proposes considerable enhancement of existing services and development of new ones in the areas of rehabilitation and continuing care of older people, persons with intellectual disabilities and adults with neurological or pulmonary illness. Central to the new strategy is Peamount's duty of care to patients and the hospital's commitment to providing the highest quality care to existing and future patients.

The Comhairle report and the newly developed strategy clearly have implications for Peamount's chest hospital which comprises TB and non-TB acute respiratory medicine. In light of Comhairle's recommendations, Peamount will now develop a transitional plan to transfer the acute services in a planned way and following consultation to an appropriate location in an acute general hospital. The precise nature and timing of the changes have yet to be agreed and will involve consultation with the relevant stakeholders. The Eastern Regional Health Authority, which has responsibility for the delivery of acute hospital services in the eastern region, which includes Peamount Hospital, will participate fully in this collaborative process to ensure the interests of, and potential benefits to, patients of the region are fully realised.

Services in the hospital such as phlebotomy and X-ray will continue to be available to the local community and much of the discussion to date has related to how Peamount can more effectively meet the primary care needs of the local population. After discussion with local GPs, it is clear that key concerns are in regard to the management of older people with chest infections and respiratory difficulties. The authority is in continuing discussion with Peamount in regard to how these services will be maintained. This approach will be supported by the appointment of a consultant geriatrician to Tallaght-Peamount hospitals, approved by Comhairle, with two sessions per week specifically committed to Peamount. A joint consultant post in rehabilitation medicine is also being established between the National Rehabilitation Hospital and Peamount. The authority is also working with Peamount to ensure continued rehabilitation facilities would be available for those people with TB who have chronic lifestyles and are at risk of being unable to maintain their treatment programme without supervision. Existing day and residential services for older people and people

with intellectual and physical disabilities continue to be provided.

In conclusion, I would like to assure the Deputy that the direction which Peamount is now taking will see it developing its overall role and its support for acute hospitals, general practitioners and the community of the surrounding area. It is in line with its duty of care to patients and its commitment to the provision of the highest quality of care to existing and future patients.

#### **Social Welfare Benefits.**

**An Leas-Cheann Comhairle:** The remaining two items will be taken together. Each Deputy has five minutes and the Minister has up to ten minutes to reply.

**Mr. Wall:** I wish to share time with Deputy Penrose.

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

**Mr. Wall:** I am pleased the Minister came back to the House in regard to this matter. Given the wording of the Adjournment debate matter, it is a sensitive issue.

A widow who has suffered the loss of her husband in tragic circumstances set out to care for her two daughters. In starting a new life with a new partner, this woman has become pregnant and must go on maternity leave. In reply to a question today, the Minister stated she will review this issue on an ongoing basis. Under the old social welfare system, there was a limited number of exceptions to the general principle in this regard. These widows, who have paid social welfare contributions, are in a unique position. There is a need to support these widows who are pregnant. Obviously one person will not receive two payments, as a baby is involved.

This issue is an exception to the rule. The Minister stated in her reply today that she introduced measures on Government spending to provide scope for other improvements in the social welfare system. She said it is her intention to keep this matter under review. A case can be made in this instance. Even though these women receive help and care from their partners, they encounter problems in beginning a new life for themselves. There is the trauma of losing employment for that length of time during which there will be an obvious loss of wages. The loss of social welfare benefit puts tremendous pressure on these people in trying to care for children and dealing with pregnancy.

This is a special case and the Minister could deal with the anomaly by keeping the matter under review. This is a sensitive issue in which a small number of people are involved. I have met these people and seen the pressure and torment they are suffering. They have been in full-time

employment and caring for their children. As these people have been excellent parents, something must be done for them. I ask the Minister to consider this matter to see what can be done. Given her goodwill in the matter, the fact that she will reassess the situation and the overall debate on the plight of widows, this is one issue the Minister should look at to see what can be done.

**Ms Harkin:** I sat in the House earlier listening to the usual rant about the amounts of money being spent by the Government as if in some way it was its own money it was spending. I have said on many occasions in this House that what it is spending is taxpayers' money. The question is how it spends the money. Are we spending that money wisely and well? Is our social welfare system delivering an equitable system? Is it looking after the most vulnerable? Can people believe that our social welfare system provides a cushion and a support for those who need it most? After listening to what went on in this House this evening, the answer to the three questions is "No".

I was most disappointed to hear the Minister say during Private Members' business that there was a decision to cut the half benefit payable, for example, disability benefit, to widowers, widows and those on deserted wives benefit, when these people are in receipt of a contributory widow's pension. No matter how hard she tries, the Minister cannot now, nor in the future, convince us that to further penalise these people who are in a vulnerable position can ever be just, fair or equitable. She must be aware of a court case taken by the former President, Mary Robinson, in the early 1990s, when she argued the case for full disability benefit or unemployment benefit while in receipt of a widow's pension. She must be aware that the High Court and the Supreme Court held against the Government. The judges used the words "illegal" and "unfair". What was true in the early 1990s and upheld by the highest court in the land, is still true today.

I listened while the Minister outlined the improvements in social welfare benefits for widows and widowers. I will probably be one of the few people on the Opposition side who will agree that there have been improvements. It was interesting that she used 1987 as a benchmark year. The cost of living and rates of pay at the time bear no resemblance to what people earn now, therefore, neither should social welfare payments.

The Minister referred to those who will receive company sick pay. As a widow, I was fortunate enough to find myself in that position but we are talking about those who do not have such support. I listened with a sinking heart when the Minister said there were a limited number of exceptions whereby a recipient of widow's or widower's pension or one parent family payment could

receive short-term social welfare benefits, such as disability benefit, at the same time. We all know why these exceptions exist; they are exceptional circumstances. How can the Minister and the Government turn their backs on vulnerable people in such circumstances?

I found the Minister's argument unbelievable. She stated that a key argument against concurrent payments is that people should not be compensated more than once for the same inability to work. Does the Minister not recognise that we are not talking about the same inability to work but the inability of two people to work, namely, the deceased partner and the surviving partner? It is not the same inability to work. How can the Minister close her eyes and her heart to these exceptional circumstances and ignore the fact that we are dealing with an exceptional situation?

How can anyone pay a mortgage or send a child to third level when his or her plans were made on the basis of two people working? Unexpectedly and often tragically, he or she is in a position where, on the one hand due to the death of a partner, and on the other hand due to illness, redundancy or another unfortunate circumstance, the family goes from being a two income one to surviving on a single payment of widow's or widower's allowance.

The Minister cannot rationalise this decision and I ask her to rescind this unnecessary and mean-spirited attack on widows and widowers. I ask her to put up her hands, admit the Government got it wrong in these circumstances and put it right.

**Mr. Penrose:** I note the point the Minister makes about a contingency based system, but the situation outlined by Deputy Wall related to maternity benefit payment to a widow which would only occur in a limited number of situations. Deputy Harkin is right. I was amazed and the Minister is fortunate I did not have to come after her on the point that social welfare payments are paid mainly in the case of an inability to generate an income, either through lack of work due to unemployment, illness etc., or through role perception, such as old age, retirement or widowhood. She stated that a key argument against concurrent payments is that people should not be compensated more than once. In maternity benefit, a person makes the contribution and expects to get the 14 weeks payment. There is a child involved and the level of outgoings, as the Minister knows well, is much greater. The Minister amended the four weeks and I was delighted that she did, but this is a limited case that will not open the floodgates, as Deputy Wall clearly pointed out.

I have only come across one such situation but the Minister's argument about concurrent payments does not stand up to scrutiny in this situation. People have made their contributions with the legitimate expectation that they would receive the money due to them. They are not

[Mr. Penrose.]  
being doubly compensated because the widow's contribution has already been made and they are being paid on foot of that. They have paid a contribution for maternity benefit and are entitled to get that from their source of employment. I urge the Minister to reconsider the matter and grant the benefits for the limited number of cases involved.

**Minister for Social and Family Affairs (Mary Coughlan):** I outlined some of the issues specifically in my speech on Private Members' time and addressed some of the concerns expressed. I will, however, deal with Deputy Wall's problem and the circumstances he outlined.

The maximum personal rate of widow's contributory pension is €143.30 per week with an increase of €21.60 for each qualifying child. Maternity benefit, an earnings related payment, is subject to a minimum weekly payment of €151.60 and a maximum of €232.40. Depending on the circumstances, for example, the level of earnings from the employment and the number of qualified children, it may be more beneficial for a person in receipt of the widow's pension to claim maternity benefit instead of the widow's contributory pension for the duration of the maternity leave period, which can be facilitated.

In considering the impact of this measure, it should be noted that many employees are covered by companies' sick and maternity pay schemes. Under these schemes, employees are entitled to full pay or a proportion of full pay while absent from work while on sick and maternity leave. In the circumstances outlined by Deputy Wall, the employer should discuss the circumstances with the applicant and his or her decision might facilitate the issue because the person would be better off on maternity benefit

than on the pension. I have noted the circumstances outlined by the Deputy and will inquire about the issue.

If anyone is entitled to say anything about widows in this House, it is Deputy Harkin because she appreciates the trauma attached to finding herself in that situation with her family. None of us has not been touched by this issue and there have been many changes in area. It will come as a surprise that there was no non-contributory widower's pension before 1997, a fact that is difficult to believe.

I met the National Widows Association and said I will discuss the issue. I agree that the baseline payment for those under 66 years of age is low and that there is a concern that, when children get older, people will lose income as a result. There are also issues arising from the changes in the household benefit schemes, such as free electricity. Those are real and pertinent issues and all of them must be addressed within the context of the available funding. As I indicated to the National Widows Association, I will review and assess the implications of these decisions.

I have listened to what people have said in the House — sometimes we lose the head but that does not matter — and I have listened to the National Widows Association. Regarding individualisation, which is a dangerous topic when discussing family, Deputy Harkin is right in her argument. Although I cannot give solace now, I will re-evaluate the situation. I have taken into consideration the views of Members on all sides and I appreciate the emotion attached not only to being widowed but to this issue as well. I assure all Members that I will evaluate this on the basis of the debate this evening.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 24 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 12, inclusive, answered orally.*

*Question No. 13 answered with Question No. 10.*

### Insurance Levy.

14. **Mr. McGinley** asked the Minister for Finance if it is planned to reduce or eliminate the insurance levy. [8680/04]

**Minister for Finance (Mr. McCreevy):** I have no plans to reduce or eliminate this levy, which yielded about €100 million in 2003 and is forecast to yield a similar amount in 2004.

### Tax Harmonisation.

15. **Mr. Allen** asked the Minister for Finance his views on the proposal of the French Finance Minister to harmonise corporation taxes among some member states under the enhanced co-operation provision of the EU Treaties. [8695/04]

46. **Mr. Sargent** asked the Minister for Finance his views on discussions between the European Commission and other EU member states on the possibility of harmonising corporate tax rates. [8982/04]

**Minister for Finance (Mr. McCreevy):** I will take Questions Nos. 15 and 46 together.

In 2001, the Commission issued a communication setting out its twin track approach in the company taxation area as follows: targeting particular obstacles in the short to medium term by taking a direct approach to each of the issues and finding a specific answer to the problem and adopting a longer term comprehensive measure, a common consolidated corporate tax base for companies for their EU-wide activities. The Commission made it clear this did not involve harmonizing rates.

In November 2003, the Commission updated its position with a communication entitled “An Internal Market Without Company Tax Obstacles — Achievements, Ongoing Initiatives and Remaining Challenges”. The common consolidated tax base has been discussed at EU conferences and has been the subject of a Commission consultation paper. Ireland does not see the Commission’s proposals for a common consolidated base as an appropriate way forward. However, we support efforts to eliminate unfair business tax practices within the EU and the removal of barriers to cross border trade and business.

I understand that what is now being suggested is that member states who favour the common consolidated corporate tax base would proceed under enhanced cooperation. Ireland would not favour such a course. It is, however, a matter for each member state to decide on whether to participate in an enhanced cooperation procedure. Ireland does not intend to do so. In any case, it is not clear that it has been established that we are in a position of “last resort” where adoption of enhanced cooperation would be appropriate.

Ireland’s opposition to the harmonisation of corporation tax is well known and clear. It is important that the rights of member states in relation to tax are retained at the national level.

### Special Savings Scheme.

16. **Mr. McGinley** asked the Minister for Finance his views on whether any scheme should replace the special savings account when it expires. [8655/04]

**Minister for Finance (Mr. McCreevy):** The specific goal of the SSIA scheme was to encourage people to save over a period of at least five years. Its effect has been to stimulate such savings over varying income ranges which is evident in the extensive take-up by many low income earners. The scheme has been a success in those terms. The scheme has a specific duration. Any proposals for new schemes either to replace the SSIA scheme or other schemes would be considered as part of the normal annual budgetary process taking account of public policy objectives and Exchequer cost implications.

### Tax Reliefs.

17. **Mr. Cuffe** asked the Minister for Finance his views on the contention expressed in the recent publication by the Economic and Social Research Institute, *Reforming Pensions in Europe*, that tax foregone in reliefs given to encourage private pension provisions now exceed the payment of means tested old age pensions. [8974/04]

**Minister for Finance (Mr. McCreevy):** A recent publication ‘Reforming Pensions in Europe’ launched at the ESRI deals with a range of pension issues arising in different EU countries. In one of the chapters it is stated that in Ireland, the UK and the US, tax reliefs for private pensions cost more than means-tested pensions. In Ireland, the tax system is used to encourage private pension provision, that is, occupational pension schemes and personal pensions. Tax relief is available for contributions made by the employer, employee or self-employed. Furthermore, the income and gains during the funding period are exempt. However, as a *quid pro quo* for these reliefs, tax arises when the income is withdrawn from the pension fund in retirement.



[Mr. McCreevy.]

The total very tentatively estimated cost of tax relief for pension funding is €2,600 million for the year 2000-1 which is the latest year available. This covers tax relief on contributions by employers, employees and self employed and the exemption from income and gains in the fund. There is very little concrete information in respect of contributions to occupational pension schemes as the relief is effectively given through the payroll system. In this regard, I provided in the Finance Bill 2004 that from February 2005 an employer will be obliged to show the overall amount of employer and employee contributions in the end of year P35 return.

Expenditure on means tested social welfare pensions is estimated at €720 million in 2004. It is Government policy to encourage pension provisions through tax relief as well as through the PRSI system and payment of non-contributory pensions.

### Fiscal Policy.

18. **Mr. Perry** asked the Minister for Finance his views on the efforts of European Ministers to reduce the strength of the euro. [8677/04]

**Minister for Finance (Mr. McCreevy):** As Minister for Finance, I have not commented in the past on the euro exchange rate and I do not now propose to make any specific comment on the euro exchange rate. The Eurogroup Ministers meeting on 19 January 2004, with the ECB President Jean Claude Trichet, agreed the following statement on the euro exchange rate.

Concerning exchange rates, our long-term strategy does not change. The euro must keep its value over the medium and long run, in line with economic fundamentals. In the present circumstances we particularly stress stability and we are concerned about excessive exchange rate moves.

I also recently attended the meeting of G7 Finance Ministers held in Florida on 6-7 February in my capacity as President of the ECOFIN Council. The statement issued by the G7 ministers included the following comments on exchange rates:

We reaffirm that exchange rates should reflect economic fundamentals. Excess volatility and disorderly movements in exchange rates are undesirable for economic growth. We continue to monitor exchange markets closely and cooperate as appropriate. In this context, we emphasize that more flexibility in exchange rates is desirable for major countries or economic areas that lack such flexibility to promote smooth and widespread adjustments in the international financial system, based on market mechanisms.

*Question No. 19 answered with Question No. 8.*

### Decentralisation Programme.

20. **Mr. Eamon Ryan** asked the Minister for Finance the sections of Government Departments that have already been relocated outside of Dublin to date; and the extent to which the workers transferred were the original workers attached to each Department concerned. [8980/04]

**Minister for Finance (Mr. McCreevy):** Sections of both the Revenue Commissioners and the Office of Public Works have decentralised offices. I am advised by the Revenue Commissioners that the numbers of posts that were initially relocated outside of Dublin under the previous decentralisation programmes to other locations are estimated as follows:

	Staff
Nenagh	215
Ennis	152
Limerick	550
Dundalk	86
Rosslare	47

The estimated percentage of those staff already serving in Revenue prior to decentralisation were as follows:

	%
Nenagh	30
Ennis	51
Limerick	31
Dundalk	90
Rosslare	98

The accounts branch of the Office of Public Works decentralised to Kilkenny in 1997. I am informed by the OPW that of the 27 posts involved, five were filled by staff who had already been with the OPW prior to the announcement of decentralisation.

### Tax Yield.

21. **Mr. Sargent** asked the Minister for Finance if late payments by State agencies to companies are taken into account in relation to payments sought from such companies from Revenue Commissioners. [8981/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that, where a company is having difficulty in meeting its tax obligations, all aspects of the company's business, including late payment by the company's customers, are taken into account in considering the action to be taken.

Revenue's consistent advice in such cases is that the company should contact Revenue to discuss the situation so that an appropriate arrangement for dealing with the issue can be considered.

### Fiscal Policy.

22. **Mr. English** asked the Minister for Finance if he plans to introduce new procedures for the presentation of proposals for spending and taxation in Dáil Éireann which would be more meaningful and more timely; and if he will make a statement on the matter. [8668/04]

**Minister for Finance (Mr. McCreevy):** The Estimates outline the Government's main spending proposals and they are presented to Dáil Éireann in accordance with the Standing Orders of the Dáil. I normally present the pre-budget or Abridged Estimates Volume (AEV) to Dáil Éireann approximately two weeks before budget day. The post-budget or Revised Estimates Volume (REV) is normally presented to the Dáil within eight weeks of the start of the fiscal year to which it relates. The Estimates by departmental Vote are then subject to individual scrutiny and approval by the relevant Oireachtas committee.

As regards taxation, the financial statement on budget day outlines the main taxation measures proposed. The details of these proposed measures are contained in the accompanying budget book, which is distributed to Members on budget day. The budget and Finance Bill debates provide the House with the opportunity to give its views on these measures. I do not have any plans to amend the arrangements outlined. I will, however, inform the Deputy of some reforms introduced and ongoing consideration under way which are of relevance to his question.

In my Budget Statement of 3 December 2003, I announced a major change in the financial treatment of capital spending through the introduction of rolling five year multi-annual capital envelopes. In implementing the new envelope system, I intend to allow Departments to carry over to the following year, subject to Dáil approval, any unspent Exchequer capital allocations, up to a maximum of 10% of each year's voted capital allocation.

The capital envelopes, including the carry-over arrangement, as well as leading to improvements in the management of capital programmes, will mean changes in the presentation of voted capital monies to the Dáil. The Finance Bill 2004 makes provision for the new carry-over arrangement. Under the new arrangements, as envisaged in the Finance Bill, the Dáil will be apprised of the amounts to be carried over in the AEV and it will be asked to approve the amounts on three separate occasions: the Appropriation Act of the carry-over year; a ministerial order which must be approved by the Dáil in the following year; and in the REV of the following year. The 2004 Public Capital Programme (PCP) included material relating to the multi-annual capital envelopes and it is intended that future PCPs will provide more project level information on major capital projects when the envelopes are fully operational.

Changes by way of tidying up or rationalising subheads and-or Votes have been made in the

REV in recent years in consultation, as appropriate, with the Committee of Public Accounts. The 2004 REV contained a revised presentation of the subheads in the Vote for the Department of Agriculture and Food so that the Vote better reflects the Department's main goals, as set out in its Statement of Strategy, and facilitates a match between the subheads of the Vote and the main programmes or strategic areas of the Department.

Work is ongoing on a pilot project under the aegis of my Department, involving the Departments of Agriculture and Food, Social and Family Affairs and Transport, to examine ways of improving the information available on the relationships between the resources deployed and the outcomes. The results of this pilot project will be evaluated and consideration will be given as to whether this approach should be mainstreamed across Departments. If it is considered that the pilot project should be further developed and mainstreamed, I will bring proposals to Government and to the Committee of Public Accounts. I expect the pilot project working group will furnish its draft report in the next few months.

### Public Private Partnerships.

23. **Mr. Kehoe** asked the Minister for Finance the impact on public investment of the recent changes in the system for accounting for projects with private sector participation. [8703/04]

70. **Mr. Gormley** asked the Minister for Finance the way in which EUROSTAT changes in the way public private partnerships can be accounted for will result in announcements in infrastructure projects being funded through such a mechanism; and when. [8978/04]

**Minister for Finance (Mr. McCreevy):** I propose to take Questions Nos. 23 and 70 together.

I welcome the recent clarification from EUROSTAT as to the accounting treatment of public private partnerships. It will assist Departments in implementing the ambitious PPP investment target of €3.6 billion in the period 2004-2008 under the five year rolling multi-annual capital investment envelopes which I announced in the 2004 budget.

Public private partnership investment is an important component of the five year investment envelope. The latter is set at 5% of GNP, over twice the EU average. The objective of the investment envelope is to address our infrastructure deficiencies. To the extent that the EUROSTAT ruling provides greater clarity it will assist this objective. Individual projects, PPP or otherwise, are a matter in the first instance for relevant Departments. I look forward to the implementation of these PPP targets by individual Departments taking account of the EUROSTAT clarification.

[Mr. McCreevy.]

It might be noted that the overall investment envelope will be reviewed in the context of the 2005 budget taking account of budget sustainability and, as appropriate, the EUROSTAT clarification.

#### **Tax Yield.**

24. **Mr. G. Mitchell** asked the Minister for Finance his views on the case for tax neutrality to accompany carbon taxation in order that proceeds of the new tax are used to reduce the tax burden on other resource friendly items. [8651/04]

41. **Mr. Quinn** asked the Minister for Finance the progress made by his Department in its consideration of the consultation papers on carbon taxes; and if he will make a statement on the matter. [8945/04]

83. **Mr. Gormley** asked the Minister for Finance if he remains committed to the introduction of a carbon tax as outlined in his Budget 2003 speech; and if he will make a statement on the matter. [8977/04]

**Minister for Finance (Mr. McCreevy):** I propose to take Questions Nos. 24, 41 and 83 together.

In my budget speech in December 2002, I said there would be full consultation with interested parties on the design of a carbon energy tax. In July 2003, I commenced this consultation process and made available a carbon energy tax consultation paper prepared by my Department. This consultation paper was designed to facilitate discussions on the introduction and design of the carbon energy tax while recognising that there are divergent views on the issue. The paper gave a concise overview of the issues relevant to consideration of the proposal including revenue recycling or 'tax neutrality'. Submissions in response to the paper were invited from interested parties to be received in this Department by 30 September 2003, but extra time was given where requested by organisations to complete their submissions. Some 117 submissions were received by my Department in response to the carbon taxation consultation paper.

The issue of revenue neutrality and recycling will be examined, along with all other relevant considerations, during the development of the carbon energy tax proposal in the coming months. Such an examination will include consideration of whether the tax should be recycled to the sectors on which it is levied or whether it should be used for other purposes including reducing the tax burden on other sectors. It would not be appropriate for me to comment further on any particular issue at this stage. The current step in this process is the examination of submissions received in the Department. As part of the consultation process,

these submissions are now also available publicly via my Department's website.

#### **Decentralisation Programme.**

25. **Ms McManus** asked the Minister for Finance if an assurance has been sought from public service unions that civil servants who opt not to participate in the Government's proposed decentralisation programme will not suffer in regard to promotional prospects; if such an assurance has been given; and if he will make a statement on the matter. [8933/04]

53. **Mr. McCormack** asked the Minister for Finance if promotion opportunities have been made dependent on a willingness to decentralise. [8688/04]

78. **Mr. Cuffe** asked the Minister for Finance the nature of the threats posed to the Government's Department relocation programme by the reluctance to this policy being shown at recent annual conference of public service unions. [8973/04]

**Minister for Finance (Mr. McCreevy):** I propose to take questions 25, 53 and 78 together.

I have made it clear on many occasions that the decentralisation programme will operate on a voluntary basis. Civil and public servants who do not wish to transfer to a decentralised location will be assigned to alternative public service posts in Dublin. The exact procedures which will apply in such cases will be dealt with as part of the implementation process, which is being overseen by the implementation group. These arrangements are also being discussed with the public service unions.

Decentralisation will inevitably change the way in which the public service will operate in the future. In the case of promotion prospects, there will continue to be broadly speaking the same opportunities across the service but the impact on individuals, both those serving in Dublin and outside Dublin, will depend upon a variety of factors. The decentralised nature of the service will mean that people, particularly those at the more senior levels, will in the future have to consider their career prospects in the light of the opportunities that arise both in Dublin and outside Dublin. I would also expect, for example, that the question of regional promotion structures is an issue that is likely to arise in the discussions with the unions. Promotion practices for the future will have to have regard to decentralisation.

One of the advantages of the decentralisation programme is that it will create a wider range of work and career opportunities for individuals working outside Dublin than is currently the case. Present and future civil servants who aspire to senior management positions will no longer have to migrate to the capital, although many may well continue to do so. Similarly, individuals serving in Dublin will be able to pursue their careers within

Dublin but, again, many may choose to avail of promotion opportunities in decentralised offices.

I am confident arrangements will be put in place to ensure that sufficient staff are available to carry out the work of the Department and agencies involved in the decentralisation programme.

### Public Sector Jobs.

26. **Mr. Boyle** asked the Minister for Finance the reason for the discrepancy between the figures of his Department and those of the Central Statistics Office and FÁS in relation to growth of public sector jobs in 2003. [8971/04]

71. **Mr. Connaughton** asked the Minister for Finance his plans for the development of public service numbers over the next three years. [8702/04]

**Minister for Finance (Mr. McCreevy):** I propose taking Questions Nos. 26 and 71 together.

The FÁS labour market commentary drew employment figures from the CSO quarterly national household survey 2003 quarter 3 which do not purport to be an indicator of public service employment. As I have stated previously, the CSO classification of “Public Services” includes sizeable private sector elements in the Health and Education sectors including work without a public sector parallel. For example the health sector figure includes private sector health practitioners and providers and also private crèche workers. The education sector figure includes private schools, colleges, and training providers.

As regards public sector employment, a more relevant CSO series is that on public sector employment and earnings, although it should be noted that this survey includes the commercial State companies, which are not covered by the Government’s numbers policy, and only includes figures in respect of the health sector, which is covered by the numbers policy, annually, in respect of December, rather than quarterly as for all other sectors. The most recent figures available under this series are in respect of September 2003, published on 18 February. This shows a reduction of 5,000, from 240,700 to 235,700, between June and September 2003. There is certainly a seasonal element in this but the reduction in 2003 was more than double the average reduction in the same months in the previous three years.

It is also worth noting that the CSO figures under both headings discussed above include all employees whether full-time or part-time. The surveys cover those who worked at least one hour in the reference week for most sectors. The most appropriate measure for the purposes of monitoring the effect of the Government’s policy on public service numbers is whole time equivalents. On this basis my Department’s figures show a total public service employment of

279,274 at 31 December 2002 and an estimated 279,991 at 31 December 2003 with a projected figure of 278,145 at the end of 2004.

Therefore, the level of public service employment, having risen steadily over several years up to 2002, stabilised in 2003 and should fall this year. Within that overall 2003 picture, numbers are marginally up in the health sector, attributable mainly to persons taken on as public servants during 2003 following the withdrawal of certain private and voluntary providers from areas of the health service; numbers in the Education sector rose by about 1,250, largely attributable to special needs education provision; while numbers reduced in the rest of the public service.

I intend achieving a reduction of 5,000 in authorised numbers by the end of 2005. I consider that good progress has been made to date and I am satisfied public service employers are taking the appropriate steps to ensure that this demanding target will be reached.

### Pensions Provision.

27. **Ms Burton** asked the Minister for Finance if he has plans to introduce ethical guidelines to cover the investments made by the National Pensions Fund to ensure that the public money is not put into inappropriate investments; and if he will make a statement on the matter. [8920/04]

**Minister for Finance (Mr. McCreevy):** The National Pensions Reserve Fund is managed by commissioners who are independent of Government. They control and manage the fund with discretionary authority to determine and implement an investment strategy for the fund. This investment strategy is based on a commercial investment mandate with the objective of securing the optimal return over the long term, having regard to the purpose of the fund as set out in section 18(1) of the National Pensions Reserve Fund Act 2000 and the payment requirements of the fund as provided for under section 20 of the Act, provided the level of risk to the moneys held or invested is acceptable to the commission.

These features of the Act are similar to the trustee arrangements which exist in private pension funds. Along with the statutory prohibition on draw-downs from the fund prior to 2025, they insulate the fund from day to day pressures on Government and enable the commission to take a long-term view. This is essential if the purpose for which the fund was established, to meet as much as possible of the cost to the Exchequer of pension payments from the year 2025 until at least the year 2055, is to be achieved.

Section 19 of the National Pensions Reserve Fund Act 2000 provides that, in investing fund moneys, the commission shall seek to optimise total financial return provided the level of risk is acceptable to the commission. Therefore, the commission is required to adopt a standard

[Mr. McCreevy.]

commercial investment policy and it does not have discretion to choose not to invest in particular sectors or companies for anything other than commercial reasons.

In determining the investment policy of the fund during the drafting of the National Pensions Reserve Fund Act, I considered whether this policy should be strictly commercial or whether it should be qualified by ethical, environment and other public policy criteria. A major difficulty in deciding on an ethical investment policy is where to draw the line, given that there will inevitably be different opinions and intense debate on what constitutes ethical and socially responsible investments. In short, there is unlikely to be broad consensus on any ethical investment policy. I have no plans to revisit this matter.

Under the National Pensions Reserve Fund Act, the chairperson of the commission is required to appear before the Committee of Public Accounts at that committee's request. Furthermore, the commission's annual report must be laid before each house of the Oireachtas and is required to include a detailed list of the fund's assets at year end. These requirements are designed to ensure that detailed information concerning the fund is made available to the public at the appropriate time. The commission's report for 2002 was launched on 23 July 2003.

The commission is specifically required to include in the report information on the investment strategy followed, a report on the investment return achieved by the fund and a valuation of the net assets of the fund at year end. These requirements are designed to ensure that detailed information concerning the fund is made available to the public at the appropriate time.

#### **Decentralisation Programmes.**

28. **Dr. Twomey** asked the Minister for Finance if his Department through the offices of the OPW has given consideration to using Johnstown Castle in County Wexford as the decentralised headquarters of the Department of Environment, Heritage and Local Government taking into account the role this castle has in this country's heritage, in view of the fact that the Environment Protection Agency headquarters is nearby, that the castle grounds offer a favourable environment to work nearby and that distance and journey times are favourable for travelling to Dublin. [8286/04]

**Minister of State at the Department of Finance (Mr. Parlon):** In conjunction with the others received, a proposal to use the Johnstown Castle Estate in Wexford as the decentralised headquarters for the Department of Environment, Heritage and Local Government is under consideration by the Commissioners of Public Works.

#### **Tax Code.**

29. **Mr. Costello** asked the Minister for Finance the reasons he felt unable to respond to the case made by the Gaelic Players Association for the introduction of a special tax allowance for high performance amateur sportspersons in order to recognise their contribution to society; and if he will make a statement on the matter. [8922/04]

162. **Mr. O'Connor** asked the Minister for Finance the contacts he has had with the Gaelic Players Association in respect of the concerns it expressed about a taxation allowance for high performance amateur sportspersons; his views on the matter; the actions he proposes to take; and if he will make a statement on the matter. [8574/04]

**Minister for Finance (Mr. McCreevy):** I propose to take Questions Nos. 29 and 162 together.

The Gaelic Players Association made representations to me and my Department both by letter and at a number of meetings in respect of the introduction of special tax arrangements for elite amateur sportspersons which would be of benefit to their members. The Gaelic Players Association whose members are not paid in respect of their direct participation in gaelic games proposed a scheme of annual tax credits for elite amateur sportspersons who are resident in the State. As Deputies are also aware this proposal was the subject of considerable discussion during both Committee and Report Stages of this year's Finance Bill. The proposal envisaged that a tax credit of €2,000 would be used against the person's non-sport income since being amateurs, they do not have income arising directly from the sport itself.

Agreeing to the introduction of such a measure would simply result in the taxpayer subsidising certain amateur sportspersons when their own organisations are unwilling to do so. That is the nub of the matter. As I have said on a number of occasions, over the years the needs of GAA players have often been neglected and it was shameful that it was only in recent times that players' concerns had been heard. The GPA is to be complimented on its role in that regard. However, the provision of a new tax credit for each player in recognition of the efforts of GAA players is an entirely different matter. The GPA argument appears to be that because the GAA refuses to pay players for participation in the games, or even reimburse them adequately for legitimate expenses incurred directly as a result of their involvement in games and training sessions, the Government, that is, the taxpayer, should pick up the bill. It is not an argument with which I can agree under any circumstances.

The proposed tax credit of €2,000 per annum per sportsperson is more than the total tax credit available to a non-PAYE single person which stands at €1,520 while the PAYE tax credit itself

of €1,040 is almost half of what the GPA proposes be granted to a select group of players. A tax credit of €2,000 is the equivalent of exempting €10,000 of income from tax for a standard rate taxpayer.

The Government has made substantial sums of money available to the GAA at national and local level for the development of facilities which provide the appropriate arenas in which these great national games are played. In the past two years alone the organisation has been allocated no less than €68 million in Exchequer funding, including €1.5 million a year in current funding for the governing body. I am not just referring to Government funding for Croke Park, in respect of which I took more than my fair share of criticism, but for a whole range of GAA facilities built with assistance under the sports capital programme which is administered by my colleague, the Minister for Arts, Sport and Tourism. The record shows that no Government has been as generous to Irish sport as this Administration. In addition, the GAA has also been exempt from income tax for the past 75 years, since 1928. This relief should not be overlooked by those seeking additional tax concessions.

If it was ever considered desirable to grant €2,000 per annum to all elite sportspersons, a direct grant mechanism would be a more appropriate and fairer measure. A tax credit would not benefit many élite athletes who due to the levels of commitment and time demands of their respective training regimes are often not in a position to hold down full time employment.

In seeking this €2,000 tax credit, the GPA has claimed there is discrimination in the tax code in the treatment of the players represented by them and certain professional athletes. This is not the case. Two years ago, I introduced a scheme of tax relief for certain professional and semi-professional sportspersons which was given by way of a repayment of tax which could be claimed in the year in which the sportsperson retired from active participation in the sport. The relief relates solely to direct sports income and not from sponsorship or other income. However, the position of GAA players *vis-à-vis* professional sportspersons that can avail of the retirement relief is quite different. In general, specific allowances or credits in the tax system are put in place to compensate taxpayers for necessary expenses incurred in the process of earning an income and not for expenses incurred while undertaking a voluntary activity.

Furthermore, the introduction of this credit would set an unwelcome precedent and would inevitably lead to other voluntary workers demanding a similar credit on equally supportable grounds. If these sportspersons were to get a special tax credit to acknowledge their expenses relating to the activity and their contribution to the community it would be near impossible not to extend this to other categories

of individuals who give of their time and incur expenses in a wide variety of community, youth and other voluntary work. Many of the voluntary and charitable organisations to which they contribute are far less likely to be able to meet expenses of these individuals than the GAA can.

#### Disabled Drivers.

30. **Mr. McCormack** asked the Minister for Finance the reason for the delay in publishing the review group report on drivers and passengers with a disability; when the review group was first established; when it reported to him; and when he intends to publish the report. [8653/04]

42. **Mr. J. O’Keeffe** asked the Minister for Finance when the report of the interdepartmental group on the disabled drivers and passengers scheme was completed; the arrangements for consideration being given to this report in his Department; the reason this consideration has not been completed; and if he intends to take action on this report. [8707/04]

156. **Cecilia Keaveney** asked the Minister for Finance the position in relation to the interdepartmental group review of the 1994 disabled drivers and disabled passengers tax concessions; and if he will make a statement on the matter. [8433/04]

167. **Ms O. Mitchell** asked the Minister for Finance the outcome of the cross departmental committee to review and revise the tax concessions for disabled motorists (details supplied). [8724/04]

187. **Mr. Durkan** asked the Minister for Finance the position in regard to the interdepartmental review of the 1994 disabled drivers and disabled passengers tax concessions; when it is expected to extend the limits of the scheme; the reason for the long delay in bringing the matter to a conclusion; and if he will make a statement on the matter. [9147/04]

**Minister for Finance (Mr. McCreevy):** I propose to take Questions Nos. 30, 42, 156, 167 and 187 together.

The interdepartmental review group on the disabled drivers’ and disabled passengers’ (tax concessions) scheme was established in 1998. I received the report of the group in September 2002 and the issues raised in it are currently under consideration. The report is a substantive one and needs to be studied carefully. On completion of this process, I envisage that the report will be made available publicly.

#### Tax Code.

31. **Ms Burton** asked the Minister for Finance if he will consider the establishment of a commission on taxation to inquire into the fairness and equity of the overall tax system and the impact, in particular, of provisions for

[Ms Burton.]  
exemption from tax and residency rules; and if he will make a statement on the matter. [8921/04]

**Minister for Finance (Mr. McCreevy):** The last commission on taxation was set up in early 1980. Its terms of reference included the recommendation of such changes as appear desirable and practicable to achieve an equitable incidence of taxation, due attention being paid to the need to encourage development of the national economy and to maintain an adequate revenue yield. The background to the setting up of this commission was the discontentment of the PAYE sector with the system which led to the PAYE tax marches of that time. The 1980 commission on taxation issued five reports between 1982 and 1985. Its key recommendation was a low single rate of direct tax on a wider tax base.

I see no case to set up a new commission. Since 1979-80, the top rate of income tax has gone down from 60% to 42%, the 45% and 50% rates have been abolished and the standard rate, which at one stage was as high as 35%, has come down to 20%, and is now the bottom rate. With regard to PAYE concerns expressed at the time *vis-à-vis* the self-employed, a PAYE allowance — now a credit — was introduced in the 1980 budget. The system of income tax allowances has been replaced by a much fairer system of tax credits. Standard rating and the move to tax credits has equalised the value of personal allowance for all tax payers regardless of their level of income, thereby increasing the equity of the system.

Since 1993-94, while the total number of those in the income tax record has increased significantly by almost 664,000, or almost 54%, from 1,230,000 to 1,893,800, the number who pay no income tax at all has more than doubled over the past ten years from almost 325,400 to almost 668,700. Over the past 7 budgets, 81,300 aged income earners have been taken out of the tax net. Tax exemption limits for persons aged 65 and over have more than doubled since 1997. On international comparisons relating to the average production worker, Ireland has the lowest tax wedge in the EU and one of the lowest in the OECD.

As regards combating tax avoidance and widening the tax base, I have introduced a series of measures over the past six years, beginning with the imposition in my first budget of a £25,000 annual cap, now €31,750, on the amount of capital allowances on buildings that an individual passive investor can set against non-rental income. On combating tax evasion, I have given the Revenue Commissioners increased powers which they have used to good effect in pursuing tax defaulters.

For all these reasons, there is no question but that the present income tax system is much fairer than it was ten years ago, not to speak of the system that applied in 1979-80.

There are various fora now at which the tax system can be discussed, including the National Economic and Social Forum and the partnership process and these have played a key role in ensuring our economic success in recent years.

The Deputy has made particular reference to the provisions for tax exemption. Deputies may be interested to note that one of the few exemptions which the commission on taxation proposed in 1984 to retain was the exemption from tax on income from stallion nominations. The Deputy also referred in particular to the present rules on residence for tax purposes. I remind the Deputy that these rules were agreed by the then Fianna Fáil and Labour Government following detailed consideration in the context of the 1994 Finance Bill.

The previous residency rules were a mixture of statutory provisions, old case law and administrative practice, which Deputies I am sure would accept was an unsatisfactory situation. In his 1994 budget speech the Minister for Finance had earlier pointed out that the rules were quite complex and that there was a case for clarifying and simplifying them to ensure the legislation provided certainty. This aim was achieved by the provisions in the 1994 Finance Act. The key residency rule is residence in the State for at least 183 days in a tax year, which is also a key rule in several other EU countries. I see no reason to change them, let alone set up a commission on taxation to examine them.

#### **International Monetary Fund.**

32. **Mr. Gilmore** asked the Minister for Finance the discussions he has had with other EU Ministers on a replacement for Mr. Horst Kohler as director of the International Monetary Fund; his views on the qualities required by a replacement; if he has views regarding the person this should be; and if he will make a statement on the matter. [8925/04]

**Minister for Finance (Mr. McCreevy):** Mr. Horst Kohler has stepped down as Managing Director of the IMF. The decision on appointment of the managing director of the IMF is a matter for the executive directors of the IMF in Washington in accordance with the articles of association of the Fund. In the event of a number of candidates emerging, a vote may be needed.

As of this time I do not believe any nomination has been made but various names of possible candidates have surfaced in the media. The matter was discussed briefly during the Minister's lunch as the recent ECOFIN meeting on the 9 March but no decision was reached.

#### **European Council Meetings.**

33. **Dr. Upton** asked the Minister for Finance if he will make a statement on the outcome of the ECOFIN council held in Brussels on 9 March 2004. [8923/04]

**Minister for Finance (Mr. McCreevy):** On 9 March, I chaired a meeting of the ECOFIN Council in Brussels. The Council adopted the key issues paper, which sets out in a clear fashion the priorities that ECOFIN would like to see tackled by the European Council later this week. The Council also adopted conclusions on national contributions to the European Growth Initiative. The stability programmes of Belgium, Germany, Spain and Portugal were examined and opinions for each of the four member states were approved.

The ECOFIN Council heard reports on the state of play in the negotiation of saving tax agreements with UK and Dutch dependent territories and in the Commission's negotiations with European third countries. In this context, the Council also indicated that it was favourably disposed to a Commission recommendation proposing a framework for the negotiation of a monetary agreement with Andorra. On the issue of reduced VAT rates, a brief exchange of views was held at the request of the French delegation.

With regard to the European Community budget, ECOFIN recommended that discharge be given to the Commission in respect of the implementation of the general budget of the European Communities for 2002. The Council also agreed on the priorities that it would like to see reflected in the 2005 Community budget. There was a brief discussion on the budgetary classification of funded pension schemes.

The discussion over lunch covered the upcoming vacancies on the European Central Bank's executive board and at the International Monetary Fund, the establishment of a European centre for international economics and the need to have informal exchanges of views about some of the longer-term economic and strategic challenges facing the Union in the years ahead.

Prior to the Council meeting, I also chaired a breakfast meeting where Ministers discussed the impact of regulation on economic performance and the possibilities of reducing the administrative burden on enterprises.

#### **Decentralisation Programme.**

34. **Ms Lynch** asked the Minister for Finance if, in regard to his decentralisation proposals, a survey has been carried out generally to establish the number of public servants willing to transfer to new locations, or if such a survey is planned; if the move will be voluntary and no public servant will suffer in regard to career options or promotional opportunities if they do not wish to move to a new location; if his attention has been drawn to the serious concern that has been expressed by various trade unions representing virtually all grades in the public service at the implication of the proposals; and if he will make a statement on the matter. [8931/04]

**Minister for Finance (Mr. McCreevy):** I have not undertaken a survey of civil servants or public servants to ascertain the numbers who wish to

transfer to each of the locations included in the decentralisation programme. Conducting such a survey in advance of clearer timelines for the sequencing of all the various moves would be of limited value. Following the finalisation of the implementation plan by the decentralisation implementation committee, a structured application system should be established to allow staff to apply for each of the locations announced. The nature of this system is currently the subject of discussion between public service management and unions.

The decentralisation programme will operate on a voluntary basis. Civil and public servants who do not wish to transfer to a decentralised location will be assigned to alternative public service posts in Dublin. The exact procedures which will apply will be dealt with as part of the implementation process and is being discussed with the public service unions.

Decentralisation will change the way in which the public service operates in the future. In the case of promotion prospects, there will continue to be broadly speaking the same opportunities across the civil and public service. The new programme will create a wider range of work and career opportunities for individuals working outside Dublin than currently. Public servants who aspire to senior management positions will no longer have to migrate to the capital, although many may well continue to do so. Similarly, individuals serving in Dublin will be able to pursue their careers within Dublin but many may choose to avail of promotion opportunities in decentralised offices.

From the outset the Government has been anxious to consult the unions on the issues of concern to them. Regular meetings are taking place between management and unions on all aspects of the programme.

#### **European Growth and Stability Pact.**

35. **Mr. Hogan** asked the Minister for Finance the grounds on which the Commission have initiated a court action against the Council of Ministers in respect of enforcement of the rules of the stability pact. [8697/04]

**Minister for Finance (Mr. McCreevy):** The Deputy appears to be referring to the European Commission action concerning the ECOFIN Council conclusions of 25 November 2003 on the implementation of the excessive deficit provisions of the treaty.

The decision of the European Commission to initiate a court action against the Council in this case is entirely a matter for the Commission itself. In this regard, I would specifically point the Deputy to the Commission press release of 13 January 2004 which outlined the grounds for their decision, available at [www.europa.eu.int/comm/economy\\_finance/news/pressreleases\\_en.htm](http://www.europa.eu.int/comm/economy_finance/news/pressreleases_en.htm).

As regards the ECOFIN Council meeting of 25 November last, the Commission and the Council differed in their interpretation of the treaty



[Mr. McCreevy.] provisions, but not on the substance of the issues in question.

### **Decentralisation Programme.**

36. **Mr. J. O’Keeffe** asked the Minister for Finance the steps that were taken in the decentralisation programme since it was first announced in 1999; the consultations that took place with staff associations and otherwise between 1999 and the detailed announcement in 2004; and if he will make a statement on the matter. [8919/04]

**Minister for Finance (Mr. McCreevy):** I announced in my budget speech in December 1999 that the Government intended to proceed with a new, more radical programme of decentralisation. Since that announcement, my Department received submissions, representations and inquiries on behalf of more than 130 centres throughout the country seeking to be included in the new programme. There was extensive consultation with interested parties including meetings at official level between the Department of Finance and other Departments and with each of the civil service staff unions; between myself and the staff unions generally to hear the latter’s views and concerns; the Strategic Management Initiative Implementation Group of Secretaries General provided advice, at the request of the Government, on how implementation of the new programme could enhance the efficiency and effectiveness of the public service; heads of relevant Departments provided views, at the request of the Government, on the experience of their respective Departments with the previous programme of decentralisation; and a major public service union provided advice, in response to an invitation from me, on the development of criteria for the programme.

In coming to its decision the Government took account of a wide range of factors in selecting suitable locations and departments and agencies for the new programme. I refer the Deputy to page B.25 of the summary of 2004 budget measures which describes the main factors taken into account.

37. **Ms O. Mitchell** asked the Minister for Finance if a report on leases of public service units proposed for removal from Dublin was considered as part of the decision on decentralisation. [8686/04]

**Minister of State at the Department of Finance (Mr. Parlon):** Currently, the State rents some 200,000 square metres of office space in the Dublin area at a cost in the region of €70 million per annum. In addition, the State uses some 230,000 square metres of state owned office accommodation in Dublin.

Under the decentralisation programme in excess of 200,000 square metres of office

accommodation will be required in the regions for staff moving out of Dublin. A broadly equivalent amount of space will, as a consequence, be no longer required in the Dublin area.

The issues surrounding the disposal of surplus Dublin space, both owned and leased, are currently being addressed. In this context, the following considerations will be taken into account: the specific circumstances associated with each building including location, quality and design, tenure, office area and whether its leasehold or freehold; the relocation of Departments-offices within the Dublin portfolio with a view to the optimum consolidation of Dublin office space and the timing of property disposals; the market value of a building can be greatly affected by prevailing market conditions including a significant influx of properties to the market

### **EU Presidency.**

38. **Mr. Sherlock** asked the Minister for Finance if he has received the results of the independent investigation into concerns expressed about the procurement of certain goods and services by the OPW in connection with the EU Presidency; the main findings of the investigation; if it is intended to publish the report; and if he will make a statement on the matter. [8949/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The review being carried out by PricewaterhouseCoopers on behalf of the Office of Public Works of the matters to which the Deputy refers is nearing completion and its report will be finalised shortly. The purpose of the examination is to establish, insofar as possible, the facts in this matter.

The report has been commissioned as an internal management document to assist me and the relevant senior officials in my office to ascertain the facts and as such it is not my intention to make it available generally to the public. However, I will make public the main findings of the report.

*Question No. 39 answered with Question No. 10.*

### **National Development Finance Agency.**

40. **Mr. Ring** asked the Minister for Finance the number of projects examined to date by the National Development Finance Agency; and the outcome in terms of the recommended system of funding of these projects. [8663/04]

**Minister for Finance (Mr. McCreevy):** I refer the deputy to my reply of 17 February 2004. I am advised there have been no further developments requiring any update on the information provided last month.

The National Development Finance Agency (NDFEA) was established on 1 January 2003. One

of its functions is to advise State authorities on the optimal means of financing the cost of public investment projects in order to achieve value for money. The NDFA's role includes advising on the financing and risk evaluation of Ireland's public private partnership procurement projects and raising or arranging finance for national development plan projects. In this respect it provides a centralised expert service to Departments and certain other State authorities. In addition to its advisory role, the NDFA has the power to raise funding itself or through special purpose companies up to a total of €5 billion to finance infrastructure projects. I understand that this facility has not been invoked so far.

I am advised that the agency has completed or substantially completed its input on six infrastructure projects with a combined value of more than €700 million and has organised EIB and other private lending facilities of some €250 million for these projects.

In my recent budget speech I initiated a major change in the financial treatment of capital spending by introducing five year capital envelopes. These envelopes include a commitment to keep the level of Exchequer funded capital investment at close to 5% of GNP over the period 2004-08. A significant development in these capital envelopes are specific targets for projects financed through public private partnership or by the NDFA. These targets increase from 3% of total spending in 2004 to 15% by 2008 and amount to €3.6 billion in total. The NDFA will have an important role to play in advising Departments and agencies in regard to the optimum financing of these projects to achieve value for money.

*Question No. 41 answered with Question No. 24.*

*Question No. 42 answered with Question No. 30.*

#### **Non-Resident Accounts.**

43. **Mr. Sherlock** asked the Minister for Finance the number of High Court orders sought to date by the Revenue Commissioners under the Finance Act 1999 to require financial institutions to supply names, addresses and other relevant information regarding holders of bogus accounts at the latest date for which figures are available; the number of cases in which orders have been granted; the general progress made to date in identifying the holders of such accounts who did not avail of the recent voluntary disclosure scheme; and if he will make a statement on the matter. [8950/04]

**Minister for Finance (Mr. McCreevy):** Authorised Revenue officers are empowered to make an application to a judge of the High Court seeking an order requiring financial institutions to supply names, addresses and other relevant information concerning account holders who may

have held bogus non-resident deposit accounts. Such applications are made under Section 908 of the Taxes Consolidation Act 1997, as amended by the Finance Act 1999.

I am advised by the Revenue Commissioners that eighteen applications for orders under Section 908 have been made and have been granted. When one includes institutions which have been taken over or amalgamated with other institutions, these orders seek information in respect of accounts in 26 financial institutions. No further applications for such orders are pending in regard to the bogus non-resident account enquiries.

A large volume of information has been reported to Revenue under the High Court orders. Inquiry work in the examination of the first batch of taxpayers commenced on 11 October 2002. Further general issues of inquiry letters were made in January, May, July, September, October 2003 and January 2004. These general inquiry letter issues relate to 91,000 non-resident accounts that had Irish addresses connected to them. A total of 177,000 inquiry letters have been issued to taxpayers in respect of these non-resident accounts. The final general inquiry letter issue took place in January 2004.

While it is clear Revenue is facing a long programme of investigations over several years, the Revenue Commissioners have informed me that they are satisfied significant progress has been made in this the final phase of the investigations. Since 15 November 2001, payments of €275 million have made to Revenue by taxpayers who held bogus non-resident accounts.

#### **Company Closures.**

44. **Mr. Eamon Ryan** asked the Minister for Finance the investigations being pursued by his Department in relation to the collapse of a company (details supplied). [8979/04]

**Minister for Finance (Mr. McCreevy):** I understand a Garda investigation is ongoing in relation to the company to which the Deputy refers. As the Deputy will appreciate, I am unable to give any details as to the progress of that investigation.

As regards the policy-legislative issues arising from the collapse of the firm, it is clear that careful and detailed examination of all aspects will be required before any such action is taken. In that regard, I have decided to set up three working groups to examine the issues arising from the case. These groups will investigate the relevant areas of legislation, including company and trust law, funding for compensation and financial regulation. The groups will comprise officials from my Department and the Department of Enterprise, Trade and Employment as well as representatives from the Irish Financial Services Regulatory Authority and the Investor Compensation Company Limited. I

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also intend to invite representatives from relevant financial service industry bodies.

The terms of reference for these groups are being finalised and I expect they will begin their work in the coming weeks. While no date has yet been agreed for completion of their examination of these issues, I envisage that the working groups will report back to me with their recommendations within a matter of months.

#### Tax Yield.

45. **Mr. Stanton** asked the Minister for Finance the amount collected by way of the increased taxation on alcopops in 2003; and if he will make a statement on the matter. [8985/04]

**Minister for Finance (Mr. McCreevy):** I am informed by the Revenue Commissioners that an estimated €12.2 million was collected in 2003 as a result of the increased taxation on alcopops. This is made up of additional excise duty of €10.2 million, together with additional VAT estimated at €2 million. The figure for additional VAT collected is estimated as VAT returns are not required to be completed in a manner that identifies the yield from particular goods and services.

The 2003 budget increase almost doubled the excise duty content on a 275 ml. bottle of alcopop, that is, lower strength spirit-based drink with less than a 5.5% alcohol content, from 30 cent to more than 59 cent. The increase was equal to 35 cent when VAT was included. The total volume of alcopops on which excise duty was paid in 2003 fell by 11.5%, compared to the corresponding period in 2002.

*Question No. 46 answered with Question No. 15.*

#### European Central Bank.

47. **Mr. Gilmore** asked the Minister for Finance when he expects a decision will be made on the new appointment to the board of the European Central Bank to replace the Spanish member whose term expires on 31 May 2004; his assessment of the prospects of the Irish nominee securing the appointment; and if he will make a statement on the matter. [8924/04]

56. **Mr. Boyle** asked the Minister for Finance the position regarding Ireland achieving a position on the executive board of the European Central Bank. [8972/04]

**Minister for Finance (Mr. McCreevy):** I propose to take Questions Nos. 47 and 56 together.

The vacancy on the six member executive board of the European Central Bank to which the Deputies refer arises from the expiry of the non-renewable term of office of Mr. Eugenio Domingo Solans on 31 May next. The decision regarding the appointment is made by common

accord of the Governments of the member states who have adopted the euro at the level of Heads of State or Government. It is based on a recommendation from the ECOFIN Council after it has consulted the European Parliament and the governing council of the ECB.

Three candidates have been nominated to fill this vacancy when it arises. Ireland's nominee is very well-qualified for the position. The eurogroup Ministers, at their meeting on 8 March last, decided that we will decide from among the three candidates on our recommendation to the Heads of State and Government by the time of the European Council at the end of this month. This would allow a detailed consideration by Ministers of the suitability of the candidates proposed. As part of our Presidency, I have convened an informal meeting of Ministers of the eurozone member states on 25 March 2004 in Brussels to consider the matter further.

#### Carbon Tax.

48. **Mr. English** asked the Minister for Finance his latest estimate of the impact of a carbon tax on carbon emissions. [8692/04]

**Minister for Finance (Mr. McCreevy):** The most recent estimate of the effect of various tax rates in terms of revenue raised and the expected reduction in carbon emissions is shown in the following table.

Effects of Tax Rates (2010 with exemptions for emissions trading \*)

Tax Rate	Revenue Raised (€)	CO <sub>2</sub> reduction (Mt)
€	€ million	
7.50	200	0.75
10	265	1.01
15	390	1.51
20	510	2.02
25	625	2.52

\*To facilitate comparison with figures supplied previously, it might be noted that not providing an exemption for those covered by emissions trading would add from approximately €100 million to €250 million, depending on the tax rate, to the revenue figures for 2010, which assume a reduction in energy use by that date. The revenue streams for each tax rate would be higher in earlier years.

#### Tax Code.

49. **Mr. Howlin** asked the Minister for Finance when he intends to implement the commitment given in An Agreed Programme for Government to remove all those on the national minimum wage from the tax net; and if he will make a statement on the matter. [8928/04]

**Minister for Finance (Mr. McCreevy):** The position is that the statutory minimum wage is an average hourly rate of gross pay for an employee as defined under the National Minimum Wage Act 2000. The wage currently stands at €7 per

hour having been increased on 1 February 2004 from the previous amount of €6.35 per hour. The annualised equivalent of the present minimum wage is €14,196. The provisions in budget 2004 and the Finance Bill 2004 ensure that for a single person in the PAYE sector, he or she will not pay tax on any income of €246 per week or under, equivalent to €12,800 per year.

An Agreed Programme for Government, states that, “over the next five years our priorities .... will be .... to achieve a position where all those on the minimum wage are removed from the tax net”. The five year period mentioned commenced two years ago when the Government was elected to office. It should also be noted that the commitment to exempt the minimum wage from tax is given in the context of a broader economic and budgetary strategy which provides, among other things, that the public finances will be kept in a healthy condition and that personal and business taxes will be kept down to strengthen and maintain the competitive position of the Irish economy.

The Deputy will also be aware of the commitment contained in Sustaining Progress which states that, “to the extent that there is any scope for personal tax reductions, progress will continue to be made over the three budgets contained within the lifetime of this Agreement towards removing those on the minimum wage from the tax net”. Progress on this taxation commitment is subject to the need to pursue responsible fiscal policies and to maintain the public finances in a healthy condition.

Accordingly, exemption from tax of those on the minimum wage will be a matter for consideration in the context of the annual budgets over the next few years, consistent with the Government’s overall economic and budgetary strategy and its commitments as outlined.

#### **Special Savings Investment Scheme.**

50. **Mr. S. Ryan** asked the Minister for Finance the number of special savings investment scheme accounts opened at the latest date for which figures are available; the average amount of savings per investor per month; if, on the basis of such figures, his Department can give a definite figure for the likely cost to the Exchequer of the special savings investment scheme; and if he will make a statement on the matter. [8947/04]

**Minister for Finance (Mr. McCreevy):** I am informed by the Revenue Commissioners that all qualifying savings managers are furnishing their 2003 SSIA annual returns at present. The Revenue Commissioners have begun analysing these returns and final details of this analysis will not be available until the end of April 2004. Consequently, the latest year for which figures are available is 2002.

Based on the 2002 annual returns furnished by all qualifying savings managers, the total number of active accounts at 31 December 2002 was

1,143,418 and the average monthly subscription was €158. It is not possible to give a definitive answer as to the eventual cost of the scheme as it is subject to a number of variables such as where participants die, withdraw from the scheme or vary their monthly contributions. The cost of the scheme in 2003 was €531.9 million. The estimated cost in 2004 is €540 million. This is not a conclusive figure, and the final figure may be different from that if account holders change their monthly contributions. The total gross cost over the period of the scheme will be reduced by the exit tax to be received at the end.

#### **Capital Investment.**

51. **Mr. Naughten** asked the Minister for Finance his views on the proposal of an evaluation unit within his Department for independently evaluating capital projects as proposed by the ESRI. [8666/04]

**Minister for Finance (Mr. McCreevy):** The key responsibility for the evaluation, planning and execution of capital projects rests with line Departments and the relevant implementing agencies. My Department has a strong concern to promote the pursuit of optimal value for money by Departments and has provided guidance to Departments in this regard. This guidance is set out in the 1994 capital appraisal guidelines. These guidelines are designed to enhance the quality of project management and appraisal, including the conduct of more rigorous cost benefit analysis and to promote better value for money generally. Work is advancing in my Department on drafting revised guidelines in the light of experience of the operation of the existing guidelines and of the implementation of infrastructure projects in recent years.

As regards the specific proposal to establish an evaluation unit in my Department, I advise the Deputy that the NDP-CSF evaluation unit is an independent evaluation unit under the aegis of my Department which is co-financed by the Exchequer and the EU and has responsibility under the direction of the technical assistance monitoring committee for evaluation of the NDP operational programmes and related issues. In this regard it has engaged in or overseen a number of evaluations since the commencement of the NDP, including the evaluation of investment in key capital programmes such as the road network and public transport. The NDP-CSF evaluation unit has also been engaging with my Department with regard to the ongoing work on the revision of the capital appraisal guidelines.

My Department co-ordinates the expenditure review initiative under which Departments conduct internal evaluations or reviews of their key expenditure programmes or policy areas on the basis of centrally agreed criteria. Final responsibility for conducting reviews, submitting them for external quality assessment, disseminating their findings and implementing

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their recommendations rests with each Department.

My Department also provides the secretariat to the expenditure review central steering committee, chaired by the Secretary General of my Department and comprising a number of Secretaries General and an external expert. The ERCSC supports the expenditure review process at a strategic level. This includes making recommendations on future reforms to the process.

More generally the issue of the evaluative capacity of my Department will be kept under review in the context of arrangements being put in place to implement the five year rolling capital envelopes framework, the ongoing work programme of the NDP-CSF evaluation unit and the review of the capital appraisal guidelines.

### EU Presidency.

52. **Mr. Hayes** asked the Minister for Finance the agenda items which will be discussed at the ECOFIN meeting planned for Ireland. [8700/04]

**Minister for Finance (Mr. McCreevy):** The informal meeting of the Council of Economics and Finance Ministers of the EU — the ECOFIN Council — will take place in Punchestown, County Kildare on 2-4 April. This will be one of the largest meetings to take place in Ireland during the Presidency. Some 300 delegates and up to 400 media personnel will attend. The national delegations from the 25 member states of the enlarged EU will be led by Ministers for Finance and central bank governors in each case.

I look forward to chairing this important meeting. The draft agenda starts with a review by Ministers and governors of the economic situation and of the outlook for the continuing recovery. It continues with preparation of the Presidency's input on behalf of the EU at the forthcoming spring meetings of the IMF and the World Bank in Washington. This is followed by discussion on financial services and markets issues, including an update on the EU-US dialogue on a common approach to financial services regulation to facilitate greater access to capital markets.

Ministers will also exchange views on the Commission's communication of February last on the multiannual framework for the EU budget for the period 2007-2013. The meeting will provide an opportunity for Ministers to provide initial feedback to the Commission. This will inform the Commission's preparation of its legislative proposals in this area by mid-year, following which the negotiations are expected to get down to detail. An important part of the negotiations will be the policy and provision for Structural Funds in the post-2006 period.

This informal meeting is taking place at an important time. Shortly afterwards, on 1 May, the EU will welcome the ten new member states as full formal members into the Union. The meeting

itself has a challenging agenda. I look forward to making good progress on the agenda items, all of which are important for the promotion of future growth, trade and solidarity in the Union, to the benefit of all our citizens.

*Question No. 53 answered with Question No. 25.*

### Benchmarking Agreement.

54. **Mr. Noonan** asked the Minister for Finance his estimate of the total value of benchmarking awards made from 1 January 2004; and the total value of such awards which have been withheld under the performance conditions. [8694/04]

159. **Mr. R. Bruton** asked the Minister for Finance the number and value of awards withheld under benchmarking; and the recommendations of the performance verification group in each case. [8459/04]

**Minister for Finance (Mr. McCreevy):** I propose to take Questions Nos. 54 and 159 together.

The estimated cost of the 1 January 2004 increases is as follows: Sustaining Progress — €538 million; benchmarking — €310 million. As regards the awards withheld under benchmarking, my reply will deal only in respect of the Civil Service sector which is my area of responsibility in this matter. The position in other sectors of the public service is a matter for the Ministers responsible for those sectors.

In the Civil Service, save the one exception, no increases were withheld. In the Civil Service a separate performance verification group was set up for the justice and equality sector. Those prison officer grades which are represented by the Prison Officers Association are the only Civil Service grades for which the increases recommended by the public service benchmarking body and the general round increases under Sustaining Progress have not been approved.

The Deputy will be aware that there are industrial relations difficulties in the Prison Service arising from the proposals to introduce an annualised hours system and to eliminate overtime working. The justice and equality performance verification group has deferred making a decision on the prison officer grades pending ongoing developments in this area.

### Tax Code.

55. **Mr. Ring** asked the Minister for Finance his views on the desirability of capping the aggregate value of special tax reliefs which can be claimed by an individual. [8660/04]

**Minister for Finance (Mr. McCreevy):** There is no cap on the aggregate value of special tax reliefs which can be claimed by an individual. However, as the Deputy may be aware, in budget 1998 I announced, as and from 3 December 1997,

that an annual cap of €31,750 would apply on the amount of capital allowances that an individual passive investor could claim against non-rental income in relation to capital expenditure incurred on certain industrial buildings. Any unrelieved capital allowances can be carried forward for offset against the individual's rental income. Industrial buildings such as factories, docks, hotels, etc. are affected by this provision as well as buildings under the area based schemes such as the urban, rural and town renewal schemes, and a range of other schemes such as multi-storey car parks, private hospitals etc.

There is also a cap of €31,750 on the annual amount that can be claimed by individual investors under the business expansion scheme as well as cap of €31,750 on the maximum annual amount that can be invested in a qualifying film under the scheme of relief for investment in films. In the case of the latter scheme, this is further restricted as only 80% of total investment is eligible for relief under the scheme.

In my response to the Dáil debate on Second Stage of the 2004 Finance Bill, I referred to the fact that the special reliefs provide undoubted economic and social benefits. On the other hand, they narrow the tax base, have a cost, and inevitably are used by high earners to reduce their tax bill. A judgment must be made as to whether the advantages outweigh the disadvantages. Imposing an overall cap on the aggregate value of special tax reliefs, other than the caps already applying to specific reliefs, which can be claimed by an individual could undermine the effectiveness of many incentive schemes in providing the economic and social benefits referred to. However, as I have stated previously, I will keep the various tax reliefs under review in the context of annual budgets and Finance Bills.

*Question No. 56 answered with Question No. 47.*

#### **Tribunals of Inquiry.**

57. **Mr. Gogarty** asked the Minister for Finance the role he played in approving the most recent increases in fees to lawyers and State counsel participating in ongoing tribunals of inquiry. [8976/04]

**Minister for Finance (Mr. McCreevy):** Fees payable to legal personnel acting on behalf of the State in tribunals of inquiry are subject to my sanction after obtaining the advice of the Attorney General and the views of the sponsoring Department of the respective tribunal. There have been no increases in *per diem* rates for counsel in ongoing tribunals of inquiry since July 2002. The increase in 2002 was the only increase since the establishment of the Flood and Moriarty tribunals.

#### **Ethics in Public Office Act.**

58. **Mr. Stagg** asked the Minister for Finance if

he has concluded his consideration of correspondence received from the Standards in Public Office Commission drawing his attention to limitations in the Ethics in Public Office Act 1995, arising from consideration of a case (details supplied); if he has decided on the steps to be taken to address the issues raised by the commission; and if he will make a statement on the matter. [8953/04]

**Minister for Finance (Mr. McCreevy):** As I have informed the House previously, I received correspondence from the Standards in Public Office Commission on 2 December 2003 concerning a possible amendment to section 21 of the Standards in Public Office Act 2001. Advice from the office of the Attorney General on this matter has been received and is currently being examined by my officials. My Department is also considering, in consultation with the Department of Justice, Equality and Law Reform, a separate request from the commission that a possible amendment to the Petty Sessions (Ireland) Act 1851 be considered. That amendment would increase the timescale within which the commission would be allowed to refer to the Director of Public Prosecutions any possible offence, which may come to its attention under section 6 of the Statutory Declarations Act 1938.

#### **Tax Code.**

59. **Mr. J. Bruton** asked the Minister for Finance his views on whether the failure to apply indexation in the capital gains code will result in taxes on paper gains. [8690/04]

**Minister for Finance (Mr. McCreevy):** After indexation relief was introduced in 1978 there was high inflation in the 1980s and high capital gains tax rates. At the time these high rates were a major deterrent for people considering disposals of assets. Now that the tax rate has been lowered to 20% and inflation is also consistently low, there is no reason to retain indexation relief in the capital gains tax system. Internationally, most countries do not apply indexation relief to the taxation of capital gains.

I have consistently stated that I believe in low direct taxation rates but that a broadened tax base is the price which must be paid to achieve this. As regards capital gains tax, the rate is now 20% and streamlining measures, including the abolition of indexation relief, have broadened the base. In the six years since I lowered the rate to 20%, there has been an upsurge in activity and revenue collected under the capital gains tax code. This proves my point that lower taxation means higher yield.

#### **Money Laundering.**

60. **Mr. M. Higgins** asked the Minister for Finance the total number of suspicious financial transactions that might involve money laundering reported to the Revenue Commissioners during 2003; if he has satisfied himself that adequate

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procedures are in place to prevent money laundering; the work being undertaken by the money laundering steering committee; and if he will make a statement on the matter. [8927/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that they have received 2,688 suspicious transaction reports, which may relate to money laundering, between 1 May 2003, the date on which the reporting obligation under section 57 of the Criminal Justice Act 1994 was extended to the Revenue Commissioners, and 31 December 2003. A dedicated office, the suspicious transactions reports office, has been set up to ensure these reports are comprehensively followed through by Revenue. The commissioners regard these reports as a valuable intelligence resource which will assist them in the identification of cases of tax evasion. They will be used in connection with their investigation programmes carried out by their regional divisions and by their investigations and prosecutions division.

The suspicious transactions reports office and the Garda bureau of fraud investigation meet regularly to review the reports received and to ensure their respective actions are co-ordinated and do not overlap. Money laundering investigations are conducted by the Garda, and Revenue deals with cases of suspected tax evasion. Irish legislation on money laundering is set out in the Criminal Justice Act, 1994, as amended. Primary responsibility for legislation in the area of money laundering rests with the Minister for Justice, Equality and Law Reform.

Under regulations made by the Minister for Justice, Equality and Law Reform in 2003, and in compliance with the second EU money laundering directive of 2001, the list of bodies designated under the Criminal Justice Act 1994 was extended to include accountants, auctioneers, auditors, estate agents, tax advisers, solicitors, investment business firms, dealers in high value goods where payment is made in cash for a sum of €15,000 or more, casinos, administration companies providing services to collective investment schemes, and providers of money remittance services.

Under the legislation, designated bodies are required to identify their customers, report suspicious transaction to the Garda Síochána and the Revenue Commissioners, keep records and ensure that they have in place adequate anti-money laundering procedures, including staff training. The Irish Financial Services Regulatory Authority requires all institutions it supervises to comply with the anti-money laundering legislation and relevant sectoral guidance notes and to have in place the necessary procedures and controls to ensure such compliance.

The adequacy of such systems is reviewed by IFSRA in the course of its ongoing supervision of institutions and requirements for improvement advised to institutions as necessary. Furthermore,

in accordance with its legal obligation under section 57(2) of the Criminal Justice Act 1994, IFSRA is obliged to make reports to the Garda and Revenue where, in the course of its supervision, it suspects that an institution has breached section 31 or 32 of the Criminal Justice Act 1994.

As part of its ongoing supervision, IFSRA ensures that institutions are informed of international developments in the area of prevention of money laundering, in particular in relation to recommendations and reports issued by the international financial action task force on money laundering.

The money laundering steering committee, which was set up in 1994 under the chairmanship of the Department of Finance, is a representative body of Government Departments, enforcement agencies, financial institutions and other designated bodies. Its main function is to facilitate consistent application of the money laundering provisions of the Criminal Justice Act 1994, across the range of bodies affected by the legislation. Ireland's law and procedures on money laundering were the subject of a favourable review by the financial action task force in 1998, under its procedure for the mutual evaluation of its members. The next mutual evaluation of Ireland is due in 2005.

#### **Tax Code.**

61. **Mr. R. Bruton** asked the Minister for Finance if his attention has been drawn to the different tax treatment of separated, cohabiting and married parents; and the rationale for this structure. [8671/04]

**Minister for Finance (Mr. McCreevy):** I am aware that the tax treatment differs as between separated, cohabiting and married parents. The detail of this treatment was included in my reply to a question from the Deputy last month. The difference in treatment reflects the differing nature of the relationships involved, the legal arrangements between the relevant parties as regards maintenance and support, and the provisions of the general law as it relates to the status of familial structures.

#### **Revenue Investigations.**

62. **Ms Shortall** asked the Minister for Finance the number of persons, companies and trusts being investigated by the Revenue Commissioners arising from the Ansbacher accounts at the latest date for which figures are available; the number of cases in which settlements have been agreed and the amount paid to date; the number of cases still outstanding; if additional action has been taken by the Revenue Commissioners arising from the report of the Ansbacher inspectors; and if he will make a statement on the matter. [8951/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that their

Ansbacher review has inquired into 289 cases to date and 63 of these cases have concluded settlements with Revenue. The 289 cases, taking account of spouses and connected companies, consist of 300 names.

A total of 211 cases have been under active investigation. The remaining cases consist of 62 non-resident persons, including 17 former Irish residents, 12 individuals who claimed the 1993 amnesty provisions and four cases with insufficient identity information.

The investigation includes examining the tax position of disclosed entities and accumulating and assembling information on other connected entities. The number of connected entities in regard to cases under investigation is now nearly 700.

		€ million
Cases involving Ansbacher or Ansbacher type arrangements	72 Cases	32.84
Other cases involving offshore funds or deposits	10 Cases	7.72
Total	82 Cases	40.56

The 63 cases which have concluded settlements with Revenue consist of 31 cases which were settled on payments of €16.33 million, included in the amount listed, 25 non-resident cases which are covered by the provisions of double taxation agreements, five had no additional liability and two were covered by the 1993 amnesty provisions.

Revenue made an application under section 11 of the Companies Act, 1990, for a copy of the High Court inspectors' report which was made available to Revenue on 6 July 2002. The information in this report has been carefully considered as regards the tax liabilities of the persons concerned. In addition, Revenue has made a further application to the High Court for access to the supporting papers to the High Court inspectors' report. The matter was heard by the High Court on 26, 27 and 28 November 2002 and judgment is reserved. Revenue has informed me that the investigations are time-consuming and complex and are likely to continue for some time to come.

*Question No. 63 answered with Question No. 9.*

64. **Ms O'Sullivan** asked the Minister for Finance the progress made by the Revenue Commissioners into allegations that tax improprieties may surround trust operations in a bank (details supplied) in Jersey; if the Revenue Commissioners have reached a determination regarding whether these trusts facilitated tax evasion as distinct from tax avoidance; and if he will make a statement on the matter. [8938/04]

**Minister for Finance (Mr. McCreevy):** I am informed by the Revenue Commissioners that this investigation is still ongoing and that

Revenue is making extensive use of its legislative powers to seek books, records, documents and information in the cases being investigated. Where appropriate, prosecutions will be considered but these will depend on the level of evidence available.

Revenue has made five successful applications to the High Court for the production by financial institutions and third parties of books, records and other documentation, which are relevant to liabilities of Ansbacher account holders. Some 150,000 documents have been received under the terms of the High Court orders. Advanced investigative computer software is used in controlling and managing the documentation.

To date a total of €40.56 million has been received, mostly by way of payments on account, in respect of 82 cases. This is made up of:

substantial progress has been made. Arising from a voluntary disclosure programme, 254 individuals came forward and made voluntary disclosures. To date in excess of €105 million has been received by the commissioners. Revenue now intends to pursue vigorously those individuals who failed to come forward, using all powers available to it. Criminal prosecution will be considered in these cases subject to obtaining the relevant evidence. It is clear from some of the disclosures and the amount collected to date that some trusts were used to evade tax.

#### **Departmental Investigations.**

65. **Mr. S. Ryan** asked the Minister for Finance if the investigation being carried out on behalf of his Department into the circumstances in which contracts worth more than €800,000 were awarded by the Office of Public Works to a company whose managing director was a business associate of an OPW official has been concluded; the main findings of the investigation; if it is intended to publish the report; and if he will make a statement on the matter. [8948/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The review being carried out by PricewaterhouseCoopers on behalf of the Office of Public Works of the matter to which the Deputy refers is nearing completion and its report will be finalised shortly. The purpose of the examination is to establish, in so far as possible, the facts in regard to this matter. The figure of €800,000 mentioned by the Deputy refers to the total value of payments to the company in question over a nine year period from 1995 to date.

The report has been commissioned as an internal management document to assist me and



[Mr. Parlon.]  
the relevant senior officials in my office to ascertain the facts. As it is likely to contain information on the personal and private affairs of certain individuals, it is not my intention to make it available generally to the public. However, I will make public the main findings of the report.

#### **International Financial Policy.**

66. **Mr. Gogarty** asked the Minister for Finance the details of the policy direction the Government wishes to see followed by the soon to be appointed head of the International Monetary Fund. [8975/04]

**Minister for Finance (Mr. McCreevy):** Policy for the IMF is set in accordance with the articles of association at the regular meetings of the governors of the fund and on an ongoing basis by the executive directors of the IMF. The Government would expect the IMF to operate in accordance with the articles of agreement to ensure the stability of the international financial system. The post of managing director of the IMF is of considerable significance. The basic function of the IMF is not likely to be greatly changed by any person holding the post.

#### **Decentralisation Programme.**

67. **Ms McManus** asked the Minister for Finance if he has received the first report of the group chaired by Mr. Phil Flynn to oversee the decentralisation programme; if it is intended to publish his report; and if he will make a statement on the matter. [8932/04]

**Minister for Finance (Mr. McCreevy):** The Decentralisation Implementation Committee, chaired by Mr. Phil Flynn, was charged with the development of an implementation plan for the new decentralisation programme which is to be submitted to the Minister for Finance by the end of March 2004. I have not yet received the committee's report.

The chair of the committee, Mr. Phil Flynn, reports directly to the Decentralisation Cabinet Sub-Committee and a first report to the Cabinet sub-committee has been received. There are no plans to publish this report at present.

#### **Departmental Appeals.**

68. **Mr. Quinn** asked the Minister for Finance the progress made with regard to efforts to clear the backlog of appeals in the Office of the Information Commissioner; the number of appeals outstanding at the latest date for which figures are available and the average time being taken to hear an appeal; and if he will make a statement on the matter. [8946/04]

**Minister for Finance (Mr. McCreevy):** This is the latest available information which has been supplied to my Department by the Office of the Information Commissioner. The number of review applications received by the Information

Commissioner, and accepted as valid, increased by 58% between 2002 and 2003, from 585 to 924.

During 2003 the Information Commissioner completed reviews in 729 cases, compared with 534 cases in 2002, which is an increase of 37%. Of the 729 completed in 2003: six were received in 1999; 62 were received in 2000; 81 were received in 2001; 143 were received in 2002; and 437 were received in 2003.

At 31 January 2004 the Information Commissioner had 796 valid reviews on hands; the comparable figure for 31 January 2003 was 622, representing an increase in the on hands figure of 28% as between the two years. The 796 cases on hand are broken down as follows in terms of year of receipt: received in 1999 — two; received in 2000 — 19; received in 2001 — 182; received in 2002 — 130; received in 2003 — 451; and received in 2004 — 12. The total figure was 796.

Figures are not currently available as to the average time taken to conclude reviews — appeals. At present, the commissioner is dealing with applications received currently as well as older cases including some applications received in 2000. Any average figure thus derived would need to be treated with caution. However, the commissioner hopes to be able to give fuller details of case completion timescales in her annual report for 2003.

#### **Revenue Investigations.**

69. **Ms Shortall** asked the Minister for Finance the number of persons, companies and trusts being investigated by the Revenue Commissioners arising from the Clerical Medical Insurance/NIB Inquiry at the latest date for which figures are available; the number of cases in which settlements have been agreed and the amount paid to date; the number of cases still outstanding; and if he will make a statement on the matter. [8952/04]

**Minister for Finance (Mr. McCreevy):** I am informed by the Revenue Commissioners that arising from the Clerical Medical Insurance/NIB inquiry, 452 cases have been targeted for investigation. To date, 287 cases have been settled on payment of tax, interest and penalties amounting to a total of €44.46 million. A further 111 cases have been finalised with no additional liability arising. The remaining 54 cases are the subject of ongoing investigation, in respect of which €4.58 million has been paid on account.

In the course of 2003, three cases were prosecuted, with fines being imposed in two cases and a suspended sentence imposed in the other. The individuals concerned have also settled their tax affairs and paid the outstanding tax, together with interest and penalties. A further case is currently under investigation with a view to prosecution.

Aggregate results of the ongoing investigations have been published each year since 1998 in the annual reports of the Revenue Commissioners.

Individual details of settlements have also been published where the provisions of section 1086 of the Taxes Consolidation Act 1997 applied.

*Question No. 70 answered with Question No. 23.*

*Question No. 71 answered with Question No. 26.*

### **Decentralisation Programme.**

72. **Mr. Durkan** asked the Minister for Finance the extent to which he hopes to have achieved the targets set in regard to decentralisation by the end of 2004; if disturbance or relocation costs are envisaged; if so, the extent to which; and if he will make a statement on the matter. [8440/04]

**Minister for Finance (Mr. McCreevy):** I have appointed a Decentralisation Implementation Committee to drive forward the implementation of the programme. The committee, which is chaired by Phil Flynn, will prepare an implementation plan and will report back to Government by the end of March 2004. Subject to approval by the Government, work will then start on advancing the programme in accordance with the proposals in the implementation plan. In tandem with this, consultations with unions representing all the staff involved will continue.

The decentralisation programme is on a voluntary basis and therefore it is envisaged that there will be no disturbance or relocation expenses paid to staff who volunteer to relocate.

### **Pension Provisions.**

73. **Mr. Neville** asked the Minister for Finance if he has considered the approach advocated by the ESRI for the deployment of funds set aside for the National Pensions Reserve Fund. [8676/04]

**Minister for Finance (Mr. McCreevy):** I am aware of various views expressed by individuals and institutions concerning the National Pensions Reserve Fund, NPRF. The NPRF was established in April 2001 with the objective to meet as much as possible of the cost to the Exchequer of social welfare and public service pensions to be paid from the year 2025 until at least 2055. I have no plans to alter the basic levels at which contributions are made to the NPRF.

As explained in answers to other parliamentary questions in regard to the National Pension Reserve Fund, I am committed to the investment mandate of the fund as set out in section 19 of the National Pensions Reserve Fund Act 2000. This provides that, in investing fund moneys, the commission shall seek to optimise total financial return provided the level of risk is acceptable to the commission. Therefore, the commission is required to adopt a standard commercial investment policy and it does not have discretion to choose not to invest in particular sectors or companies for anything other than commercial reasons. Accordingly, there is nothing to prevent the commissioners from investing in projects in Ireland should they be satisfied that such

investments are likely to yield a commercial return.

I note that the ESRI has stressed the importance of infrastructural spending. It should be clear the Government is fully committed to the development of the national infrastructure. As I announced in my recent Budget Statement, the Government will implement multi-annual capital investment envelopes over the period 2004 to 2008, providing for investment of about 5% of GNP per annum, which is twice the EU average.

### **Tax Reliefs.**

74. **Mr. Penrose** asked the Minister for Finance the progress made in his review of tax incentive schemes, especially in view of the finding of the report of the Comptroller and Auditor General that in 2002 the top 400 earners benefited from tax breaks to the value of €70 million; and if he will make a statement on the matter. [8940/04]

**Minister for Finance (Mr. McCreevy):** As I pointed out to Deputy Michael Higgins in my response to the same Dáil question last month, all tax reliefs and incentives were reviewed in the context of the budget and Finance Bill 2004.

On foot of that review, and having considered the many pre-budget submissions made to me, I made a number of announcements regarding various tax reliefs in my 2004 Budget Statement and these and other necessary provisions are now included in the Finance Bill 2004 which was published last month. The provisions include an extension of film relief to end 2008 with an increase in the amount per film that can be raised under the relief to €15 million and significant administrative changes to tackle abuse. There is also an extension of the termination date for various area-based tax incentive schemes to 31 July 2006 in order to relieve pressure on construction resources to meet the December 2004 deadline and allow for an orderly winding down of these schemes. In line with my position on targeted reliefs, the business expansion scheme and the associated seed capital scheme are also being extended to end 2006 and the company limit is being increased to €1 million. However, the extension and changes to both these schemes are subject to a commencement order to allow clarification of potential EU State aid issues raised by the European Commission.

It must be accepted that, of their nature, tax reliefs even where they can be justified for good public policy purposes will reduce the tax bills of those in the higher income bracket.

As the Deputy will be aware, the figures referred to by the Comptroller and Auditor General are extracted from a study carried out by the Revenue Commissioners in 2002 on the Effective Tax Rates for High Earning Individuals based on the tax year 1999-2000. A similar study was undertaken in 1997. I placed copies of both these studies in the Oireachtas Library.

One of the conclusions drawn from the 1997 study was that the use of capital allowances on the expenditure on buildings in tax designated areas and on hotels was one of the main methods of reducing the tax bills of high earners to very

[Mr. McCreevy.]

low levels. Subsequently, in budget 1998, I capped the amount of annual capital allowances on such buildings that could be set-off against non-rental income and, in the case of hotels throughout most of the country, I abolished in total the capital allowances against non-rental income.

The 2002 study indicates an increase in the effective tax rate of high earners in 1999-2000 compared with earlier years. However, it is clear that some high earners continue to achieve substantial reductions in their tax liability as a result of certain tax reliefs. The study indicates that property based capital allowances continue to be the chief instrument used by high-income earners to reduce their taxable income by substantial amounts. It is also clear that the 1998 changes were not fully in effect by 1999-2000.

I assure the Deputy that all tax incentive schemes will continue to be kept under review, especially in the context of the annual budget and Finance Bill process, seeking at all times to ensure that there is an appropriate balance between the provision of particular incentives for good public policy reasons and the availability of opportunities for higher earners to reduce their tax exposure. In addition, as part of the work on the evaluation of tax incentives, the Revenue Commissioners are taking steps to ensure that in future there will be better information available in the ongoing cost of tax expenditures such as property-based tax incentives and pension reliefs. I have underpinned this by way of a provision in Finance Bill 2004, which will require additional information to be provided in regard to property-based capital allowances by taxpayers in their annual tax returns for the tax year 2004 and by employers on pension reliefs starting in relation to the tax year 2005.

#### **Pension Provisions.**

75. **Mr. Rabbitte** asked the Minister for Finance the position in regard to the discussions between his Department and public service unions regarding the impact of proposed changes in regard to public service pensions; the steps being taken to address the concerns raised by the unions; and if he will make a statement on the matter. [8944/04]

**Minister for Finance (Mr. McCreevy):** I take it the Deputy is referring to the proposals on public service pensions which I announced in my budget speech last December. The Government accepted the bulk of the recommendations of the Report of the Commission on Public Service Pensions which was published in 2001. The trade unions were represented on the commission, and subsequently joined a working group set up to advise on the implementation of the commission's recommendations. While this working group failed to reach agreement on key issues, it provided a setting for consultation in which union concerns could be articulated and ultimately channelled to Government after the group's report was concluded in October 2003.

In line with my budget announcement last December, the Public Service Superannuation (Miscellaneous Provisions) Bill 2004, which is currently before the Oireachtas, will implement a key commission recommendation by raising the minimum pension age to 65 years for most new entrant public servants. The Bill will also abolish compulsory retirement age for most new entrant public servants.

At the time of the budget I undertook to ensure that the public service unions were kept fully informed as to the details of the implementation of the reforms in the Bill in advance of their introduction for new entrants on 1 April 2004. Several meetings have been held with union representatives over recent months. In the course of these meetings the unions have made their views known on the draft legislation. In framing the legislation, I have had regard to their views.

I also announced in my budget speech that I intended bringing forward a further set of proposed pension changes arising from the commission's recommendations in respect of existing public servants. These changes, which are not part of the Bill, are being discussed with the public service unions at present. Issues being considered include amendment of the formula used for integrating public service and social welfare pensions to make better provision for current and future staff on lower pay levels, along with a new single additional voluntary contribution-type scheme for the public service, as well as the possibility of optional early retirement on the basis of actuarially reduced benefits. Also, it is proposed to examine the feasibility of implementing the commission's recommendation for the payment of survivors pensions to non-spousal partners. The discussions are not yet concluded, but I understand that very substantial progress has been made. I am confident changes in these areas will bring further modernisation of public service pension arrangements in keeping with the other reforms in the Bill.

#### **Tax Amnesty Breaches.**

76. **Mr. Penrose** asked the Minister for Finance the number of breaches detected of the Waiver of Certain Tax, Interest and Penalties Act 1993 in respect of each year since 1994; the number of prosecutions initiated and convictions secured arising from such detections; if he has satisfied himself that the law is being applied in the manner intended by the Oireachtas; and if he will make a statement on the matter. [8941/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that there are two ways in which a taxpayer may have been in breach of the amnesty, first, in making a declaration that he or she did not comply with the terms or, second, a declaration was not made. I am informed that Revenue does not have figures for the number of breaches of the amnesty. Because of the confidentiality conditions built into the 1993 amnesty

legalisation such breaches are difficult to identify and prove.

No individual has been successfully prosecuted to date for failure to comply with the obligatory provisions of the Waiver of Certain Tax, Interest and Penalties Act, 1993.

Growing numbers of individuals and companies have been successfully prosecuted in recent years as a result of Revenue investigations, and although these investigations have in some instances involved consideration of possible amnesty breaches, it was not possible in any of them to obtain the evidence necessary to meet the required standards of “beyond reasonable doubt”, in those offences. Revenue’s criminal investigation programmes have been refocused recently with the establishment of an investigations and prosecutions division, one of the functions of which is to increase the number of prosecutions for serious tax evasion. Where, in the course of investigations, amnesty offences are identified they will be investigated with a view to taking a criminal prosecution.

Given the real evidential difficulties which arise in successfully bringing a case through the courts for amnesty non-compliance, I am satisfied the Revenue Commissioners are making every effort to ensure the law is applied in the manner intended.

#### EU Financing.

77. **Mr. Stagg** asked the Minister for Finance the position regarding the consideration of proposals from the EU Commission for financing the EU in the post 2006 period; and if he will make a statement on the matter. [8942/04]

**Minister for Finance (Mr. McCreevy):** The European Commission on 10 February last published its communication on its proposals for the future financing of the EU in the post-2006 period. Publication of the communication initiates a negotiation on the multi-annual framework for the EU budget, otherwise known as the financial perspective, for the period after 2006.

The current framework, known as Agenda 2000, covering the period 2000 to 2006, took some two years to negotiate. It can be expected that there will be a similarly protracted negotiation on the proposals now made in the Commission communication.

Overall guidance and the ultimate decision, at Council level, on future EU financing will be a matter for the European Council of heads of State or Government. While it will be too early for the European Council meeting this week to engage on the substance, the European Council is expected to endorse the general approach proposed by the Irish Presidency for handling these important negotiations. The European Council meeting in June will consider the issue again. The General Affairs and External Relations Council will have responsibility for handling the negotiations on behalf of the European Council.

The Irish Presidency has launched a process, whereby a thorough analysis of the Commission

communication will be carried out by COREPER, the permanent representatives of the member states. This process began in late February and is expected to continue until May. This will allow sufficient time for finalisation of a report in advance of the June European Council.

The informal meeting of ECOFIN Council in April, which I will chair, will also have the opportunity to consider the Commission communication. The European Parliament will also play an important role in these discussions.

*Question No. 78 answered with Question No. 25.*

#### Tax Collection.

79. **Mr. O’Shea** asked the Minister for Finance the progress made with regard to the negotiations between the Revenue Commissioners and the authorities in the Cayman Islands with a view to the conclusion of a tax information exchange agreement; and if he will make a statement on the matter. [8937/04]

**Minister for Finance (Mr. McCreevy):** In response to earlier Dáil questions on this matter, I stated that a first round of negotiations between the authorities in the Cayman Islands and the Revenue Commissioners for a tax information exchange agreement was held in Dublin on 24 November 2003. I am informed by the Revenue Commissioners that a further round of negotiations is planned for next month. As I stated in my earlier responses, it is not possible at this stage of the negotiations to comment on their likely outcome.

#### Tax Code.

80. **Ms B. Moynihan-Cronin** asked the Minister for Finance the procedures that are in place to ensure that Irish citizens claiming residency abroad for tax purposes comply with the requirement to be out of Ireland for a minimum of 183 days; if he has satisfied himself that existing procedures are adequate; if he has plans to review the procedures; and if he will make a statement on the matter. [8934/04]

**Minister for Finance (Mr. McCreevy):** I am informed by the Revenue Commissioners that they have the entitlement to make all relevant enquiries in relation to any tax return or statement made to them and, where appropriate, to carry out an audit to verify the accuracy of the return or statement. This applies to returns or statements made by persons claiming to be non-resident as it does for all other taxpayers.

Audits and other interventions by the Revenue Commissioners are made on the basis of indications of risk. Claims to non-residence status are included in risk profiling and Revenue has indicated it is committed to auditing and validating a number of such claims.

I am informed by the commissioners that the procedures to be adopted in relation to validating a claim to non-residence status will depend on the circumstances in each case. For example, in some instances it may involve the cross-checking of

[Mr. McCreevy.] records available to customs. The administration of these audit and validation procedures is a matter for the Revenue Commissioners and I am informed by them that these procedures are kept under review.

#### Tax Collection.

81. **Mr. Howlin** asked the Minister for Finance the nature of the arrangement offered by the large cases division of the Revenue Commissioners offering structured communications with wealthy persons and firms that would reduce the number of audits; and if he will make a statement on the matter. [8929/04]

**Minister for Finance (Mr. McCreevy):** I am informed by the Revenue Commissioners that their large cases division has responsibility for ensuring that there is the highest possible level of tax and duty compliance by 320 of the largest business enterprises — those with annual turnover in excess of €125 million — and 250 of the wealthiest individual taxpayers — those with estimated net worth in excess of €50 million. The division also deals with the financial services sector in its entirety.

As well as monitoring compliance by these cases through audit and debt management programmes, the division is engaging directly with the companies and individuals concerned to encourage their commitment to observe an agreed framework of good tax compliance standards, supported by open lines of communication with Revenue. These audit and communication strategies allow Revenue to develop a more informed view of the risks posed by particular large businesses and wealthy

individuals and to apply audit resources as appropriate to match those perceived risks.

#### Fiscal Policy.

82. **Mr. Durkan** asked the Minister for Finance if he can rely on the financial projections of various Departments as delivered at estimate and budget time in view of the fact that many such Departments have in the intervening period found resources to which their attention had not been drawn; and if he will make a statement on the matter. [8439/04]

186. **Mr. Durkan** asked the Minister for Finance the circumstances whereby previously unforeseen resources have been found in a number of Departments; and if he will make a statement on the matter. [9144/04]

**Minister for Finance (Mr. McCreevy):** I propose to take Questions Nos. 82 and 186 together.

I am satisfied with the financial projections of the various Government Departments and that the increase in resources between budget day and the publication of the 2004 Revised Estimates Volume, REV, reflects the normal process of updating in the light of emerging information. The budget day estimate for gross current and capital spending by Departments and offices was €41.117 billion and the estimate for appropriation-in-aid receipts relating to spending on services — as noted in tables 4 and 5 of the budget book statistics and tables — was €8.170 billion, giving a net total of €32.947 billion.

In the recently published 2004 REV the revised figure for gross spending is €41.239 billion and for estimated appropriations-in-aid is €8.298 billion, giving a net total of €32.941 billion. The increase of €128 million in receipts relates to:

	€
Social Insurance Fund	61.3 million
EU Receipts — on a number of votes	41.4 million
Justice and Garda receipts	10.0 million
Broadcasting — licence fee receipts	9.8 million
Defence — UN Receipts	5.0 million
Petroleum receipts	2.5 million
Environment, Heritage and Local Government	1.5 million
Mining receipts	1.0 million
Enterprise, Trade and Employment	1.0 million
Agriculture — disease levies	5.0 million
Other	300,000
	128.8 million

As noted earlier the updated figures reflect the latest available data, including end-year outturn data which were not available on budget day.

*Question No. 83 answered with Question No. 24.*

#### Ministerial Appointments.

84. **Mr. Kenny** asked the Taoiseach the names, duties, annual salaries, work locations and dates

of appointment of the political advisers, personal assistances and secretaries appointed by the Ministers of State at his Department; and if he will make a statement on the matter. [8284/04]

**The Taoiseach:** The names, duties, annual salaries and dates of appointments of the political advisers, personal assistants and personal secretaries appointed by the Ministers of State at

my Department are set out in the table below. All staff are located in Government Buildings except for the personal secretary to the Minister

of State, Deputy Roche, who is based in Wicklow town.

Office of the Government Chief Whip

Name	Job Description	Date of Appointment	Current Annual Salary
Carl Gibney	Special Advisor — co-ordinating Information Society events, liaising with interest groups, monitoring developments in e-government at EU level, and research and speech writing on Information Society issues.	06/06/02	€ 72,128
Averil Power	Personal Assistant — speech writing, research, and political and constituency- related issues.	23/07/02	38,653
Nuala Redmond*	Personal Secretary — constituency related issues and management of Minister's constituency correspondence.	06/06/02	26,871
Paula Eager	Personal Secretary, replaced Nuala Redmond.	28/07/03	26,931

\*Returned to Dept. of Health and Children on 18/03/03

Office of Minister of State Roche

Name	Job Description	Date of Appointment	Current Annual Salary
Ciara Furlong	Personal Secretary — constituency related issues and management of Minister's constituency correspondence.	06/06/02	€ 34,600
Geraldine Cole	Personal Assistant to MoS Roche at the Department of Foreign Affairs.	02/02/04	40,515 (paid by Department of Foreign Affairs)

85. **Ms Enright** asked the Taoiseach the number of staff appointed by him, from outside the Civil Service, since the general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8325/04]

**The Taoiseach:** The number of new staff appointments to my Department, in my office, the offices of the Ministers of State at my Department and the Government press secretariat, from outside the Civil Service since the general election 2002 are detailed in the table below.

Name	Job Description	Salaries	Expenses Received 2004 to date	Expenses Received in 2003	Expenses Received in 2002
Brian Murphy	Special Advisor to the Taoiseach	€ 77,537	€ Nil	€ Nil	€ Nil
Mandy Johnston	Government Press Secretary	100,369	Nil	1,148	971.25
Carl Gibney	Special Advisor to the Government Chief Whip	72,128	Nil	Nil	Nil
Averil Power	Personal Assistant to the Government Chief Whip	38,653	Nil	1,210	Nil
Paula Eager	Personal Secretary to the Government Chief Whip	26,931	Nil	Nil	Nil
Ciara Furlong	Personal Secretary to Minister of State Roche	34,600	Nil	Nil	Nil

**International Trade.**

86. **Mr. Durkan** asked the Taoiseach the full extent of the growth of Irish exports in the past five years [8206/04]

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** The data requested by the Deputy are presented in the table following.

Table 1 shows the total value of exports which increased from €57,321.8 million in 1998 to €82,125.5 million in 2003. Tables 2 and 3 show annual merchandise export data for the years 1998 to 2002 and for the period January to November 2003 broken down by major geographical region and identifying, in particular, the top ten commodity groupings for the period.

[Ms Hanafin.]  
November 2003 is the latest month for which detailed data are available. Details for December

2003 will be available towards the end of March 2004.

Table 1 — Total Exports

	1998	1999	2000	2001	2002	2003
Total	€(000) 57,321,815	€(000) 66,956,219	€(000) 83,888,932	€(000) 92,689,909	€(000) 93,610,346	€(000) 82,125,500

Table 2 — Exports by major geographic area

	1998	1999	2000	2001	2002	Jan-Nov 2003
	€(000)	€(000)	€(000)	€(000)	€(000)	€(000)
UK	12,920,617	14,690,171	18,869,835	22,629,829	22,453,776	13,565,387
Other EU	26,067,093	28,768,665	33,416,681	34,946,145	37,443,845	32,447,729
USA and Canada	8,088,768	10,667,226	14,622,342	16,286,893	17,000,413	16,115,544
Rest of the world	10,245,337	12,830,157	16,980,074	18,827,042	16,712,312	13,196,887
Total	57,321,815	66,956,219	83,888,932	92,689,909	93,610,346	75,325,547

Table 3 — Exports by top 10 commodity groupings

	1998	1999	2000	2001	2002	Jan-Nov 2003
	€(000)	€(000)	€(000)	€(000)	€(000)	€(000)
Office machines & automatic data processing machines	12,940,208	15,152,684	19,616,841	21,034,504	17,309,437	13,222,389
Organic chemicals	9,946,284	11,394,108	16,897,510	17,117,882	17,378,629	14,247,985
Medical & pharmaceutical products	4,212,398	4,815,059	5,311,737	8,975,123	15,669,895	12,407,618
Electrical machinery, apparatus & appliances nes & parts	4,212,243	5,135,805	7,915,994	10,164,509	10,564,769	4,711,309
Miscellaneous manufactured articles nes	4,231,432	5,208,985	6,121,857	6,002,669	5,034,547	4,420,245
Telecommunications & sound equipment	2,150,444	3,582,145	3,736,538	3,657,620	2,635,458	1,196,700
Essential oils, perfume materials; toilet & cleansing preps	2,012,419	2,448,692	2,355,173	3,140,932	3,160,548	3,754,563
Chemical materials & products nes	1,414,116	1,862,762	1,940,871	2,295,191	2,223,569	2,201,768
Professional, scientific & controlling apparatus nes	1,394,955	1,387,281	1,703,242	1,881,812	2,061,755	3,004,397
Meat & meat preparations	1,481,651	1,770,558	1,752,217	1,594,127	1,744,252	1,672,990

### Services for People with Disabilities.

87. **Mr. Stanton** asked the Taoiseach the amount of money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the amount of money allocated to enabling persons with disabilities to more easily access the services of his Department. [8636/04]

**The Taoiseach:** No funds were committed to provide additional facilities for people with disabilities in 2003 as my department provides adequate facilities, including a ramp at the entrance, wheelchair lifts and disabled toilets. However, in 2004, the Office of Public Works are

arranging for the upgrade of the lifts in my Department and adaptations will be made to make them more user friendly for wheelchair users in line with building regulations. Three websites are maintained by the Department of the Taoiseach. These are [www.taoiseach.gov.ie](http://www.taoiseach.gov.ie), [www.bettergov.ie](http://www.bettergov.ie) and [www.betterregulation.ie](http://www.betterregulation.ie). All of these sites are regularly tested to ensure that they are compliant with WAI level 3 accessibility guidelines — these are universal principles for publishing information on the internet, which include the promotion of a high degree of usability for people with disabilities.

The situation regarding the general suitability of services for people with disabilities is also kept

under constant review so that any additional improvements may be made where opportunities are identified. Services for persons with disabilities are, of course, addressed within the social partnership process and the quality customer service dimension of public service modernisation, dealt with by my Department.

#### **Decentralisation Programme.**

88. **Mr. P. Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment when decentralisation for Trade and Enterprise Ireland staff to Shannon will take place; if he has identified offices for such transfer; and if she will make a statement on the matter. [8447/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The Minister for Finance, in his budget speech, announced the decision of the Government to decentralise 300 of Enterprise Ireland's Dublin based staff to Shannon. The decision on the timing of the move by Enterprise Ireland staff to Shannon will depend on the conclusion of national, public sector wide, discussions on the implementation of the decentralisation programme, and the availability of suitable accommodation in Shannon.

Through the Office of Public Works, OPW, expressions of interest for the provision of accommodation have been sought, by way of public advertisement in the national newspapers. Some ten responses have been passed to Enterprise Ireland by the OPW. These range from the development of purpose-built accommodation to the availability of a potential site or sites. Enterprise Ireland is considering the options in consultation with OPW. Enterprise Ireland has nominated a senior manager to sit on a group established within the Department of Enterprise, Trade and Employment, to oversee the implementation of the decentralisation decision.

As requested by the Department of Finance, Enterprise Ireland is preparing an information pack on the Shannon area. The pack will include information on a number of topics such as transport systems, business facilities, accommodation, education facilities and sports & leisure facilities in Shannon.

#### **Job Creation.**

89. **Mr. O'Connor** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the job creation needs of Tallaght, Dublin 24, which is the third largest population centre in the country, continues to receive special attention by her Department and State agencies; if her attention has been drawn to the fact that Tallaght has a very young population and huge challenges ahead as far as employment needs are concerned; the action she plans to take; and if she will make a statement on the matter. [8295/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** With support from IDA Ireland, the agency with statutory responsibility for attracting foreign direct investment, a number of companies in the electronics, internationally traded services and software sectors have established operations in the Tallaght area and are continuing to expand their operations. Recently, Google and Overture, two world renowned high-tech companies, decided to locate in the area. A Japanese pharmaceuticals company has begun construction of a plant in Grangecastle, Clondalkin, which will employ 60 people. A new biotechnology facility, also in Grangecastle, employs 500 people which is expected to increase to 1,300 by 2005.

As regards indigenous industry, Enterprise Ireland, in 2003, approved 16 projects in the greater Tallaght area. Each of these is planning to increase employment in the area over the next few years. Enterprise Ireland is working closely with South Dublin County Council and other agencies in the area. A number of community enterprise centres have been established to provide incubation space for start-up companies. At the micro-enterprise level, the South Dublin County Enterprise Board continues to provide a comprehensive range of supports and training.

The strong infrastructural support already in place will continue to help attract companies to Tallaght and its environs, and the State agencies are committed to promoting the area for industrial development.

#### **Ministerial Appointments.**

90. **Ms Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of staff appointed by her, from outside the Civil Service, since the general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if she will make a statement on the matter. [8326/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Since the formation of the current Government in June 2002, I have appointed seven staff from outside the Civil Service, six of whom are currently serving. A special adviser appointed on 6 June 2002 died in October 2003.

The breakdown of staff currently serving is as follows: three special advisers, one of whom is assigned to the Minister for Justice, Equality and Law Reform; two personal assistants; and one personal secretary. It should be noted that my programme manager was actually appointed by the Taoiseach. The role relates to the implementation of the programme for Government, which involves liaising with departmental officials and programme managers in other Departments.

The special advisers are involved in the provision of advice and assistance to myself and the two Ministers of State. The personal secretary and personal assistants are involved in the



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performance of general secretarial duties including duties relating to the handling of inquiries made to the offices. The total salaries and expenses for the seven staff employed from 6 June 2002 to date amounts to €750,297.09 and €17,202.68 respectively.

#### **Biotechnological Innovations.**

91. **Mr. Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in relation to a group (details supplied); the identity of the members; and their employment at the time the group sat. [8410/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** In March 1999, the Government noted the range of concerns raised by genetic modification and approved the establishment of an interdepartmental group on modern biotechnology to report with a co-ordinated overall position as soon as possible. The membership of the group at that time was as follows: Ronald Long, Assistant Secretary, Department of Enterprise, Trade and Employment — Chairman; Tom Mooney, Assistant Secretary, Department of Health and Children; Jim Beecher, Assistant Secretary, Department of Agriculture, Food and Rural Development; Dr. Jim Flanagan, chief inspector, Department of Agriculture, Food and Rural Development; Geraldine Tallon, Assistant Secretary, Department of the Environment and Local Government; Owen Ryan, Assistant Principal, Department of the Environment and Local Government; Alan Reilly, director operations division, Food Safety Authority of Ireland; Dr. Jim Ryan, director, BioResearch Ireland, Enterprise Ireland; Dr. Noel Gillatt, Forfás; Padraic de Bhaldraithe, inspector, Department of Education and Science; and Peter Buckley, Assistant Principal, Department of Enterprise, Trade and Employment — secretary.

In December, 2000, the Government, in considering the report of the group, approved the continuation of the group on a permanent basis and the extension of its membership to include representatives of Teagasc, the Environmental Protection Agency, the Food Safety Promotion Board, the Department of Arts, Heritage, Gaeltacht and the Islands, Enterprise Ireland and Forfás. The group is currently chaired by Mr. Brian Whitney, Assistant Secretary, Department of Enterprise, Trade and Employment. The future work programme of the group is currently under consideration.

#### **Work Permits.**

92. **Mr. Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the requirements for a person from Canada seeking an employee work permit to work here; the stage at which the application should be sought; and if same should be applied for prior to

such a person leaving Canada to come here.

[8487/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Only an employer in the State may apply for work permits. However, skilled workers in certain sectors may apply for working visas or work authorizations. Details of these programmes may be found on my Department's web site at [www.entemp.ie](http://www.entemp.ie). Details of the working visas and work authorization programmes are also available from the Department of Foreign Affairs web site at [www.irlgov.ie/iveagh](http://www.irlgov.ie/iveagh).

#### **Insurance Claims.**

93. **Mr. Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the fact that the former employees of Irish Steel at Cobh were not insured; and her plans to ensure that those with claims against the company for work related injuries receive compensation. [8503/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I understand that at the time of the sale of Irish Steel Limited in 1995, the company had employer liability insurance in place although there was a policy excess or deductible of £2 million per annum. Claims up to this amount each year would have been a matter for the company. I also understand that such arrangements for limited self-insurance would not be unusual for companies of the size and nature of Irish Steel Ltd. It is also the case that the company's insurance brokers confirmed at that time that the insurance cover in place was adequate for the company's then current operations.

Full information on any claims on hands at the time of the sale were disclosed to the purchasers as part of the due diligence process. Furthermore, as part of the sale agreements, the State made a payment of IEP£2,445,000 to Irish Ispat Ltd. in respect of certain potential liabilities for dust and deafness claims as well as for outstanding taxes. As part of these arrangements, it was agreed that any liabilities in respect of these items would be the sole and exclusive responsibility of the company and the purchaser. The purchaser also undertook to utilise the payment for these items.

I have no information on the insurance arrangements that Irish Ispat Ltd maintained subsequent to the sale. Given that Irish Ispat Ltd is in liquidation, it would appear that any persons with claims against the company should pursue the matter with the liquidator.

#### **FÁS Training Programmes.**

94. **Mr. Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of persons with disabilities who are in FÁS mainstream training programmes in relation to the policy of mainstreaming; the number of persons with disabilities who are in

programmes with specialist training providers; the cost of each group in each case; and if she will make a statement on the matter. [8611/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):**

On 27 February 2004 there were 453 participants in FÁS mainline training programmes with an annualised budget of €5.787 million. This annualised budget cost is a total direct cost and does not include FÁS staff or overheads. In respect of specialist training providers, the number of participants at 27 February 2004 was 1,752, with a total budget for 2004 of €41.833 million. This budget is a total cost for vocational

training which includes trainer fees, trainee allowances, trainee travel and child care etc.

**Services for People with Disabilities.**

95. **Mr. Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the money allocated by her Department in 2003 and 2004 to directly fund services for persons with disabilities and the money allocated to enabling persons with disabilities to more easily access the services of her Department. [8637/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):**

The FÁS actual expenditure in 2003 and the budget for 2004 for programmes specifically related to persons with disability are as follows:

	Actual 2003	Budget 2004
	€m	€m
Specialist Training Providers	37.792	41.833
Pilot Employment Programme	1.95	2.200
Employment Support Scheme	2.904	3.000
Supported Employment Programme	6.122	7.000
Disability Support/Awareness	1.081	2.000
Total	51.850	56.033

The amounts stated above are the direct costs attributed to the programmes and do not include FÁS staff or overhead costs.

My Department endeavours to deliver all of its services in an inclusive manner and as such the cost of services to persons with disabilities is included in the cost of delivering the service to all customers. In some instances specific expenditures occur. In 2003, approximately €47,000 was spent on evacuation chairs for persons with disabilities. In addition, my Department is currently redesigning the website to make it fully inclusive with a minimum of level II web accessibility initiative compliance at a cost of approximately €45,000.

**Job Losses.**

96. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding the payment of outstanding claims to the former workers of a company (details supplied); if the State's responsibility to the workers has been fully discharged; and if she will make a statement on the matter. [8728/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):**

After the company became insolvent on 1 June 2001, my Department, which has

responsibility for the statutory redundancy payments scheme and the insolvency payments scheme, paid 356 employees their correct statutory redundancy lump sum entitlements from the social insurance fund. A total amount of €2,136,588.53 was paid out. There are no outstanding claims.

In addition, a total of €1,696,068.75 was paid from the social insurance fund to 455 employees for arrears of wages, holiday pay, minimum notice and pension contributions under the insolvency payments scheme. Again, there are no outstanding claims.

**County Enterprise Boards.**

97. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the funding allocated to each county development board in 2003 and 2004; the top-up funding provided to each board in 2003; the moneys spent by each board from 1 July 2003 to 31 December 2003; and if she will make a statement on the matter. [8733/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):**

In view of the detailed nature of the information requested by the Deputy I am providing this information by way of a tabular statement.

CEB	2003 Fund Allocations	2003 Top-up Funding	2004 Allocation	Allocation 1/7/2003 -31/12/2003
	€	€	€	€
CARLOW	756,404.00	256,000.00	862,678.00	695,304.00
CAVAN	761,739.00	62,974.00	720,841.00	538,509.78
CLARE	852,690.00	51,345.00	772,158.00	499,035.00
CORK CITY	799,427.00	7,000.00	732,599.00	331,228.00
CORK NORTH	293,977.00	17,131.00	456,000.00	90,807.71
CORK SOUTH	785,746.00	124,219.00	813,114.00	409,514.00
CORK WEST	794,135.00	30,408.00	722,160.00	281,624.30
DONEGAL	1,139,574.00	302,553.00	1,058,010.00	803,012.51
DUBLIN CITY	1,264,393.00	158,600.00	1,178,480.00	726,793.00
DUBLIN SOUTH	926,287.00	14,120.00	885,409.00	458,067.00
DUNLAOGH/ RATH	935,141.00	161,098.00	938,270.00	479,404.00
FINGAL	1,009,446.00	123,510.00	905,772.00	567,856.00
GALWAY	825,109.00	167,500.00	895,947.00	467,198.88
KERRY	899,504.00	30,943.00	737,881.00	551,447.00
KILDARE	764,076.00	30,000.00	852,069.00	441,076.00
KILKENNY	715,736.00	405,000.00	781,225.00	770,971.00
LAOIS	726,901.00	23,511.00	622,280.00	390,058.00
LEITRIM	732,087.00	21,850.00	750,550.00	348,784.00
LIMERICK CITY	703,827.00	20,000.00	696,880.00	363,125.92
LIMERICK COUNTY	839,647.00	22,503.00	760,845.00	483,647.00
LONGFORD	665,115.00	25,000.00	728,975.00	396,757.77
LOUTH	885,666.00	71,740.00	797,470.00	383,201.00
MAYO	824,071.00	41,039.00	744,572.00	485,381.88
MEATH	974,154.00	55,938.00	833,625.00	384,802.00
MONAGHAN	829,405.00	228,000.00	941,154.00	581,544.00
OFFALY	732,640.00	40,564.00	687,179.00	398,204.00
ROSCOMMON	724,586.00	63,091.00	687,346.00	392,677.00
SLIGO	723,068.00	82,000.00	760,484.00	452,478.00
TIPPERARY NORTH	729,386.00	115,254.00	718,070.00	466,991.05
TIPPERARY SOUTH	760,814.00	54,748.00	704,869.00	440,562.00
WATERFORD CITY	856,013.00	9,000.00	668,468.00	278,082.00
WATERFORD COUNTY	671,186.00	35,700.00	684,913.00	340,669.00
WESTMEATH	801,934.00	10,000.00	757,834.00	331,834.11
WEXFORD	934,565.00	62,896.00	847,098.00	432,261.00
WICKLOW	952,245.00	50,000.00	1,080,769.00	204,302.06

These figures represent the Exchequer funding made available to city and county enterprise boards, CEBs, in the periods concerned. However, actual spending by boards may vary somewhat where boards have other sources of funding, such as course fees or repayments of refundable grants or where the pattern of drawdown of funding is slower than expected. In a number of instances, the additional funding made available to boards in 2003 met commitments in respect of enterprise centres.

I remain strongly committed to the support and development of indigenous enterprise, including micro-enterprise, and I am confident that the CEBs will continue to be in a position to provide an appropriate level of assistance to good quality projects that present over the coming year.

#### **Industrial Development.**

98. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment

if she will review the Enterprise Ireland eligibility criteria for companies to include import substitution as an acceptable enterprise for grant support; and if she will make a statement on the matter. [8734/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Enterprise Ireland has primary responsibility for the development of indigenous small and medium enterprises. SMEs, in the manufacturing and internationally-traded services sectors. I should point out that the decision whether or not to provide funding to a company is a day-to-day matter for the agency itself, and is not one in which I have a direct function.

Enterprise Ireland offers a range of supports aimed at assisting client companies to expand and compete in the international marketplace. As each company has its own distinctive ambitions, capabilities and needs, Enterprise Ireland delivers a flexible set of solutions tailored to the needs of individual circumstances of Irish enterprises. Each client company is assigned a development adviser who works with the company in assessing its needs and capabilities, formulating an agreed growth plan and in assisting the company access the range of services and resources it needs to execute that plan.

The key focus of Enterprise Ireland's policy is to work with companies which have the potential to develop sustainable export sales and in order to qualify for support a company should demonstrate clear potential to do this.

Within this general policy context however, each business development plan is considered on its merits. Import substitution by itself is typically considered insufficient to justify the investment of significant resources in funding and support services. In this regard, it is important for companies to recognise that Ireland operates within the single market and that supplying the domestic market will be carried out in competition from suppliers in other European countries. However, it is well recognised that import substitution can contribute to the viability of a new or growing enterprise and to that extent it can be a valuable and welcome constituent part of the company's target market.

#### **Non-National Employees.**

99. **Mr. Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she proposes to introduce legislation to ensure that non-nationals who are employed here and working on ships which are registered under a flag of convenience are given the same statutory protections and entitlement to the minimum wage as all other workers. [8859/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** There are currently no plans to introduce new, nor amend existing national minimum wage legislation. The Minimum Wage Act applies to

employees who work under a contract of employment in Ireland. Irish registered shipowners may apply for work permits for non-nationals working in Ireland. Such workers are covered by Irish employment rights legislation by virtue of section 20 of the Protection of Employees (Part-Time Work) Act 2001 which provides that the full range of Irish employee protection legislation applies to foreign workers posted to work in, or otherwise working in this country.

#### **Community Employment Schemes.**

100. **Mr. Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employment if, in relation to the proposed rural social scheme, persons currently participating in a community employment scheme who qualify for the rural social scheme will be automatically kept on a community employment scheme. [9018/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** Persons currently employed on the community employment programme and who qualify for the new rural social scheme, will have the option to remain on community employment or transfer to the new scheme. Participants who wish to progress to the open labour market may wish to remain on CE and continue to receive the appropriate level of personal development and training provided by this programme. Eligible CE participants who choose to transfer to the rural social scheme, which is the responsibility of the Department of Community, Rural and Gaeltacht Affairs, will be allowed to do so.

#### **Job Creation.**

101. **Mr. Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a plant (details supplied) in Crossmolina, County Mayo, will be fully operational; and when the jobs promised to the people of the region will be filled. [9019/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** DeCare International is a leader in the US dental benefits industry. Its subsidiary and flagship company, Delta Dental Plan of Minnesota, is a non-profit health services company that administers prepaid dental service plans.

In 1999 DeCare established a dental claimprocessing centre in Claremorris, County Mayo. DeCare Operations Ireland Limited currently employs 102 people and handles more than 22,000 dental claims submitted daily from its US headquarters. In November 2001, DeCare announced the expansion of its existing operation in Claremorris and the establishment of a new facility at Crossmolina, County Mayo. The new investment was part of DeCare's growth strategy for both the US and world markets. The company planned to recruit 210 new employees over a three year period, 50 in Claremorris and 160 at

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Crossmolina. It was envisaged that the Mayo facilities would take responsibility for customer relationship management worldwide outside of the US, including telephone support, written responses and Internet support to dental subscribers.

The company has advised IDA Ireland that, as neither existing or new markets had developed as anticipated, business and employment targets have not yet been attainable. At this time, the company has stated that it cannot give any indication as to when it will be in a position to commence employment in Crossmolina.

### **Insurance Industry.**

102. **Mr. O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment her proposals to bring about a substantial reduction in motor insurance premia; and if she will make a statement on the matter. [9063/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The insurance reform programme that I announced on the 25 October 2002 comprises a comprehensive set of interrelated measures designed to improve the functioning of the Irish insurance market. I chair a ministerial committee established to drive the co-ordinated implementation of the reform programme across the relevant Departments and other bodies concerned. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help tackle the high cost of insurance.

The key measures include the implementation of the recommendations in the Motor Insurance Advisory Board action plan within a target timeframe. To date, 32 of the recommendations have been fully implemented, four partially implemented and work is in progress on the implementation of the other recommendations.

A second measure is the establishment of the Personal Injuries Assessment Board. The Personal Injuries Assessment Board Bill 2003 completed its passage through the Houses of the Oireachtas on 19 December 2003 and was signed into law on 28 December 2003. The provisions of this Act will be commenced in the near future. A CEO designate has been appointed and commenced duty on 2 February 2004. The proposed structure and staffing levels of the new body are finalised and a recruitment campaign commenced in February. The board will be operational when the necessary staff and IT systems are in place, which is expected to be in the second quarter of this year. The PIAB interim board has made significant progress in this regard.

My Department and the Competition Authority have undertaken a joint study into the insurance market. The study will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. The bulk of

the study was completed in 2003 and a preliminary report and consultation document on competition issues in the non-life insurance market was published on 18 February 2004. Following a two month consultation period, a final report will be published which will contain recommendations based on its findings.

Significant progress has been made by the Department of Transport in relation to the implementation of the road safety strategy. The Minister for Justice, Equality and Law Reform published the Civil Liability and Courts Bill on 11 February. This Bill contains measures to streamline the law in relation to personal injury claims including measures to deal with fraudulent and exaggerated claims.

While EU law prohibits the imposition of price control on insurance I have made it clear that I consider there to be an onus on the insurance industry to ensure that the reforms to be taken will have the effect of significantly reducing the cost of premia to consumers and businesses. Indications to date are that the reform programme is having its desired effect. The CSO publishes monthly indices of costs for a number of classes of insurance. These statistics show that there was a reduction of 11.8 index points, 11.1% , in motor car insurance between the months of January 2003 and January 2004. Further, the CSO noted a significant contribution from insurance to the recent reduction in inflation. As implementation of the reform programme continues, I expect further reductions to occur in all forms of insurance. I am also confident that the measures the Government is putting in place to reform the Irish insurance market will attract new players into the market leading to further downward pressure on premia.

### **EU Presidency.**

103. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the total cost to the exchequer or EU of events to date; and if she will make a statement on the matter. [9178/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The number of functions or receptions held to date by my Department in connection with Ireland's Presidency of the EU is ten. These events have been held in Dublin, Galway and Kildare. Of these events, eight were at official level and two had ministerial involvement. The numbers attending these functions varied from 17 at a meeting of ASEM, the Asia-Europe meeting co-ordinators, to up to 370 attendees at an informal meeting of Ministers with responsibility for

employment, social policy, health and consumer affairs. In three instances, Garda escorts were provided for Ministers. Invitations were mostly issued by e-mail and post, and in one instance by courier. The total cost to my Department for these events is €686,863.

#### Departmental Properties.

104. **Mr. J. Bruton** asked the Minister for Defence the plans for Defence Force families living in Gormanston Camp now that Gormanston lands will be among the State lands released under the Sustaining Progress affordable housing initiatives; the location the families of the Defence Forces will be deployed to; if compensation will be afforded to them to meet the costs of moving house if this is necessary; the time scale for the redeployments; the notice that the families will receive before the move takes

place; and if he will make a statement on the matter. [8255/04]

**Minister for Defence (Mr. M. Smith):** There are no married quarters at Gormanston Camp so the question as to the redeployment of Defence Forces families does not arise.

#### Departmental Staff.

105. **Ms Enright** asked the Minister for Defence the number of staff appointed by him, from outside the Civil Service, since the general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8327/04]

**Minister for Defence (Mr. M. Smith):** I have, as Minister for Defence, appointed three staff since June 2002, as follows :

Job Description	Current Salary	Expenses up to 12 March, 2004
	€	€
Special Advisor to the Minister for Defence	72,128 per annum	4,280.97
Personal Assistant to the Minister for Defence	40,918 per annum	Nil
Personal Secretary to the Minister for Defence	633.80 per week	Nil

All three appointments, which are subject to the Civil Service Regulation Acts 1956 to 1996 and any other Act for the time being in force relative to the Civil Service, are to temporary non-established positions in the Civil Service.

#### Departmental Properties.

106. **Mr. P. Breen** asked the Minister for Defence further to his reply to Parliamentary Question No. 209 of 2 March 2004, if a map forming part of the said draft order indicated a proposal to designate four sub-areas in the vicinity of Baldonnell Aerodrome; if so, the proposed height restriction on building development within each such sub-area; and if he will make a statement on the matter. [8467/04]

**Minister for Defence (Mr. M. Smith):** The draft protected area order proposed in the 1950s, which was not promulgated, provided for four sub areas in the general environs of Baldonnell Aerodrome. The proposed height restrictions were area A: any height; area B: any height greater than 35 feet; area C: any height greater than 35 feet if the elevation is greater than 375 feet; and area D: any height greater than 35 feet if the elevation is greater than 475 feet. The current safety policy reflects best international practice in accordance with International Civil Aviation Organisation standards and recommendations and provides for military training in the area.

#### Services for People with Disabilities.

107. **Mr. Stanton** asked the Minister for Defence the money allocated by his Department

in 2003 and 2004 to directly fund services for persons with disabilities and the money allocated to enabling persons with disabilities to more easily access services of his Department. [8638/04]

**Minister for Defence (Mr. M. Smith):** No money has been allocated by my Department to fund services described by the Deputy during the period in question. Offices which are open to the public are accessible to people with disabilities and facilities for disabled persons are provided for in all new buildings and in all major refurbishments contracts.

#### Departmental Properties.

108. **Mr. Wall** asked the Minister for Defence the plans his Department has to protect the many military and civilian monuments and historical sites on the Curragh, County Kildare; if he has satisfied himself that the signage in regard to such historical sites are such that the tourist value is maximised and fully effective; and if he will make a statement on the matter. [8895/04]

**Minister for Defence (Mr. M. Smith):** The main recommendation contained in the report of the interdepartmental task force on the future management and development of the Curragh of Kildare is that a statutory body should be established under the aegis of the Department of Defence to manage the Curragh, with the exception of the Defence Forces training centre. The necessary legislation to give effect to this, and to other recommendations of the task force report, is being prepared at present and it is

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 expected that heads of Bill will shortly be submitted for the approval of Government.

My Department will continue to protect archaeological sites and historical features situated on the Curragh plains until the new authority is established within the legislation currently being prepared. The entire area of the Curragh is classified as a recorded monument under section 12 of the National Monuments (Amendment) Act, 1994 and my Department ensures that the terms of that Act are adhered to before any works, alterations or signage are permitted.

The military authorities comply with relevant planning legislation in relation to protected structures located at the Defence Forces training centre.

#### Defence Forces Equipment.

109. **Mr. Wall** asked the Minister for Defence the number of contracts placed by his Department with any of the Nordic countries for equipment over the past two years; the total cost of such contracts; his plans to purchase equipment from these countries; and if he will make a statement on the matter. [8896/04]

**Minister for Defence (Mr. M. Smith):** I am advised that some 40 orders / contracts have been placed by my Department with companies in the Nordic region for equipment in 2002 and 2003. The value of the orders/contracts was €12.5 million, approximately. Tender competitions are held for the acquisition of equipment for the Defence Forces. These competitions determine the company and country of origin of the equipment.

110. **Mr. Wall** asked the Minister for Defence the number of contracts for military equipment placed with non-EU member states for each of the past three years; the total cost of such contracts; and if he will make a statement on the matter. [8897/04]

**Minister for Defence (Mr. M. Smith):** I am advised that orders/contracts have been placed by my Department with companies in non-EU member states in the past three years. The details are as follows:

Year	No. of Orders/ Contracts	Value
		€
2001	32	5.5m. approx.
2002	23	39m. approx.
2003	64	77m. approx.

Tender competitions are held for the acquisition of equipment for the Defence Forces. These competitions determine the company and country of origin of the equipment.

The main contract placed in 2002 was for an additional 25 APCs from Mowag of Switzerland with a value of over €34 million, including VAT. Payments under the contract are spread over a number of years, from 2002 to 2005. All 25 vehicles are scheduled for delivery this year.

In 2003, following a tender competition a contract was placed with Pilatus of Switzerland for the supply of eight trainer aircraft for the Air Corps. The value of the contract including VAT is €60 million, approximately and again, the payments are spread over a number of years up to 2005. All eight aircraft are scheduled for delivery this year.

#### Defence Forces Pay.

111. **Mr. Wall** asked the Minister for Defence the consideration given to the payment of the military service allowance to soldiers that have retired; the representations he has received in relation to the matter; his plans to implement the payment; and if he will make a statement on the matter. [8906/04]

**Minister for Defence (Mr. M. Smith):** Arising from a recommendation made in 1990 by the Commission on Remuneration and Conditions of Service in the Defence Forces, the Gleeson commission, military service allowance was made pensionable in the case of personnel retiring on or after 1 August 1990. This approach was fully consistent with settled public service pensions policy which provides that the benefit of an allowance being made pensionable for serving personnel does not extend to existing pensioners.

More recently, the Commission on Public Service Pensions specifically addressed the issue of the pensionability of allowances, including military service allowance, and the consequences for public service pensioners generally in its final report which was published in January 2001. However, having considered the arguments advanced by the groups affected, together with long-standing public service pensions policy in that context and the substantial cost implications involved, the commission did not recommend any increase for the pensioners concerned. No change in existing policy on this matter has been authorised or is contemplated.

#### EU Presidency.

112. **Mr. Durkan** asked the Minister for Defence the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the cost to the Exchequer or EU of events to date; and if he will make a statement on the matter. [9179/04]

**Minister for Defence (Mr. M. Smith):** In so far as my Department is concerned, two meetings at

senior official level have been held to date in Dublin as part of Ireland's Presidency of the EU. Both meetings were held at the same location, one over two days in January and the other over two days in February. Some 90 delegates attended the January meeting and 160 attended the February meeting. As the meetings were at senior official level, no Garda escorts were required. Invitations were issued both through the postal service and by electronic mail. The total cost of both events is €56,000.

#### Export Licences.

113. **Mr. Deenihan** asked the Minister for Agriculture and Food if he intends introducing an export licence for the export of dogs, including pups; and if he will make a statement on the matter. [8736/04]

**Minister for Agriculture and Food (Mr. Walsh):** My colleague, the Minister for the Environment, Heritage and Local Government, has general statutory responsibility for the control of dogs and related issues under the provisions of the Control of Dogs Acts 1986 and 1992. I have no plans to introduce a regime of export licensing for dogs.

Under the provisions of the European Communities (Trade in Animals and Animal Semen, Ova and Embryos) Regulations 1996, S.I. 12 of 1996, which transposes Directive 92/65/EEC, my Department provides health certification for exports of traded dogs to other member states, apart from the UK. This certification relates, *inter alia*, to identification, rabies status and vaccination, distemper vaccination and fitness to travel. Provided there is compliance with animal health rules, there can be no restriction in intracommunity trade in such animals. In recognition of the rabies free status of Ireland and the UK, there is free movement of dogs and cats between these two jurisdictions. The Deputy will appreciate the practical difficulties to which any system requiring the licensing of the movement of dogs to the UK, including Northern Ireland, would give rise.

#### Animal Identification Scheme.

114. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a herd number has not been granted to a person (details supplied) in County Galway; and if he will make a statement on the matter. [8322/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department cannot grant a herd number to the person indicated because he has declared that he has no cattle at present and does not intend to purchase any cattle until 2006. As this person has a flock of sheep, he has applied under the national sheep identification scheme and has now been registered as a flock owner by my Department's district veterinary office in Galway.

#### Departmental Staff.

115. **Ms Enright** asked the Minister for Agriculture and Food the number of staff appointed by him from outside the Civil Service since the general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8328/04]

**Minister for Agriculture and Food (Mr. Walsh):** The details requested are outlined in the following table:

	Minister Walsh
Personal Assistant	1
Personal Secretary	1
Drivers	0

Total salaries and expenses paid to these staff in 2003 was €76,315.82.

#### Milk Quota.

116. **Mr. Kenny** asked the Minister for Agriculture and Food if his attention has been drawn to the difficulties that have arisen in respect of the case of persons (details supplied) in County Tipperary; if his attention has further been drawn to the complications arising from this particular case; if he has investigated same; and if he will make a statement on the matter. [8390/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am aware of the case to which the Deputy refers. In 1997 the person named leased land and milk quota from a participant in the early retirement scheme for a period of approximately six years. In 2003, by order of the Circuit Court, that quota was returned to the landlord. The landlord then applied to my Department to have a substitute lessee installed and on the basis that the court had ordered the termination of the existing agreement, my Department agreed to that request. My Department did not have any basis or evidence on which to question the validity of the lease before the matter was dealt with by the court. The basis for action by my Department was solely in accordance with the court order.

#### Animal Welfare Bodies.

117. **Mr. Timmins** asked the Minister for Agriculture and Food the position in relation to the award of a grant in view of the fact that a trust (details supplied) received €12,000, while others received €30,000; the criteria used in deciding the size of the awards; and if he will make a statement on the matter. [8409/04]

**Minister for Agriculture and Food (Mr. Walsh):** In recent years I have made *ex gratia* funding available to a number of bodies involved in the direct delivery of animal care and welfare



[Mr. Walsh.] services throughout the country, having regard to the monies available to me from within the Department's Vote at the end of the year. In December 2003 grants totalling €850,000 were awarded to 80 organisations to assist them in their activities in 2004. A copy of the press release, which details the organisations that received funding, will be furnished to the Deputy. The organisations in question provide a range of services and carry out valuable work.

Applications for funding were considered against a number of criteria. These included the standing of each applicant, past performance in respect of utilisation of grants from my Department and impact, both real and potential, that is, that direct care and welfare services to animals have been delivered which have had a meaningful impact on animal welfare in the locality. The levels of grant assistance provided also took account of the fact that large urban areas make particularly onerous demands on animal welfare services. In considering the amounts granted in each case, a conscious effort was made to achieve proportionality and the greatest possible spread of benefits from within available resources.

This was the first time the organisation referred to in this question had applied to my Department for grant assistance within the context of these disbursements. Its application was considered having regard to the criteria applied to all other applications. On this basis, a payment of €12,000 was granted to assist it in its work during 2004. Those organisations which received €30,000 in 2003 made applications for grant assistance in previous years and all were considered based on the same criteria.

#### Live Exports.

118. **Mr. P. Breen** asked the Minister for Agriculture and Food the representations he is making to the European Commission in his capacity as President of the Agriculture Council of Ministers in relation to the proposal by the European Commission to review the live export conditions which will have a devastating effect on farmers here; and if he will make a statement on the matter. [8450/04]

**Minister for Agriculture and Food (Mr. Walsh):** I assume the Deputy is referring to a Commission proposal for a Council regulation on the protection of animals during transport which is at present being discussed at EU level. In principle, I favour the application of rules which protect the welfare conditions for animals being transported over long distances, while also permitting the livestock sector to continue to avail of the benefits of a single European market. While welcoming many aspects of the proposal, certain elements could have potentially adverse implications for the live export trade. These concerns have been conveyed to all involved in negotiations at every step of the process.

Considerable progress has been made on this complex document during the Irish Presidency. While many differing views have been expressed, I am hopeful that a compromise proposal, which will meet the legitimate concerns of those exercised by the need to improve welfare conditions for animals being transported, while permitting the live export trade to continue in a manner which is sustainable and economically viable, will be presented to Council of Ministers within the next few weeks.

#### Suckler Cow Quota.

119. **Mr. P. Breen** asked the Minister for Agriculture and Food if he will consider a decision to reinstate a suckler cow quota to a person (details supplied) in County Clare in view of the circumstances involved; and if he will make a statement on the matter. [8502/04]

**Minister for Agriculture and Food (Mr. Walsh):** The suckler cow quota of nine premium rights has already been restored to the person named who was informed accordingly on 5 March 2004 following consideration of an appeal submitted by him on that date.

#### Milk Quota.

120. **Mr. P. Breen** asked the Minister for Agriculture and Food if an additional milk quota will be made available due to hardship to a person (details supplied) in County Clare; and if he will make a statement on the matter. [8555/04]

**Minister for Agriculture and Food (Mr. Walsh):** Allocations of milk quota from the national reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system.

The person named last applied to the tribunal in the 2002/2003 milk quota year, but there is no record of him having applied in the current 2003/2004 quota year. While the deadline for application in respect of the current quota year has passed, an application may be made for the 2004/2005 quota year when the application forms become available in the autumn.

#### Organic Farming.

121. **Mr. P. Breen** asked the Minister for Agriculture and Food if he intends to take action in relation to the nuisance caused by pine martens to organic honeybee business; and if he will make a statement on the matter. [8557/04]

**Minister for Agriculture and Food (Mr. Walsh):** No producers of organic honey are registered with my Department. Any action in relation to a protected species, such as the pine

marten, is a matter for the Minister for the Environment, Heritage and Local Government.

#### **Area Aid Application.**

122. **Mr. Murphy** asked the Minister for Agriculture and Food the position regarding the application by a person (details supplied) in County Cork for area aid. [8584/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named included a parcel of land on his 2003 area aid application that was also claimed by another herdowner. Both applicants were contacted and the matter was resolved in favour of the other herd owner. The person named applied for a total area of 46.21 hectares, but the area found was only 36.72 hectares and this resulted in an area overclaim of 9.49 hectares or 25.84%. Under EU regulations, where the overclaim is greater than 20%, a 100% penalty applies unless the area found is sufficient to support a stocking density of 1.8 livestock units/hectare or less.

The person named applied for special beef premium in 2003 in respect of one animal and also participated in 2003 extensification premium. However, as the applicant's stocking density calculation on the found area is greater than 1.8 livestock units/hectare, payment cannot be considered. As required under EU regulations, the applicant's milk quota has to be taken into account when calculating stocking density.

#### **Services for People with Disabilities.**

123. **Mr. Stanton** asked the Minister for Agriculture and Food the money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the money allocated to enabling persons with disabilities to more easily access services of his Department. [8639/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is proactive in enabling persons with disabilities to more easily access services. My Department works in partnership with the Office of Public Works in implementing its access programme in relation to new buildings, the acquisition of buildings and the adaptation of the current portfolio of buildings to achieve the highest standards of access for persons with disabilities.

The Department's website was redeveloped in 2003 with accessibility and ease of use for disabled users integral to the site. The Department has also installed seven touch screen information kiosks at its local offices around the country. These allow free Internet access to clients of the Department and are of the highest accessibility standards for wheelchair users. While there is no specific budget allocation provided, the expenditure in relation to website access and that incurred in the provision of special facilities for employed persons with

disabilities are funded from the administrative budget of my Department.

#### **Compensation Payments.**

124. **Mr. Timmins** asked the Minister for Agriculture and Food the position in relation to a person (details supplied) in County Kilkenny; the payment they are entitled to while waiting for compensation; the compensation they are entitled to; when they will receive this; and if he will make a statement on the matter. [8716/04]

**Minister for Agriculture and Food (Mr. Walsh):** Two reactor animals disclosed at a TB test on 5 March 2004 in the herd of the person concerned will be valued in accordance with the on-farm market valuation scheme. The meat factory will pay the salvage price for these animals directly to the person concerned. The appropriate net valuation amounts will be processed for payment by the local DVO as soon as possible after the required documentation is received.

#### **Farm Retirement Scheme.**

125. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food the reason deductions are being made from the farm retirement pension of a person (details supplied) in respect of a social welfare pension when the person is not currently in receipt of a social welfare pension. [8725/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named is a participant in the 1994 early retirement scheme introduced under EU Council Regulation 2079/92, which she entered in joint management with her husband. It is a requirement of the Council regulation that any national retirement pension to which a scheme participant and his or her spouse or partner in a joint management situation becomes entitled must be deducted from the early retirement pension. The husband of the person named is in receipt of a non-contributory old age pension and this is being deducted from the early retirement pension. His pension was increased with effect from January in line with the changes announced in the 2004 budget and the amount of this increase was deducted from the early retirement pension.

#### **Grant Payments.**

126. **Mr. Murphy** asked the Minister for Agriculture and Food the reason his Department is denying payment to a person (details supplied) in County Cork. [8726/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named participated in 2002 extensification premium, while opting for the simplified system for the purposes of determining eligibility. On participation, he chose to observe a stocking density of less than 1.40 livestock units per hectare for each and every day of 2002. Under the terms of the scheme and the relevant

[Mr. Walsh.] regulation, my Department is required to carry out stocking density cross-checks against the CMMS animal database prior to payment to ensure that the stocking density, as chosen, was not breached. Cross-checks were carried out on 19 May and 15 September 2002 and stocking densities of 1.2932 and 1.4291 livestock units per hectare, respectively, were established. These stocking densities were calculated on a total forage area of 45.62 hectares. In view of the fact that the chosen stocking density was found to have been breached at 15 September 2002, the person named cannot be considered for payment of 2002 extensification premium under EU regulations. The person named is also a participant in 2003 extensification premium, payment of which is scheduled to commence in June of this year.

The person named was paid his full entitlement of €4,147.77 on 19 September 2003 under the 2003 area based compensatory allowance scheme. He was paid €3,999.60 in respect of the maximum eligible area of 45 hectares of more severely handicapped lowland and an additional sum of €148.17 under a compensation package agreed with the European Union for farmers experiencing losses under the area based compensatory allowance scheme.

The person named had seven animals slaughtered under the 2002 slaughter premium scheme. Payment in respect of these animals has issued in full. The person named also had 13 animals slaughtered under the 2003 slaughter premium scheme and has been paid 80% advance payment on all 13 animals. Balancing payments are due to commence in the coming weeks. The person named applied for premium on 60 animals under the 2003 suckler cow premium scheme. An 80% advance instalment for €10,759.20 issued on 16 October 2003. The balancing payment will issue shortly.

#### **Mayo Landslides.**

127. **Mr. Ring** asked the Minister for Agriculture and Food the reason Parliamentary Question No. 187 of 3 March 2004 was not answered in full; and if he will give a full and detailed reply. [8729/04]

138. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo will be compensated for damage to their land during the landslides in north Mayo in September 2003. [8987/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 127 and 138 together.

As stated in reply to Parliamentary Question No. 172 on 10 March, the position is that following from the meeting between officials from my Department and the landslide committee on 23 January last, arrangements were made to have a detailed survey of the affected

area carried out. The results of that survey have recently become available and the matter is now under review in my Department. I confirm that the person named is included among the farms surveyed.

#### **Suckler Cow Quota.**

128. **Mr. Penrose** asked the Minister for Agriculture and Food the position of farmers who are currently participating in the early retirement scheme and who hold a suckler cow quota, which they have now leased in the context of the Fischler proposals and the decoupling measures; if he will indicate how such farmers will be treated therein, and if they will maintain such suckler cow quotas at the end of their lease, which will facilitate them for returning to farming if they so desire; and if he will make a statement on the matter. [8735/04]

**Minister for Agriculture and Food (Mr. Walsh):** The position is that all livestock premia and arable aid schemes are to be fully decoupled from production as and from 1 January 2005 and will be replaced by the new single payment scheme to be introduced from 2005. The quota regime in respect of the livestock premia schemes will cease to be in existence from 31 December 2004. Consequently, quotas, including suckler cow quotas, will no longer exist for any farmer after that date and will not be required to ensure payment of the single payment scheme in the future.

Under the European Council regulation introducing the single payment scheme, a farmer may have access to the scheme if he was an active farmer during the reference years 2000, 2001 and 2002 and received payments under the livestock premia and/or arable aid schemes. In addition, farmers for whom entitlements will be established must activate those entitlements in 2005 by continuing to farm and submitting an area aid declaration in that year. In general, farmers must also have an eligible hectare of land for each payment entitlement.

Farmers who were participating in the early retirement scheme prior to the commencement of the reference period will not have any entitlements established for them under the single payment scheme as they had already retired from farming and because of their obligations under the early retirement scheme, they may not return to farming in the future. The persons who were leasing the retired farmer's lands and were active farmers in the reference period will have entitlements established for them. It should be noted that entitlements are attached to the farmer who was actively farming during the reference period and not to the land. However, during the Council negotiations last year I secured agreement that farmers, including offspring of farmers who retired before the reference period, who take over the holding of the retired farmers at some date in the future will be able to apply to the national reserve for

payment entitlements under the single payment scheme.

Farmers who entered the early retirement scheme during or after the reference period will have entitlements established for them, provided they were actively farming during the reference period and received payment under the relevant schemes. However, because they have now ceased farming under the early retirement scheme, they will not be in a position to obtain payment under the single payment scheme in 2005 or thereafter. The European Council regulation provides for such entitlements to revert to the national reserve. However, the question of whether retired farmers in this category should be allowed to activate entitlements with a view to leasing them out in 2005 and thereafter is one of the items under discussion in the context of the Commission establishing detailed rules. Negotiations are still ongoing and agreement is not expected until the end of this month or early in April. It would be unwise at this stage to speculate on what the final outcome will be.

#### Animal Welfare Bodies.

129. **Mr. G. Mitchell** asked the Minister for Agriculture and Food if he will give assistance to an association (details supplied) in Dublin 5 so it can discharge its responsibilities. [8737/04]

**Minister for Agriculture and Food (Mr. Walsh):** In recent years I have made *ex gratia* funding available to a number of bodies involved in the delivery of animal care and welfare services throughout the country, having regard to the resources available to me from within the Department's Vote at year end. In December 2003, grants totalling €850,000 were awarded to 80 organisations. The organisations concerned had approached the Department seeking assistance. A grant of €15,000 was paid to the Cats Protection Association of Ireland in December 2003 to assist it in its activities in 2004.

#### Grant Payments.

130. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food the reason for the delay in the payment of forestry premium to a person (details supplied) in County Kerry. [8738/04]

**Minister for Agriculture and Food (Mr. Walsh):** Payment of the 2004 forestry premium will begin to be made towards the end of March, as has been the position over the years.

#### Direct Payment Schemes.

131. **Mr. Connaughton** asked the Minister for Agriculture and Food the compensatory payment that will be made to a dairy farmer producing milk on a 32,000 gallon quota under the Fischler proposals; the length of time those payments will last; the likely deductions; if a farmer will be

eligible for such payments if they sell their quota and cease milk production in the milk year 2004; and if he will make a statement on the matter. [8739/04]

**Minister for Agriculture and Food (Mr. Walsh):** The dairy premium for 2004 will be approximately 1.22 cent per litre. As the total compensation available is based on Ireland's quota for 1999/2000, the premium will be payable on approximately 97% of each producer's milk quota available on his/her holding on 31 March 2004. Accordingly, the premium on a 32,000 gallon quota will amount to approximately €1,722.

In 2005, the single farm payment will replace the dairy premium and all other direct payment schemes and the producer's single farm payment will include payment based on the milk quota available on the holding on 31 March 2005. The gross amount will be 2.44 cent per litre which, when calculated as above, amounts to approximately €3,444 in respect of a 32,000 gallon quota. From 2006, the gross payment will be 3.66 cent per litre, amounting to approximately €5,165. As the dairy premium will be decoupled in 2005, the reference date for that payment will be 31 March 2005 for the duration of the single farm payment scheme.

The single farm payment will be subject to reductions in respect of modulation at 3% in 2005, 4% in 2006 and 5% in subsequent years and linear reductions in respect of the hardship reserve and the national reserve. The percentage reductions for the hardship reserve and national reserve are not yet known. The amount deducted in respect of modulation on the first €5,000 of the single farm payment in each year will be refunded to the producer. Therefore, if the dairy producer with 32,000 gallons received no other direct payments in the 2000-2002 reference period, his/her single farm payment would not exceed the €5,000 threshold so, in effect, no modulation reduction would take place. The linear reductions for the hardship reserve and national reserve will, however, apply.

The dairy premium will be paid in 2004 as a coupled payment and the single farm payment scheme of which the decoupled dairy premium forms part has been put in place for the period from 2005 to 2012. In order to be eligible for the decoupled dairy premium in 2005 and subsequent years, a producer must be a quota holder on 31 March 2005 and have made milk deliveries in the 2004-05 milk quota year. He/she will continue to be eligible for the premium if the quota is sold after 31 March 2005. However, in that situation a farmer would still be required to comply with certain conditions to continue to retain eligibility for the single farm payment.

132. **Mr. Connaughton** asked the Minister for Agriculture and Food the entitlement under the Fischler proposals due to a person (details supplied) in County Galway; and if he will make a statement on the matter. [8740/04]

**Minister for Agriculture and Food (Mr. Walsh):** The single payment will be based on the average number of animals or the average number of hectares in the case of arable aid on which payments were made under the livestock premia and arable aid schemes in respect of the three reference years 2000, 2001 and 2002. The single payment is calculated by taking the three yearly average number of animals or arable hectares which attracted payment and multiplying them by the payment rate for 2002 in respect of livestock or by €383.04 per hectare in the case of arable aid. Entitlements are calculated by dividing this single payment amount by the average number of hectares over the three-year period.

Farmers for whom entitlements have been established must activate those entitlements in 2005 by continuing to farm and submitting an area aid declaration in that year. In general, farmers must also have an eligible hectare of land for each payment entitlement. The European Council regulation provides for various deductions from entitlements to cater for any overshoot of the national ceiling for Ireland, setting up of a national reserve and for modulation.

While the European Commission detailed rules regulation on decoupling has not yet been finalised, my Department has commenced the work of establishing entitlements for every farmer in the country. Work is ongoing on the processing of *force majeure* applications and this could impinge on the national ceiling. My Department intends to establish provisional single payment entitlements for each farmer and notify those entitlements to individual farmers later in 2004, with definitive details to issue early in 2005. It will not be possible, however, to finalise this work until such time as the Commission detailed rules are fully agreed which will be towards the end of this month or in early April and all *force majeure* applications are fully processed. Therefore, it is not possible at this stage to indicate what the definitive entitlements will be for the person named or, indeed, for any farmer.

#### Grant Payments.

133. **Mr. Neville** asked the Minister for Agriculture and Food when a farm retirement scheme payment will be made to a person (details supplied) in County Limerick. [8851/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named made an application under the scheme of early retirement from farming in 1998. His application could not be approved because of difficulties relating to his transferee's eligibility. My Department has been in touch with the applicant on a number of occasions but he has not resolved the outstanding issues.

#### Rural Environment Protection Scheme.

134. **Mr. Ring** asked the Minister for Agriculture and Food when his Department changed the rules for REP schemes. [8852/04]

**Minister for Agriculture and Food (Mr. Walsh):** The rural environment protection scheme was first introduced in 1994 in implementation of Council Regulation (EEC) No 2078/92 and the scheme terms and conditions and agrienvironmental specifications were first published in May 1994. The terms and conditions were updated by documents dated 1 February 1997 and 1 January 1999, and the agrienvironmental specifications were updated by documents dated 15 May 1996 and 1 January 1999.

The first scheme closed to new entrants in December 1999 and a successor scheme was introduced in November 2000 in implementation of Council Regulation (EC) No. 1257/1999. The scheme terms and conditions are set out in the published scheme documentation dated 27 November 2000. Proposals for amendments to REPS were formally submitted to the European Commission in December 2003 and are currently being considered by the Commission services. When these proposals are approved, the existing scheme documentation will again be revised to reflect increases in payment rates and in areas eligible for payment, together with other proposed amendments.

#### Farm Retirement Scheme.

135. **Mr. Ring** asked the Minister for Agriculture and Food the changes that are to be made to the early retirement scheme as a result of the mid-term reform; the way these changes will affect farmers in this scheme; the way he intends to compensate persons in the scheme who will suffer a drop in income as a result of these changes. [8867/04]

139. **Mr. Neville** asked the Minister for Agriculture and Food if he will respond to the concerns of a person (details supplied) in County Limerick who is in the early retirement scheme; and the impact of the recent CAP agreement. [9004/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is involved in working groups and in continuing discussions with the European Commission on the detailed rules for implementing the mid-term review agreement. I have already raised a number of issues relating to farmers who have retired under the early retirement schemes and the implications for them of decoupling and the single payment scheme.

Under the European Council regulation introducing the single payment scheme, a farmer may have access to the scheme if he or she was an active farmer during the reference years 2000, 2001 and 2002 and received payments under the livestock premia and/or arable aid schemes. In

addition, farmers for whom entitlements will be established must activate those entitlements in 2005 by continuing to farm and submitting an area aid declaration in that year. In general, farmers must also have an eligible hectare of land for each payment entitlement.

Farmers who were participating in the early retirement scheme before the commencement of the reference period will not have any entitlements established for them under the single payment scheme. This is because they had already retired from farming and their obligations under the early retirement scheme preclude them from returning to farming in the future. The persons who were leasing these retired farmers' lands and were active farmers in the reference period will have entitlements established for them. It should be noted that entitlements are attached to the farmer who was actively farming during the reference period and not to the land. However, during the Council negotiations last year, I secured agreement that farmers, including offspring of farmers who retired before the reference period, who take over the holding of the retired farmers at some date in the future will be able to apply to the national reserve for payment entitlements under the single payment scheme.

Farmers who entered the early retirement scheme during or after the reference period will have entitlements established for them, provided they were actively farming during the reference period and received payment under the relevant schemes. As these farmers undertook to give up farming definitively when they joined the early retirement scheme, they will not be in a position to obtain payment under the single payment scheme in 2005 or thereafter. The European Council regulation provides for such entitlements to revert to the national reserve. However, the question of whether retired farmers in this category should be allowed to activate entitlements, not for their own use but with a view to leasing them out in 2005 and thereafter, is one of the items still under discussion in the context of the Commission detailed rules regulation.

Agreement on the detailed rules is not expected until the end of this month or early in April and it would not be helpful to speculate on the final outcome.

#### **Commonage Division.**

136. **Mr. Perry** asked the Minister for Agriculture and Food if he will make a decision on an appeal by a person (details supplied) in County Sligo regarding commonage destocking; and if he will make a statement on the matter. [8880/04]

**Minister for Agriculture and Food (Mr. Walsh):** Appeals against the destocking provisions of the commonage framework plans are considered by an independent appeals committee under the chairmanship of Mr. Gerry

Scully, chief sheep adviser with Teagasc. To date, one appeal has been lodged in respect of a commonage framework plan in County Sligo, plan reference SL05-Q. The person named was not a party to that appeal. If he wishes to lodge an appeal against a plan other than the one mentioned above, he should contact the secretary, commonage framework plan appeals, Department of Agriculture and Food, Johnstown Castle Estate, County Wexford.

#### **International Trade.**

137. **Mr. Perry** asked the Minister for Agriculture and Food if he will make statement on correspondence (details supplied). [8986/04]

**Minister for Agriculture and Food (Mr. Walsh):** The Council of Agriculture Ministers is acutely aware of the needs of developing countries and of the implications for them of policy decisions taken at EU level. I am satisfied that the recent reform of the CAP will be of benefit to developing countries, including ACP countries. Decoupled payments will replace production related supports, thereby reducing the potential distortion impact of production related supports.

Trade with ACP countries is governed by the terms of the ACP-EU partnership, which was signed in Cotonou in June 2000, under which the EU grants non-reciprocal trade preferences to imports from ACP countries. In September 2002, the ACP countries and the EU officially launched negotiations on a series of economic partnership agreements which will replace the existing arrangements with reciprocal agreements that are WTO compatible and which will retain an element of differential treatment for the ACP countries. These economic partnership agreements will cover trade in agricultural products. The current preferential trade regime has been extended pending completion of the negotiations.

Furthermore, the EU has recently abolished tariffs and other such restrictions on all products from the 49 poorest countries on the planet, the least developed countries. This "everything but arms" initiative gives these countries immediate duty and quota free access to the EU market. This includes products such as beef, milk products, fruit and vegetables. A transitional period applies for rice, bananas and sugar but full liberalisation will be in place by 2009.

In the context of the WTO talks, the EU is asking that other developed WTO partners provide similar concessions.

*Question No. 138 answered with Question No. 127.*

*Question No. 139 answered with Question No. 135.*

### EU Presidency.

140. **Mr. Durkan** asked the Minister for Agriculture and Food the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of the postal service or by other means in every case; if not, the nature of the exception; the cost to the Exchequer or EU of events to date; and if he will make a statement on the matter. [9180/04]

**Minister for Agriculture and Food (Mr. Walsh):** To date there have been no functions or receptions held by me or my Department in connection with Ireland's Presidency of the EU. A number of functions are planned for later in our Presidency.

### Grant Payments.

141. **Mr. Neville** asked the Minister for Agriculture and Food when a headage payment will be made to a person (details supplied) in County Limerick. [9205/04]

**Minister for Agriculture and Food (Mr. Walsh):** The terms and conditions governing the 2003 area based compensatory allowance scheme require that applicants maintain a minimum stocking density of an average of 0.15 livestock units per forage hectare in the calendar year preceding the year of application. As CMMS checks to establish what stock was on the holding in 2002 were unable to establish that the minimum stocking was maintained, my Department wrote to the person named on 13 October 2003 asking him to detail the stock which was maintained by him on his holding during the year. No reply has been received by my Department's local office and a final decision regarding the eligibility or otherwise of the application cannot be made until a reply is received.

### Tax Code.

142. **Mr. O'Connor** asked the Minister for Finance if he has any plans to have schools exempted from VAT payments; if his attention has been drawn to the fact that this has become a serious issue as far as schools are concerned; his views on the matter; and if he will make a statement on the matter. [8292/04]

151. **Mr. O'Connor** asked the Minister for Finance his plans to provide exemption from VAT payments to primary and second level schools; if his attention has been drawn to the interest in this issue; and if he will make a statement on the matter. [8299/04]

**Minister for Finance (Mr. McCreevy):** I propose to take Questions Nos. 142 and 151 together.

In accordance with the EU sixth VAT directive and Irish VAT law, most education and training, including primary and secondary level schools, are exempt from VAT. This means they do not charge VAT on the services they supply but cannot recover VAT on the goods and services they purchase. Essentially, only VAT registered businesses which charge VAT are able to recover VAT.

I presume the Deputy is proposing that a provision should be introduced whereby primary and secondary schools are relieved of VAT. It is normal for most State funded services, such as schools or hospitals, to bear VAT on their purchases. However, Exchequer funding for such services, including primary and secondary schools, takes account of VAT when allocations are being made by the Government. Given this position, I would be concerned about the Exchequer cost of establishing a separate mechanism to relieve primary and secondary schools of VAT. There would be pressure to extend such a mechanism to all potentially affected sectors. I have, therefore, no plans to introduce a mechanism to relieve VAT incurred by primary and secondary schools.

### Summer Works Scheme.

143. **Mr. P. Breen** asked the Minister for Finance when works will be carried out at Kilkishen national school in view of the fact that the removal of the asbestos was approved by the OPW and was included in the summer programme 2003; and if he will make a statement on the matter. [8451/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The asbestos removal works at Kilkishen national school have been rescheduled for the summer programme 2004.

### Departmental Expenditure.

144. **Mr. S. Power** asked the Minister for Finance the cost of holding the general election; and if he will make a statement on the matter. [8613/04]

**Minister for Finance (Mr. McCreevy):** While the definitive cost of the last general election, held in May 2002, has not yet been finalised, the provisional estimate of cost is €20 million approximately. Of this, postal expenses cost almost €8 million, purchase of electronic voting machines for the three constituencies where they were used cost €3.3 million, while the balance was for other returning officers' expenses, for example, fees for staff.

145. **Mr. S. Power** asked the Minister for Finance the cost of holding each of the past five referenda; and if he will make a statement on the matter. [8614/04]

**Minister for Finance (Mr. McCreevy):** It has not been possible in the time available to provide

the information sought by the Deputy in respect of the last five referenda. As soon as my officials have collated the data, I will supply the Deputy with the information sought. In the meantime, for the Deputy's information, the provisional estimate of costs of the last two referenda is: Treaty of Nice referendum in October 2002 — €10.9 million and referendum on the protection of human life in pregnancy in March 2002 — €7.2 million.

### Civil Service Appointments.

146. **Mr. Costello** asked the Minister for Finance the number of persons who were blacklisted for public service appointments in each decade since 1960; the criteria used to blacklist them; if there is a list of names of persons in the Civil Service and Local Appointments Commission who are blacklisted; and if he will make a statement on the matter. [8874/04]

**Minister for Finance (Mr. McCreevy):** Under the Civil Service Commissioners Act 1956, the Civil Service Commissioners are responsible for selection procedures for appointment to the Civil Service. Applicants for posts in the Civil Service must go through the competitive procedures set out by the commissioners which may involve short-listing, tests, interviews, and other checks before a final appointment is made by the commissioners. The commissioners must, in common with other employers, ensure that an applicant is qualified for the post being applied for by, among other things, validating their educational qualifications, health status, as well as obtaining statements from referees and character reports. Details of the outcome of the procedures used by the commissioners to check a candidate's suitability are confidential in the interests of both the service and the applicant.

### Drainage Schemes.

147. **Ms M. Wallace** asked the Minister for Finance the progress made over the past 12 months with regard to the Tolka River and Castle Stream at Dunboyne-Clonee including the list of works carried out and the list of works remaining to be carried out; the persons who will be responsible for the works remaining; the expected time frame on same; and if he will make a statement on the matter. [8265/04]

148. **Ms M. Wallace** asked the Minister for Finance if he will outline the various reports that have been published with regard to flooding of the Tolka River and Castle Stream at Dunboyne-Clonee including the dates of the reports and progress to date with regard to same; and if he will make a statement on the matter. [8266/04]

**Minister of State at the Department of Finance (Mr. Parlon):** I propose to take Questions Nos. 147 and 148 together.

In June 2001 Dublin City Council had commissioned the greater Dublin strategic

drainage study which is a multi-million euro engineering study of the strategic drainage requirements of the greater Dublin area. A full study of the Tolka, covering the Meath and Fingal County Council areas as well as the Dublin City Council area, was not included in the GDSDS at this time but, in view of the November 2000 flood, the Office of Public Works requested that it be included and funded it at a cost of €870,000.

The Tolka flooding study was under way when the November 2002 flood occurred. The consultants were asked to produce interim reports for all three local authorities to identify works that could be undertaken straight away to reduce the risk of flooding in the worst affected areas. The interim report for the Meath area was received by Meath County Council and the OPW in February 2003. Officials from the OPW and the county council agreed a programme of works, which would be funded and undertaken by the OPW. The proposed works were the subject of a public consultation procedure by Meath County Council as required under Part 8 of the planning and development regulations, and the main construction work began in July 2003.

The final report on the Tolka was completed in November 2003 and brings together many of the recommendations contained in the interim reports and also much additional information which will provide the basis for further decisions in relation to the catchment as a whole. The final report was published by Dublin City Council in December 2003, as Dublin City Council is the contracting authority for the report, and is available in the offices of each of the three local authorities involved. In Dublin it is available for viewing at the Civic Offices in Wood Quay and the public library in Drumcondra. It is available to view in the Meath area in Dunshaughlin area office and library, while Fingal County Council has made it available at its offices in Swords. In addition, the report has also been published on the websites of Dublin City and Meath county councils. The programme of works initiated in 2003 in County Meath included: the construction of a 1,400 metre long embankment on lands adjoining the Tolka River downstream of Dunboyne, from Loughsallagh to Clonee; the deepening and widening of the Castle Stream from the Maynooth Road bridge, Dunboyne, to the confluence with the Tolka River; underpinning of the old railway culvert to the rear of Beechdale Estate, Dunboyne; the construction of a 300 metre long, 1.5 metre high wall from Clonee bridge to the M3 and the upgrading of the Tolka over the same stretch; the replacement of the Rooske Road bridge, Dunboyne; general cleaning of the River Tolka in the Dunboyne and Clonee areas; and the removal and storage of the Castle bridge, Dunboyne. These works were funded by OPW and carried out, for the most part, by the OPW direct labour. Expenditure in 2003 was €766,000.

Some minor elements of above programme remain to be completed in 2004. The main



[Mr. Parlon.]

element of the recommendations contained in the final report left to be done is the replacement of Loughsallagh bridge. Meath County Council will invite tenders for the replacement of this bridge shortly, and OPW has agreed to fund the costs of the work subject to the costs being reasonable. Expenditure in 2004 in the Meath area is expected to be in the region of €1million.

When work on Loughsallagh bridge is completed, almost all the recommendations contained in the final report for the Meath area will have been implemented. The remaining recommendations relate almost entirely to the Bennetstown-Bracetown area and involve the raising of parts of the Navan Road and the construction of some embankments. These recommendations will be considered by the OPW and Meath County Council for a further phase of works in due course. As the recommendations cater for a 100 year level of flood protection, I am satisfied that these works, when fully completed, will give long-term protection from flooding in the Dunboyne and Clonee areas from the Castle Stream and River Tolka.

#### Garda Stations.

149. **Mr. O'Connor** asked the Minister for Finance if the OPW will report on its evaluation of the need for a second Garda station in the west Tallaght area of Dublin 24; if his attention has been drawn to the need to deal with this particular issue; and if he will make a statement on the matter. [8297/04]

150. **Mr. O'Connor** asked the Minister for Finance the position regarding plans for the redevelopment of the Garda station site at Tallaght, Dublin 24; if his attention has been drawn to the need for action in respect of this issue; and if he will make a statement on the matter. [8298/04]

**Minister of State at the Department of Finance (Mr. Parlon):** I propose to take Questions Nos. 149 and 150 together.

Having completed a feasibility study on the redevelopment of the existing Garda station site at Tallaght, the Commissioners of Public Works have decided that the site will be offered for sale on the open market on condition that the purchaser constructs a new Garda station on a designated part of the site to a specification

approved by the OPW and the Department of Justice, Equality and Law Reform. The new station will fully address all Garda requirements in Tallaght, and a sketch scheme will be drawn up for the Department's approval in the next few months. Following receipt of planning approval for the Garda station, the site will be offered for sale on the open market on the basis that the purchaser must deliver the new Garda station in a definite timeframe. It is expected that the new station will be available by the end of 2006.

*Question No. 151 answered with Question No. 142.*

#### Tax Code.

152. **Mr. Carey** asked the Minister for Finance if the tax matters of a person (details supplied) in Dublin 11 will be completed; and if he will make a statement on the matter. [8324/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that the taxpayer was in partnership with another individual between March 2002 and April 2003. VAT returns for all periods up to April 2003 have been received and a VAT credit of €2,075 arises. Relevant contracts tax of €3,542 has also been paid. The total credit available for set-off against any other tax owed by the partnership is €5,617.

Given the nature of the break-up of the partnership, the taxpayer in question is finding it difficult to complete accounts for the partnership and his own personal tax return. He has agreed to submit to Revenue full details of the partnership, including debts outstanding at date of termination. On receipt of this information, Revenue expects to be in a position to finalise the tax liability of the partnership and his own personal tax liability.

#### Departmental Staff.

153. **Ms Enright** asked the Minister for Finance the number of staff appointed by him from outside the Civil Service since the general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8329/04]

**Minister for Finance (Mr. McCreevy):** The information requested by the Deputy is set out in the following table:

Name	Noeleen McCreevy*	Michael Fitzpatrick
Position Held	Personal Secretary	Personal Assistant
Date of appointment	17th May 2002	17th May 2002
Salary Details		
17/5/02 to 31/12/02	€23,272	€22,838
01/01/2003 to 31/12/03	€39,970	€42,234
01/01/04 to 19/3/04	€9,876	€10,075
Total salary	€73,118	€75,147

Name	Noeleen McCreevy*	Michael Fitzpatrick
Allowance details		
17/5/02 to 31/12/02	€2,245	0
01/01/2003 to 31/12/03	€3,432	0
01/01/04 to 19/3/04	€829	0
Total Allowances	€6,506	0
Expenses details		
17/5/02 to 31/12/02	0	€6,720
01/01/2003 to 31/12/03	€1,674	€8,927
01/01/04 to 19/3/04	0	€1,584
Total expenses	€1,674	€17,231

\*Since the 1980s Ms McCreevy has been employed as a Dáil secretarial assistant and would have been paid out of the Vote of the Houses of the Oireachtas. Upon the appointment of a Deputy to an office holding position, such Dáil secretarial assistants may be appointed as employees of the relevant office holder's Department and are then paid from the relevant Department Vote. The information above relates to payments to Ms McCreevy in her capacity as personal secretary to the Minister for Finance.

### State Claims Agency.

154. **Mr. G. Mitchell** asked the Minister for Finance the role of the State Claims Agency; and if he will make a statement on the matter. [8406/04]

**Minister for Finance (Mr. McCreevy):** Under the National Treasury Management Agency (Amendment) Act 2000, the management of personal injury and property damage claims against the State and of the underlying risks was delegated to the National Treasury Management Agency. When performing these functions, the NTMA is known as the State Claims Agency.

The Act sets out two objectives for the SCA: to manage claims to ensure that the State's liability and associated legal and other expenses are contained at the lowest achievable level, and to provide risk advisory services to State authorities with the aim of reducing over time the frequency and severity of claims.

The SCA manages personal injury and property damage claims against certain State authorities, including the State itself, Ministers, the Attorney General, the Commissioner of the Garda Síochána, prison governors, community and comprehensive schools and various other bodies listed in the Schedule to the Act.

The following classes of claim are expressly excluded from the SCA's remit: claims which give rise to constitutional issues; claims for compensation under the Garda Síochána (Compensation) Acts; claims against the Minister for Justice, Equality and Law Reform, the Garda Commissioner or a prison governor in respect of alleged assault by a member of the Garda Síochána or a prison officer; claims under the non-statutory scheme providing compensation for personal injury criminally inflicted on prison officers; hearing loss claims against the Minister for Defence or the Minister for Justice, Equality and Law Reform; claims arising from infection with hepatitis C through the administration of

blood or blood products; child abuse claims against the State; and claims in which torts other than negligence are pleaded.

These classes of claim have been excluded either because alternative compensation arrangements have already been put in place by the Government or because they give rise to issues of legal policy which require the ongoing close involvement of the Attorney General.

### Child Care Services.

155. **Mr. J. Higgins** asked the Minister for Finance if he will consider introducing tax relief or other incentives to help parents with the excessive burden of child care costs; and if he will make a statement on the matter. [8432/04]

**Minister for Finance (Mr. McCreevy):** As the Deputy will be aware, over the past number of years the Government has considered carefully the whole area of child care. The core objective of Government policy in the area of child support is to provide assistance which will offer real choice to parents and which will benefit all children. In that context it has been decided that, as a matter of policy, child benefit will be the main fiscal instrument through which support will be provided to parents with dependent children. Child benefit provides assistance to all parents in whatever caring choices are most appropriate for them and their children. In addition, unlike tax relief, it provides support to parents irrespective of their income status.

In line with this policy approach, the Government commenced a major initiative to substantially increase the rates of child benefit. In 2001, the rate for the first and second child was increased by almost €32 per month and by €38 per month for the third and subsequent children. This represented an increase of over 50% on the rates prevailing in 2000. Similar monetary increases were provided in 2002. Further increases were implemented in 2003 and, in my recent Budget Statement, I announced additional

[Mr. McCreevy.] increases of €6 and €8 per month respectively in 2004 which are around double the projected inflation rate for this year. All this means that, since 1997, the child benefit rates have increased by more than 230% compared with a projected increase of inflation of only 28% over the period 1997 to 2004.

In addition, the Government has in place a package of other expenditure measures to support child care needs. The supply of formal child care places throughout Ireland is being stimulated through a programme of investment under the National Development Plan 2000-2006. The equal opportunities programme is making capital grant assistance available with the aim of increasing the supply of quality child care places to address the child care needs of parents who wish to remain in or return to employment, education and training. The programme aims to increase by 50% the supply of child care places by end 2006. The budget for the programme is €436.7 million and is funded by the Government and the European Union. This funding and the recent increases in child benefit are a significant financial commitment and clearly show the Government's continuing support for the child care sector.

Given the Government's policy in this area as outlined above, I have no plans at this time to introduce a specific tax relief for parents in relation to the costs incurred for child care. There is an exemption to the usual benefit-in-kind provisions for employees who have free or subsidised child care facilities provided by their employers. The exemption applies whether the employer provides the facilities in-house or in a premises made available by the employer in another location. The exemption also applies if an employer provides child care facilities jointly with others, for example, other employers.

Furthermore, capital allowances are available for expenditure incurred on child care facilities which meet the required standards for such facilities as provided in the Child Care Act 1991. Child care services are also generally exempt from VAT, so no VAT should be chargeable on fees levied by crèches.

Under the auspices of Sustaining Progress, the Government has committed itself to ensuring, *inter alia*, that the Department of Social and Family Affairs will review the contribution made by its income support system to people reconciling work and family life and prepare a national programme focusing on the development of family policy and supports to mark the tenth anniversary of the International Year of the Family.

*Question No. 156 answered with Question No. 30.*

#### **Decentralisation Programme.**

157. **Mr. P. Breen** asked the Minister for

Finance if he will consider a proposal by Industry Ennis to decentralise some information technology units to Ennis in view of the fact that Ennis has important IT infrastructure and is Ireland's information age town; and if he will make a statement on the matter. [8445/04]

**Minister for Finance (Mr. McCreevy):** An implementation committee was set up immediately after the budget announcement on decentralisation to drive forward the programme. Among its terms of reference was the provision to Government of advice on 835 IT posts included in the programme. The implementation committee will report to Government on its overall implementation plan by the end of March 2004.

158. **Mr. P. Breen** asked the Minister for Finance when decentralisation of revenue staff to Kilrush in County Clare will take place; if he has identified offices for such transfer; and if he will make a statement on the matter. [8446/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that the timescale for the decentralisation of 50 staff to Kilrush is dependent on the availability of suitable accommodation in the location and the completion of the decentralisation implementation committee's implementation plan. A site has not yet been identified in Kilrush. The OPW is undertaking an initial assessment of proposals.

*Question No. 159 answered with Question No. 54.*

#### **Planning Issues.**

160. **Mr. Sargent** asked the Minister for Finance when the planning and management study for Oldbridge Estate by a company (details supplied) of May 2001 will be made available to the public. [8480/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The study will form part of the briefing documentation accompanying a formal memorandum being prepared by the Department of Foreign Affairs for the Government's consideration. It is envisaged that the study will be published shortly thereafter.

#### **Sale of Land.**

161. **Mr. Murphy** asked the Minister for Finance when the Office of Public Works expects to be in a position to complete the sale of a portion of land attached to Ballydesmond Garda station, Mallow, County Cork, to facilitate a housing development. [8485/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The request to dispose of the portion of the land in question has only recently been referred to the Commissioners of Public Works. This request will be examined in the

context of the effect on the overall existing site and indeed any possible future requirement for the site. On the completion of the review the commissioners will contact the person involved.

*Question No. 162 answered with Question No. 29.*

### **Pension Provisions.**

163. **Mr. R. Bruton** asked the Minister for Finance the impact of the new pension provisions on the pension entitlement of paid public service workers as a result of the new rules for social welfare pension co-ordination with public service pension entitlements. [8616/04]

**Minister for Finance (Mr. McCreevy):** I indicated in the budget for 2004 my intention to bring forward proposals to change certain pension terms for existing staff. These proposals include, among other things, provisions to amend the formula used for integrating public service and social welfare pensions in order to make better provision for current and future staff on lower pay levels.

Integration is the arrangement whereby, in the case of public service employees on full PRSI, the social welfare pension is combined with the occupational pension to provide a combined pension which is at least as good as the pension which would have been payable if the sole source of pension were occupational pension alone. The lump sum payment due at the time of retirement is not integrated and as such is payable in full based on pensionable remuneration and service.

Under the current approach to integration of pensions, the occupational portion of pensions is calculated on the basis of net pensionable remuneration, that is, pensionable remuneration less an offset of twice the value of the old age contributory pension. The occupational portion of pension is then calculated at a rate of 1/80th of the net pensionable remuneration for each year of reckonable service up to a maximum of 40/80th over 40 years. The current approach can provide a very low rate of occupational pension, apart from lump sum, for public servants who retire on low levels of pay.

In the approach recommended by the Commission on Public Service Pensions and discussed with the public service unions, a new formula would be used which would ensure that workers with income below 3 1/3rd times' old age contributory pension, currently €557 per week or €29,100 per annum, would be guaranteed a certain level of occupational pension as well as the full old age contributory pension. Discussions are under way with the public service unions on the development of a new formula in line with the commission's recommendations.

### **Garda Stations.**

164. **Mr. Kehoe** asked the Minister for Finance if funding will be made available for the

construction of a new garda station in Wexford town; and if he will make a statement on the matter. [8617/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The question of funding for the construction of a new Garda station in Wexford town will be addressed when a suitable site is acquired. The process of identifying a suitable site is at an advanced stage.

### **Services for People with Disabilities.**

165. **Mr. Stanton** asked the Minister for Finance the money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the money allocated to enabling persons with disabilities to more easily access services of his Department. [8640/04]

**Minister for Finance (Mr. McCreevy):** As the Deputy will appreciate, providing services to persons with disabilities is not among the functions of this Department and, consequently, the Department's Estimates for 2003 and 2004 do not contain allocations for directly funding such services. However, the Department's Estimates for both years contain an allocation of €7.618 million in each year for payments to the promoters of certain charitable lotteries. The main beneficiary of this allocation in 2003 was the Rehab Group which received €5.845 million, while the Polio Fellowship of Ireland and the Irish Wheelchair Association were among the other beneficiaries.

As regards enabling persons with disabilities to more easily access the Department's services, the Department's Estimates for 2003 and 2004 do not contain specific allocations for this purpose. However, in 2003, the special projects unit of the Department spent €2,178 on Braille key panels for attachment to the Department's time and attendance clocks and the departmental training unit spent a further €600 in providing services for visually-impaired staff at presentations and talks. The Department will continue to keep under review the accessibility of its services to persons with disabilities.

I should add that responsibility for the improvement of physical access to the various buildings occupied by my Department rests with the Office of Public Works, OPW, and my Department maintains contact with the OPW regarding the implementation of access improvements. In 2003, at the Department's request, the OPW provided an external disabled access lift from the South Road into Government Buildings, and in 2004, the OPW has been requested to provide a similar access at the front door of the Department's Mount Street offices. In view of the OPW's cross-departmental role in this area, I have arranged for it to supply information about its activities directly to the Deputy.

### Tax Code.

166. **Mr. Kirk** asked the Minister for Finance if there are plans to introduce VAT on postage stamps; and if he will make a statement on the matter. [8723/04]

**Minister for Finance (Mr. McCreevy):** The European Commission proposed a draft directive to change the existing VAT treatment of public postal services and postage stamps on 5 May 2003. This has been discussed in Brussels at the relevant tax questions working party. If the draft directive were agreed as proposed by the European Commission, one of the potential effects would be the imposition of a positive rate of VAT on postage stamps. Ireland has indicated in the context of EU discussions that it is opposed to this proposal in its present form.

*Question No. 167 answered with Question No. 30.*

### Flood Relief.

168. **Mr. Haughey** asked the Minister for Finance if he will report on discussions between the Irish Insurance Federation and the Minister of State at the Department of Finance in relation to flooding; if his attention has been drawn to the fact that householders in Drumcondra, Dublin 9, still cannot obtain household insurance from any insurance company in this State; and if he will make a statement on the matter. [8764/04]

**Minister of State at the Department of Finance (Mr. Parlon):** In November 2002, I initiated a major review of the State's approach to flooding with the primary objective of developing a cohesive national flooding policy for the future. On 6 December 2002, I met the Irish Insurance Federation, IIF, which welcomed my decision to initiate the review and outlined its views and concerns. I indicated that the State would play its part in risk reduction and that, in turn, the insurance industry would be expected to act in a responsible manner. I invited the IIF to make a submission to the review group. A submission was received and OPW officials subsequently met with the IIF to clarify certain aspects of that submission.

These discussions, along with all others involved in the consultation process carried out as part of the policy review, have contributed to shaping the review group's draft final report. That report is currently being considered by Departments before being submitted to Government for final consideration in the very near future. I am confident that the recommendations of the report can lead to a much improved flood management regime in Ireland and will, in the long term, substantially mitigate the impact of flooding on society.

One of the key components of future flood management strategy is the development of flood maps. These provide valuable information to assist in numerous decision-making processes, for

example, planning and development, flood works prioritisation and assessment of risk. In this regard, I can confirm that the OPW has commenced work on a flood mapping programme, the first phase of which will be completed in 2005.

I am not in a position to intervene with insurance companies in regard to the risks that they are unwilling to underwrite. The appropriate regulatory body for the industry is the Irish Financial Services Regulatory Authority. I remain confident that the increased availability of risk information arising from the production of maps and other recommendations of the policy review, together with the implementation of a more strategic approach to flood management, will reduce exposure to risk and provide a more accurate basis upon which insurance companies formulate their decisions relating to potential flood damage in the future.

The final report of the River Tolka flooding study was published by Dublin City Council in December 2003 and details the measures required to protect homeowners against flooding along the river. The report is available on the Dublin City Council website and is also available to view in the library in Drumcondra. Copies of the report in CD-ROM format are also available from Dublin City Council.

An initial phase of works outlined in the report has already been completed by the Office of Public Works on behalf of Dublin City Council. The OPW and the city council are committed to carrying out the next phase of works in the current year, and discussions are ongoing to agree the detail and timing.

169. **Mr. Deenihan** asked the Minister for Finance if he intends to increase the number of pumping stations on the Cashen Estuary, County Kerry, to alleviate flooding at that location; and if he will make a statement on the matter. [8765/04]

**Minister of State at the Department of Finance (Mr. Parlon):** There has been no change in the situation since my reply of 9 December 2003 to the Deputy on the same subject.

### Offshore Accounts.

170. **Mr. N. O'Keeffe** asked the Minister for Finance if his attention has been drawn to the physical and mental anxiety and concern being placed on the elderly who are receiving documentation from the Office of the Revenue Commissioners in relation to foreign deposit accounts. [8766/04]

**Minister for Finance (Mr. McCreevy):** I assume the Deputy is referring to letters which have recently issued from Irish financial institutions to customers who hold or held accounts or investments in their offshore branches or subsidiaries. As part of a Revenue initiative to deal with tax evasion involving the use of

accounts or investments in such offshore subsidiaries, Revenue recently encouraged the financial institutions to advise such customers of an upcoming Revenue investigation. They were also encouraged to advise any such customers, who themselves considered they may have tax issues, of the opportunity prior to commencement of that investigation on 29 March 2004 to avail of the Revenue voluntary disclosure scheme. Revenue has also written to the holders of foreign accounts or investments in some cases where it has been contacted directly by the taxpayer.

The letters issued by the banks and financial institutions clearly state that, if the customer's tax affairs are entirely in order, the letters should not be a cause of any concern. Where an individual's tax affairs are not in order, it is in the individual's own interest to take action prior to 29 March 2004 to regularise the matter in the context of the opportunity for voluntary disclosure.

Revenue has made available a comprehensive booklet entitled Making a Qualifying Disclosure of an Offshore Related Tax Default to Revenue. This booklet contains a series of frequently asked questions and answers together with calculation worksheets to assist taxpayers to determine if they need to make a disclosure and, if so, to calculate the tax interest and penalty due. Assistance is also available from Revenue's offshore assets group and local Revenue districts by telephone. The booklet contents and interactive spreadsheets are also available on the Revenue website at [www.revenue.ie](http://www.revenue.ie). I understand that Revenue is providing this material and assistance in the interests of ensuring that individuals can quickly determine if they have a tax problem so that they can deal with any such problems as effectively as possible and with the minimum of stress.

#### Property Investment Funds.

171. **Mr. Crowe** asked the Minister for Finance if, in view of the success of REITs in Britain, he has plans to introduce a similar system in this country. [8767/04]

**Minister for Finance (Mr. McCreavy):** REITs, real estate investment trusts, exist in the United States to assist investors achieve diversified ownership of primary passive real estate investments. They qualify as pass-through entities, that is, entities which are able to distribute the majority of income cash flows to investors without taxation at the corporate level providing certain conditions are met. Therefore, an REIT is a tax transparent structure aimed at encouraging increased institutional investment in the housing market and at boosting affordable housing development.

The UK Chancellor, Gordon Brown, announced in his budget speech on 17 March 2004 that the UK Government accepts the recent UK Barker report recommendations for British real estate investment trusts to improve the supply of rented property. In this context it is

understood that the British authorities will seek views on how these new vehicles, to be called property investment funds, PIFs, may be structured to meet the objectives of further enhancing the liquidity of property investment. I have no plans at present to introduce a similar system in this country but the position will continue to be monitored by my Department.

#### Mayo Landslide.

172. **Mr. Ring** asked the Minister for Finance if the Office of Public Works has provided funding for the rebuilding of a bridge (details supplied) in County Mayo, which was completely destroyed by the landslides of September 2003. [8864/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The Office of Public Works has no responsibility for this matter.

#### Decentralisation Programme.

173. **Mr. Wall** asked the Minister for Finance number of applications received for the provision of facilities, that is, site, buildings and so on, for the decentralisation of the Department of Defence to Newbridge, County Kildare; and if he will make a statement on the matter. [8907/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The number of property decentralisation proposals received by the Office of Public Works in respect of Newbridge is seven and these proposals are currently being assessed.

174. **Mr. Wall** asked the Minister for Finance the number of applications received for the provision of facilities for the decentralisation of a section of his Department to Athy, County Kildare; and if he will make a statement on the matter. [8908/04]

**Minister for Finance (Mr. McCreavy):** I am advised by the Revenue Commissioners that the Office of Public Works received 16 proposals for accommodation facilities in Athy, County Kildare. These include sites and proposals to build. The Office of Public Works is currently undertaking an initial assessment of proposals.

#### Departmental Staff.

175. **Mr. Naughten** asked the Minister for Finance his the plans to appoint contract staff within the public service as permanent staff; and if he will make a statement on the matter. [9062/04]

**Minister for Finance (Mr. McCreavy):** The following reply concerns the Civil Service only. I am not considering any general policy instruction or plan in this regard. Contract staff are appointed to carry out specific tasks or functions. This is reflected in the terms of the contract and, in particular, in the period of the contract. The issue of extending any contract is examined by management in Departments in the light of the

[Mr. McCreevy.]  
business needs of the organisation and is a matter for Departments.

### Tax Code.

176. **Caoimhghín Ó Caoláin** asked the Minister for Finance if there are special income tax arrangements for Cumann Luthchleas Gael or for other sporting bodies. [9133/04]

**Minister for Finance (Mr. McCreevy):** Bodies established and existing for the sole purpose of promoting athletic or amateur games or sports are exempt from income tax, dividend withholding tax and corporation tax in the case of an incorporated body. The exemption from tax only applies to so much of the income as is shown to the satisfaction of the Revenue Commissioners to be income which has been or will be applied for the sole purpose of promoting such games or sports. These general exemptions are currently provided for in section 235 of the Taxes Consolidation Act 1997 but have their origins as early as 1927 where specific exemptions were made for the games of Gaelic football, hurling and handball.

Relief from income tax or corporation tax is also available in respect of donations to approved sports bodies for the funding of certain capital projects. This relief was introduced in the 2002 Finance Act and is provided for in section 847A of the Taxes Consolidation Act 1997. To be eligible for the relief, the project must be approved by the Minister for Arts, Sport and Tourism and the aggregate cost must not exceed €40 million. The sports body must be exempt from tax under section 235 and it must have a valid tax clearance certificate. The relief, which is available at the donor's marginal tax rate and subject to a minimum qualifying donation of €250 in a year of assessment, is given by way of refund of tax by Revenue to the sports body in the case of a PAYE donor and by way of a trading deduction in the case of a self-assessed individual or corporate donor.

### Tribunals of Inquiry.

177. **Caoimhghín Ó Caoláin** asked the Minister for Finance the measures he proposes to reduce the cost of tribunals of inquiry. [9134/04]

**Minister for Finance (Mr. McCreevy):** To the end of October 2003, the total cost to the Exchequer of completed and sitting tribunals of inquiry and other public inquiries was €138.6 million. Of this €99.4 million was in respect of legal costs and €39.2 million related to other costs. The figure for legal costs includes some €25.5 million in respect of third party legal costs awarded at three completed tribunals. This represents some 68% of the total cost of these tribunals.

In relation to tribunals and public inquiries which are sitting at present, the total cost to the end of October is €101 million, of which €68

million is in respect of legal costs. The latter only refers to the costs of the tribunal of inquiry legal teams as the issue of third party costs has not yet been adjudicated on in any instance. Given the significance of these costs in completed tribunals and inquiries there is scope for a sharp acceleration in Exchequer costs if third party legal costs follow the pattern of completed tribunals.

Given the considerable actual and potential costs arising, I am concerned as to the ongoing resultant burden on the Exchequer. At the invitation of the planning tribunal, I made a submission to the tribunal last May which argued that the liability of the Exchequer for third party legal costs should be greatly circumscribed. The tribunal has not yet adjudicated on the issue.

More generally, I have a number of proposals under consideration aimed at reducing costs. These proposals follow liaison with the Attorney General and the Minister for Justice, Equality and Law Reform. It is my intention to shortly submit the proposals to the Government for approval. I am not therefore at liberty at this juncture to go into individual detail of these proposals but, broadly, they are aimed at addressing a number of issues including the following: tightening and better focusing of the terms of reference of future tribunals with a view to minimising duration and costs; streamlining the operation of tribunals; and a review of basis of payment for legal representatives.

The Minister for Justice, Equality and Law Reform recently introduced the Committees of Investigation Bill which passed Second Stage in the Dáil on 5 March. The mechanism being provided by this Bill may be considered as providing either a precursor or an alternative to tribunals of inquiry. It is, however, also designed to address concerns such as those relating to the time and cost of public investigations. Overall, it seeks to provide a more effective and flexible way of investigating matters of public concern while balancing the issues of time, cost, fair procedures and the rights of affected parties. This measure has the potential to considerably reduce the need for full-scale tribunals of inquiry and I strongly support it.

### Flood Relief.

178. **Mr. Durkan** asked the Minister for Finance when he or his Department expects to have further consultation with Kildare County Council on the alleviation of flooding with particular reference to Mill Lane, Leixlip, and other locations in north Kildare which suffered from flooding in recent years; and if he will make a statement on the matter. [9135/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The Office of Public Works met with officials from Kildare County Council last month to discuss flooding problems at a number of locations. The county council confirmed that it has commissioned a report on flooding at Leixlip

and agreed to forward a copy of the report to the Office of Public Works when available.

Works undertaken on the Lyreen and Meadowbrook rivers in the Maynooth area are now complete and no further works are planned. This work was carried out by the OPW as an agent of the county council.

In relation to flooding in Ardclough, Kildare County Council agreed that insufficient information is available to address the flooding problem with further technical and engineering data required. The county council agreed to consider how this information might be gathered.

Flooding problems in the areas mentioned are a matter for the local authority in the first instance. The OPW is happy to assist with technical advice and guidance but no flood relief scheme is planned for any of these locations.

The flood policy review which I initiated in November 2002 has now completed its work and the report of the review group will shortly be submitted to Government. I hope to be in a position to publish the report in the very near future. As well as setting out a strategy for flood management in the future, the report will clarify responsibilities of central and local government and set out criteria for prioritisation of resources on flood management measures.

#### **Economic and Monetary Unions.**

179. **Mr. Durkan** asked the Minister for Finance the way in which the strength of the euro has affected the cost of imports and the competitiveness of exports; and if he will make a statement on the matter. [9136/04]

**Minister for Finance (Mr. McCreevy):** The euro is trading significantly higher against the US dollar than when it was introduced in January 2002. The euro's appreciation against sterling has been much less significant. The appreciation of the euro affects the economy in a number of different ways.

The main negative effect of a stronger euro is to make Irish exports less competitive on world markets. This occurs as exports to non-euro areas become relatively more expensive while at the same time imports from these areas become relatively less expensive. Also, firms competing with US and UK firms in markets outside the eurozone will experience competitiveness problems. The reduced competitiveness of the euro area lessens demand for Irish goods and services.

A significant proportion of Ireland's trade is with non-euro countries such as the UK and the US. The recent rise in the euro against sterling and the dollar must be a cause for concern. In my Budget Statement, I specifically highlighted Ireland's vulnerability to sharp falls in the US dollar exchange rate against the euro. That is why competitiveness is a priority for the Government. We must remain vigilant to the risks to our competitiveness, such as wage and price inflation. Otherwise, jobs will be at risk.

On the positive side, a stronger euro lowers inflation by reducing import prices and reduces oil prices, as oil is invoiced in US dollars. The latest figures from the Central Statistics Office show that import prices during the first 11 months of 2003 fell by 5.2% in comparison with the corresponding period the previous year. During the same period, around 78% of our imports came from outside the euro area.

#### **Banking Sector Regulation.**

180. **Mr. Durkan** asked the Minister for Finance if he has satisfied himself that the banking sector is secure and free from the possible recurrence of problems (details supplied). [9137/04]

**Minister for Finance (Mr. McCreevy):** I understand the Deputy is referring to events that occurred at Allfirst Bank some time ago. The Minister of Finance is responsible for the development of the legal framework governing financial regulation. Once the necessary legislative framework has been put in place, day-to-day responsibility for the supervision of credit institutions is a matter for Irish Financial Services Regulatory Authority. The primary responsibility for managing a bank and preventing fraud lies with the management of that institution. No supervisory regime can guarantee a financial institution will never be a victim of internal fraud. However, I am satisfied that we have a solid legislative framework for banking supervision and that the creation of a single financial services regulator in the form of IFSRA provides an effective organisational structure for enforcement of that framework.

Up to May 2003, the Central Bank of Ireland was the independent statutory authority for banking supervision. IFSRA now has that role. The primary regulators of Allfirst's activities were the US Federal Reserve Bank and the State of Maryland banking regulator. When, in February 2002, I became aware of the events at AIB's then US subsidiary, Allfirst Bank, the Central Bank was asked to provide a report, on the completion of its investigations, as to whether it considered that any changes to legislative provisions governing banking supervision might be required. The Central Bank reported that there was no evidence that the Irish legislative framework contributed in any way to the losses at Allfirst and that it already had sufficient powers to work with the US regulators. Accordingly, the bank did not consider it necessary to recommend any changes in legislation in the area of supervision.

181. **Mr. Durkan** asked the Minister for Finance if he has satisfied himself that interest charged on loans and interest paid on deposits by the banking sector leaves adequate latitude for business to survive; and if he will make a statement on the matter. [9139/04]



**Minister for Finance (Mr. McCreevy):** I have no function in connection with the setting of interest rates. The setting of official interest rates for the euro zone is a matter for the European Central Bank. Retail interest rates are determined by financial institutions themselves in the context of a competitive market among commercial entities.

#### **Price Inflation.**

182. **Mr. Durkan** asked the Minister for Finance if his attention has been drawn to the fact that price increases are not reflected in the recorded inflation rate on a month-by-month basis; the way in which this has come about; and if he will make a statement on the matter. [9140/04]

**Minister for Finance (Mr. McCreevy):** The director general of the Central Statistics Office has sole responsibility for, and is independent in deciding, the statistical methodology and professional standards to be used in compiling the consumer price index. The latest CPI release shows inflation in February was 1.7%, down from a high last year of 5.1% in February 2003. This is its lowest level since October 1999, which is a very welcome development.

#### **Departmental Staff.**

183. **Mr. Durkan** asked the Minister for Finance if projections and end of year returns were supplied to his Department by the established Civil Service or by advisers or consultants; and if he will make a statement on the matter. [9141/04]

**Minister for Finance (Mr. McCreevy):** All projections and end of year outturns for voted expenditure are supplied by the finance units of the various Departments and offices.

#### **Decentralisation Programme.**

184. **Mr. Durkan** asked the Minister for Finance the extent to which he expects to achieve annual targets in respect of decentralisation; and if he will make a statement on the matter. [9142/04]

**Minister for Finance (Mr. McCreevy):** I have appointed a decentralisation implementation committee to drive the implementation of the programme. The committee, which is chaired by Phil Flynn, will prepare an implementation plan and will report back to Government by the end of March 2004.

185. **Mr. Durkan** asked the Minister for Finance the number of civil and or public servants who have so far agreed to relocate under the Government decentralisation proposals; and if he will make a statement on the matter. [9143/04]

**Minister for Finance (Mr. McCreevy):** I have not undertaken a survey of civil servants or public servants to ascertain the numbers who wish to transfer to each of the locations included in the decentralisation programme. Conducting such a survey in advance of clearer timelines for the sequencing of all the various moves would be of limited value. Following the finalisation of the implementation plan by the decentralisation implementation committee, a structured trawl should be carried out to allow public servants apply for each of the locations announced. The nature of this trawl is the subject of discussion between public service management and unions.

*Question No. 186 answered with Question No. 82.*

*Question No. 187 answered with Question No. 30.*

#### **EU Presidency.**

188. **Mr. Durkan** asked the Minister for Finance the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the cost to the Exchequer or EU of events to date; and if he will make a statement on the matter. [9181/04]

**Minister for Finance (Mr. McCreevy):** The main focus for my Department in the Irish Presidency of the EU is the meetings of the Council of Economics and Finance Ministers of the EU. These meetings, which I chair on behalf of the Presidency, are held once a month over the six months of the Presidency. Most of the meetings are in Brussels or Luxembourg, but the informal meeting between 2 and 4 April takes place in PuncHESTOWN, County Kildare.

This meeting will be among the largest meetings to take place in Ireland over the period of the Presidency. It will be attended by some 300 delegates and up to 400 media personnel. The national delegations from the 25 member states of the enlarged EU will be led by Ministers for Finance and central bank governors in each case. The attendance will also include a number of Commissioners, among them President Prodi, and other distinguished representatives of EU institutions, including Mr Jean-Claude Trichet, President of the European Central Bank. Security is a prime concern in an event of this importance. As part of this, Garda motorcycle escorts will be provided for the transportation of delegations. Coach transfers will be used to the maximum extent possible. Invitations have been issued by post, fax and e-mail.

It is estimated that the direct Exchequer cost of the event, including venue hiring, venue fit-out, media facilities, hotel accommodation of delegates, transport, catering, hospitality, security, etc., will be of the order of €500,000. This is net of a contribution to the cost by the Central Bank and Financial Services Authority of Ireland, reflecting the participation of central bank governors in the meeting. Holding a

meeting of this scale and importance and ensuring that it is carried off in a manner that reflects well on the country is unavoidably expensive. Where ECOFIN Council meetings are held in Brussels or Luxembourg, the cost falls mainly on the EU.

The other main meetings in Ireland arising for my Department in the Presidency are:

Date	Meeting	Venue	Est. Cost (€)
26/27 February	Regional Ministers Meeting	Portlaoise	380,000
1 / 2 March	Asia-Europe Finance Deputies Meeting (ASEM)	Cork	60,000
27/28 May	Public Administration Directors General Meeting	Dublin Castle	76,000

### Northern Ireland Issues.

189. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will report on his contacts with political parties in the North regarding the peace process; if his attention has been drawn to the widespread interest in this issue; and if he will make a statement on the matter. [8300/04]

**Minister for Foreign Affairs (Mr. Cowen):** Since the review of the operation of the Good Friday Agreement was convened on 3 February 2004, we have had the opportunity to meet with all the political parties elected to the Northern Ireland Assembly. Over recent weeks, in partnership with the British Government, I and the Minister of State, Deputy Tom Kitt, have met with the parties on several occasions to discuss all aspects of the operation of the Agreement and to examine ways to resolve the outstanding issues.

On 9 February the Secretary of State, Paul Murphy, MP, and I met the Alliance Party, Sinn Féin, SDLP, DUP and UUP when we discussed a broad range of issues, including institutional matters regarding strands two and three. The Secretary of State, Mr. Murphy, also updated me on strand one meetings that had taken place the previous day.

Following the alleged abduction of a man in Belfast on 20 February, the review meetings on 24 February and 2 March focused primarily on paramilitary activity. After discussions with all the parties, both Governments asked the Independent Monitoring Commission to bring forward its first report, from July to May, covering all paramilitary activities since its establishment in early January. The commission subsequently indicated that the report would be presented to both Governments in early April. On 9 March, I met the Secretary of State, Mr. Murphy, in Stormont to review developments. On that day, I also met a DUP delegation and Mark Durkan, MLA, leader of the SDLP.

On 11 March, the Taoiseach and the Prime Minister, Tony Blair, MP, met at Farnleigh to

assess the state of the process and to seek to add momentum to the efforts of the two Governments to find a way forward. To follow up on this meeting, the Taoiseach and Prime Minister, accompanied by appropriate colleagues, will meet the parties at Hillsborough Castle today. In all our meetings to date, the Government has made it clear that we are determined to see an early restoration of stable inclusive political institutions with a definitive end to all forms of paramilitarism. The Taoiseach recently stated: "There can be no half-way house between violence and democracy" and equally "no comfortable resting place between exclusion and partnership".

### Foreign Conflicts.

190. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will report on negotiations, within the context of Ireland's EU Presidency, regarding the future of Cyprus; and if he will make a statement on the matter. [8301/04]

**Minister for Foreign Affairs (Mr. Cowen):** Ireland, as EU President, welcomed the announcement in New York on 13 February by UN Secretary General Kofi Annan, with the agreement of the parties, that negotiations for a comprehensive settlement of the Cyprus problem would resume in Nicosia on 19 February. The accession of a united Cyprus on 1 May remains the clear preference of the European Union and these negotiations offer a real opportunity to achieve this historic objective.

The negotiations will move into their second phase tomorrow, 24 March, in Switzerland when Greece and Turkey, at the invitation of the UN Secretary General, will join the representatives of the Greek Cypriot and Turkish Cypriot communities in a concentrated effort to agree a finalised text by the end of the month. In the event of continuing deadlock at that time, the parties have invited the Secretary General, Mr. Annan, to use his discretion to finalise the text

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for submission to separate simultaneous referenda on the basis of this plan.

The General Affairs and External Relations Council, which I chaired on 23 February, welcomed the agreement of the parties to resume the negotiating process for a comprehensive settlement of the Cyprus problem in the framework of the Secretary General's mission of good offices and on the basis of his proposals. The Council stressed the full support of the Union for the Secretary General's efforts to conclude an agreement. It reiterated the willingness of the EU to accommodate the terms of a settlement in line with the principles on which the EU is founded and welcomed the readiness of the European Commission to fulfil its supportive role by providing assistance requested by the UN Secretary General. The Government continues to give its full support to the Secretary General. We are in regular contact with his team and with the Governments of Greece, Cyprus and Turkey. It is our firm hope that the parties will redouble their efforts in the negotiating process on the basis of their commitment to reach a settlement based on the Secretary General's proposals. The goal remains a settlement which will enable the accession of a united Cyprus to the EU on 1 May.

I welcome the organisation by the European Commission of a high level international conference in Brussels on 15 April to prepare a donor's conference. In advance of the referenda, scheduled for 20 April, this conference will demonstrate in a tangible way the support of the international community for the settlement and for its implementation. On 20 April, the people of Cyprus will exercise their democratic prerogative. I sincerely hope they will seize this opportunity to choose a future together which is in the interests of all the people of the island, of Europe and of the wider region.

#### Departmental Staff.

191. **Ms Enright** asked the Minister for Foreign Affairs the number of staff appointed by him from outside the Civil Service since the General Election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter.  
[8330/04]

**Minister for Foreign Affairs (Mr. Cowen):** The tables indicate the numbers, job descriptions and salary scales of the staff appointed by me and by Ministers of State, Deputies Kitt and Roche, since June 2002.

#### Minister's office:

Job Description	Number	Salary scale
Personal Assistant	1	€37,520 — €44,328
Personal Secretary	1	€18,741 — €36,160

#### Minister of State, Deputy Kitt's office:

Job Description	Number	Salary scale
Personal Assistant	1	€37,520 — €44,328
Personal Secretary	1	€18,741 — €36,160
Civilian Driver	2	€26,468

#### Minister of State, Deputy Roche's office:

Job Description	Number	Salary scale
Personal Assistant	1	€37,520 — €44,328
Civilian Driver	2	€26,468

Overtime, travel and subsistence expenses are paid in accordance with normal Civil Service regulations.

#### Arms Trade.

192. **Mr. R. Bruton** asked the Minister for Foreign Affairs his proposals to advance the case for stricter controls on small arms through international fora in which he participates; and if

he will make a statement on the matter.  
[8394/04]

**Minister for Foreign Affairs (Mr. Cowen):** Ireland is fully supportive of the principle of having strict controls on small arms and is working within the European Union to address the need for such controls. The export of arms from EU countries must conform to the EU code of conduct on arms exports which establishes

criteria to control such exports. Ireland was actively involved in the establishment of this politically binding code which lists the factors to be taken into account when deciding whether to allow an export of military goods. These include respect for human rights, the internal situation in the country of final destination, and the preservation of regional peace, security and stability. Discussions are under way during our EU Presidency on the possible reinforcement of the status of the code of conduct, for example, by its transformation into an EU Common Position, which would be legally binding. Ireland supports such a reinforcement of the code.

The European Council adopted a joint action on the EU's contribution to combating the destabilising accumulation and uncontrolled spread of small arms and light weapons in July 2002 which is concerned primarily with enhancing efforts by EU member states to build consensus in the relevant regional and international fora, such as the UN and the OSCE, to prevent the further accumulation of small arms and to ensure that the EU's arms controls are as effective as possible. More recently, the European Union adopted a Common Position on arms brokering, in June 2003, requiring member states to introduce *ad hoc* legislation to control the activities of brokers. Ireland has contributed within the framework of the OSCE in developing best practices guidelines which will provide useful common standards in this area. The OSCE published a handbook of best practices on small arms and light weapons last December. Work is ongoing within the OSCE on issues such as end-use certificates, brokering and man portable air defence systems. Ireland will continue to participate fully in this forum and other international fora to promote the objective of strengthening arms controls globally.

There is widespread recognition in the global community that illicit trading of small arms must be addressed in a multilateral context. In July 2001, the United Nations convened a conference on small arms to consider how this could be most effectively addressed. A programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects was agreed at that conference. The programme of action is a politically binding document which includes measures for implementation and international co-operation and assistance and provides a procedure for follow-up, including biennial meetings to assess progress in implementation. The first such biennial meeting took place in New York in July 2003 and focused on the presentation of national experiences in the field. A review conference will take place in 2006.

Ireland also welcomes the recent recommendations of a UN group of experts on the feasibility of a multilateral instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. The first substantive discussion by the

working group established to examine this issue will take place in New York in June. In our EU Presidency capacity we must prepare and co-ordinate the EU positions for this session. While the nature of such an instrument will be the subject of negotiation, we together with our EU partners, have stated our preference for a legally binding measure.

#### **Parental Rights.**

193. **Mr. P. Breen** asked the Minister for Foreign Affairs if he has received correspondence from a person (details supplied) in County Clare regarding the legal rights of a separated father; if he intends to act on it; and if he will make a statement on the matter. [8449/04]

**Minister for Foreign Affairs (Mr. Cowen):** A reply has been issued to the correspondence received from the person referred to by the Deputy. While my Department is sympathetic to the situation of this person, the assistance that the Department can give is limited. If the person wishes to pursue this matter, he will have to do so through legal channels and he has been advised to consult his legal advisers on this point.

#### **Northern Ireland Issues.**

194. **Mr. O'Dowd** asked the Minister for Foreign Affairs what assistance the Government will offer to the Conway Mill Preservation Trust development in west Belfast. [8560/04]

**Minister for Foreign Affairs (Mr. Cowen):** 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. In 2003, Conway Mill Preservation Trust Limited applied 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. It is open to Conway Mill Preservation Trust Limited to apply again to the reconciliation fund.

#### **Services for Disabled Persons.**

195. **Mr. Stanton** asked the Minister for

[Mr. Stanton.]

Foreign Affairs the money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the money allocated to enabling persons with disabilities to more easily access services of his Department. [8641/04]

**Minister for Foreign Affairs (Mr. Cowen):** The Department of Foreign Affairs is responsible for Vote 28-Department of Foreign Affairs, and Vote 29-International Co-operation. Details of the funding allocated by my Department for services for persons with disabilities in 2003 and 2004 are as follows Vote 28: in 2003, the communicating Europe initiative, which is administered by the Department for Foreign Affairs, allocated €10,018.11 in funding to the Disability Federation of Ireland for a series of ten EU information workshops for DFI members in locations throughout the country. The workshops were aimed at people with disabilities who wished to learn about the European Union, its history and institutions, and to review how the EU impacts on the lives of people with disabilities.

On 16 July, 2003, an interpreter was engaged to conduct a meeting between the personnel officer and a member of staff who is hearing impaired. The cost of this service was €101.34. On 3 March 2004, sign interpreters were engaged for a PMDS course at a cost of €426.72. The video production company making an induction video for new staff has been requested to include a sign language version. This will cost approximately €2,500. The Department's website and the EU Presidency website meet recommended standards for accessibility. The Department's building and refurbishment programmes give priority to provision of services and facilities for those with disabilities.

Vote 29 covers civil society funding. Development Cooperation Ireland supports specific projects and programmes for people in the developing world with disabilities through a variety of funding schemes and mechanisms, including the multi-annual programme scheme, the annual block grants and project co-financing. For various reasons, it is difficult to identify precisely how much of DCI funding in 2003 and 2004 is specifically targeted at disabled people, for example, certain programmes may address education, health or water and sanitation needs in communities with high incidences of river-

blindness or landmine injury, but it is not possible to differentiate between the beneficiaries of such programmes in many cases. However, funding in the region of €300,000 was allocated for projects addressing the specific needs of disabled communities under the non-governmental organisation co-financing scheme and the block grants arrangements. Under the block grant arrangements for 2004, Action Aid Ireland proposes as one of its broad themes to focus on physical and intellectual disability.

Examples of projects or programmes specifically targeting disabled groups which have received DCI support include €88,000 allocated in June 2003 for the development of a school for the deaf in Nigeria. Under the block grant arrangements, allocations were made to World Vision DCI provided €65,000 to an integrated education project for children with special needs in Armenia and Action Aid Ireland gave €25,000 to the construction of an orthopaedic workshop in Nepal. Under the in-country micro project scheme, just more than €80,000 was provided to three projects in India supporting autism, physically handicapped and leprosy projects, a river-blindness control programme in Nigeria, support to a society for the mentally handicapped in Lesotho and occupational therapy services support to enable children with disabilities to realise their rights in Tanzania.

The United Nations Development Programme received funding of €57,340 from the human rights and democratisation scheme in 2003 for its strengthening the rights protection of the disabled project in China. That project is intended to lay foundations in policy-making for relevant government departments in China and to improve the mechanisms providing legal assistance to persons with disabilities. Under the missionary development fund, which provides co-funding to projects implemented through the Irish missionary orders, funding in the region of €146,000 was allocated for projects addressing the specific needs of disabled communities in 2003 and 2004. Examples of projects aimed at groups for those with disabilities include €50,000 support to Nkokonjeru Providence Cheshire Home in Uganda through the Franciscan Missionary Sisters for Africa. Support of €58,769 was also provided through the Vincentians order to a primary school for deaf pupils in Nigeria.

The Agency for Personal Services Overseas personnel co-funding expenditure for disability under Vote 29, subhead C is as follows:

Agency	Country	Skill	Amount in Euro
Health Action Overseas	Romania	Two occupational Therapists	30,000
Irish Red Cross	Iraq	Ortho-prosthetist	7,500
Skillshare International	Tanzania	Two occupational Therapists	30,000
VSO	Thailand	Special Education Teacher	15,000
	Namibia	Teacher Trainer of Hearing Impaired	15,000
	Philippines		15,000
	Vietnam	Special Education	15,000

Agency	Country	Skill	Amount in Euro
Medical Missionaries of Mary	Ghana	Occupational Therapist	15,000
	Sri-Lanka	Disability Careers Adviser	15,000
	India	Physiotherapist	15,000
	Brazil	Nurse for the Disabled	15,000
	Honduras	Literacy trainer	15,000
Sisters of St Louis	Nigeria	Co-ordinator of Leprosy education Programme	15,000
John Grooms	Bangladesh	Speech Therapist	7,500
	Bangladesh	Occupational Therapist	9,000
Total			234,000

DCI's humanitarian assistance is aimed at victims of natural or man-made disasters in the poorer countries of the world. Those with physical or intellectual disabilities are often among the most vulnerable groups receiving such assistance. Under the DCI partnership agreement with the International Labour Organisation, funding has been allocated for an ILO programme aimed at capacity building for female entrepreneurs with disabilities in developing countries. Funding for this initiative, which focuses mainly on east Africa, has amounted to more than \$789,860 from subhead B of the DCI Vote. The Government also supports a second programme with the ILO that provides advice and advocacy at government level for the employment of people with disabilities in developing countries. Funding of more than \$600,860 has been provided for this from Subhead B. The timeframe for both programmes is from 2002 to 2005. The ILO provides information and advice to governments, employers' organisations and workers' organisations on policy, legislation and programmes relevant to the employment of people with disabilities. The programmes also review the impact of legislation in these countries regarding this matter and advise the national governments accordingly.

Since 2003, DCI has delivered €2.89 million for landmine action in the developing world. Of this, €2.5 million was provided through a partnership programme with the Halo Trust for the period 2003 to 2004 and further funding of €390,000 was delivered to Handicap International, a non-governmental organisation which assists victims of mines and explosive remnants of war to rebuild their lives and livelihoods.

Much of the assistance DCI gives to countries of the Balkans and of the Commonwealth of Independent States is targeted at minority groups, including people with disabilities. Importance is also attached to awareness raising and to an advocacy role for disabled people and the organisations which represent them so that they can better influence public policy. In 2003, DCI provided funding of €217,336, the second part of a two year grant, to the international non-government charitable organisation, Catholic Relief Services, for a project for disabled people in Serbia. The project involved training for

disabled people, for personal assistants for them and for organisations representing the disabled, the objective being to enable them to lead independent lives and participate more fully in their communities. DCI gave a grant of €18,881 in 2003 to the Bulgarian Association for People with Disabilities for equipment for a rehabilitation centre for people with intellectual difficulties. No funds have, as yet, been allocated in 2004 to projects specifically for people with disabilities.

In 2003, DCI contributed €250,000 to the Office of the High Commissioner for Human Rights to support its work for a thematic cluster that includes disability as well as gender and HIV and AIDS. This contribution was part of our 2003 voluntary contribution to the OHCHR which comes under Vote 29, subhead E. In 2004, we contributed €2.539 million to OHCHR. DCI will decide on the distribution of this contribution across various OHCHR activities, in consultation with the OHCHR. We intend to earmark a percentage of this contribution for the same thematic cluster reflecting the Government's strong commitment to these issues. In 2003, a grant of €5,000 was given to Gulluddene Unit for mentally retarded children for water tanks under the in-country programme in Uganda.

#### Overseas Development Aid.

196. **Mr. J. O'Keefe** asked the Minister for Foreign Affairs the economic situation in Kosovo, its population, GDP, income *per capita*, and rate of unemployment; and the assistance that is being given by Ireland towards its economic development. [8813/04]

**Minister of State at the Department of Foreign Affairs (Mr. Kitt):** Despite progress in recent years under the administration of the UN mission in Kosovo, the situation remains tense. Together with our EU partners, the Government fully support the special representative of the UN Secretary General, Mr. Harri Holkeri, in his work to ensure the implementation of Security Council Resolution 1244.

The EU is committed to a stable future for a secure, democratic and multi-ethnic Kosovo with its place in Europe. Through the EU pillar of UNMIK, the EU has particular responsibility for reconstruction and economic development in

[Mr. Kitt.]

Kosovo. In the four years to end of 2003, the EU has provided almost €960 million in assistance to Kosovo.

Notwithstanding significant international assistance since 1999, the economy of Kosovo remains underdeveloped. Given the political circumstances there, statistical data are unreliable. The last census figures, dating from March 1991, show that the population then was 1,956,196. However, many ethnic Albanians boycotted this census. The Statistical Office of Kosovo estimates the current population to be still some 1.9 million. One third of the population is under 15 years of age, and more than 50% is under 25. According to the UNDP, 70% of those aged between 16 and 24 are unemployed while overall unemployment is estimated to be between 49% and 57%. Gross domestic product in 2001 was estimated to be under €1.2 billion, rising to almost €1.3 billion in 2003. On that basis, average *per capita* income in 2003 was about €684.

The Government, through Development Cooperation Ireland, has provided €950,000 in direct bilateral assistance in the past two years in support of health, education, employment generation and democratisation. Assistance has also been provided to the UNMIK office of missing persons and forensics which, through its work on the identification of remains, is helping to address one of the most sensitive post-conflict issues, and to UNMIK's refugee return programme.

In addition, Ireland funds the regional activities of multilateral agencies active in the western Balkans, giving in excess of €550,000 in assistance in 2003. We also provide direct support for the privatisation process in Kosovo through grant assistance channelled through the European Bank for Reconstruction and Development. We support the efforts of the OECD and the stability pact for south-eastern Europe to encourage foreign investment and facilitate trade.

### EU Presidency.

197. **Mr. Durkan** asked the Minister for Foreign Affairs the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the cost to the Exchequer or EU of events to date; and if he will make a statement on the matter. [9182/04]

#### **Minister for Foreign Affairs (Mr. Cowen):**

During the course of the Irish Presidency, the Taoiseach, the Tánaiste, Ministers, Ministers of State and senior officials from many Departments are required to host meetings in Ireland as well as in Brussels and other countries throughout the world. Usually hospitality, by way of a lunch, dinner or reception, is extended during these meetings. There are, in addition, many other bilateral meetings held during the EU Presidency context over the course of the six months. However, in view of the number and scale of events, I hope the Deputy will understand that it is not possible to provide the number and status of those invited to attend all of the functions. Following is a copy of the calendar for Council meetings in Brussels and for meetings in Ireland and a list of the summits at which the Taoiseach will represent the European Union.

With regard to the security aspects for meetings held in Ireland, these are a matter for the Garda Síochána. However, I can confirm that Garda escorts are only provided where it has been deemed necessary for security reasons.

Invitations to meetings and functions issue in different ways. To date, invitations have been issued by post, e-mail and through Irish embassies abroad, as well as those embassies accredited to Ireland, for onward transmission to the appropriate authorities. It is not possible at this stage to provide a figure for the total cost to the exchequer of hosting Presidency events.

Summit meetings at which the Taoiseach will represent the European Union

Date	Meeting	Location
18 March	EU — Canada Meeting	Canada
28/29 May	EU — LAC	Guadalajara, Mexico
End May	EU — Russia	Moscow
22 June	EU — Japan	Tokyo
26 June	EU — US	To be decided

#### Irish Presidency of the Council of the European Union

January/June, 2004

Day	January	February	March
Thu	1 New Year's Day		
Fri	2		

Day	January	February	March
Sat	3		
Sun	4	1	
Mon	5	2	1
Tue	6 Government/Commission meeting PSC	3 PSC	2 ENVIRONMENT PSC
Wed	7	4 COREPER 2 / COREPER 1	3 COREPER 2 / COREPER 1
Thu	8 AGRICULTURE AND FISHERIES (poss) COREPER 2	5	4 EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS
Fri	9 PSC COREPER 1	6 PSC COREPER 1	5 EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS PSC
Sat	10	7	6
Sun	11	8	7
Mon	12	9 Eurogroup	8 TRANSPORT, TELECOMMUNICATIONS AND ENERGY Eurogroup
Tue	13 PSC	10 ECOFIN PSC	9 ECOFIN TRANSPORT, TELECOMMUNICATIONS AND ENERGY PSC
Wed	14 COREPER 1	11 COREPER 2 / COREPER 1	10 COREPER 2 / COREPER 1
Thu	15 COREPER 2	12	11 COMPETITIVENESS
Fri	16 Employment and Social Policy (Informal) PSC	13 PSC COREPER 1	12 PSC COREPER 1
Sat	17 Employment and Social Policy (Informal)	14	13
Sun	18	15	14
Mon	19 Eurogroup	16	15
Tue	20 ECOFIN PSC	17 PSC	16 PSC Conciliation Committee
Wed	21 COREPER 1	18 COREPER 2 / COREPER 1	17 COREPER 1
Thu	22 Justice and Home Affairs (Informal) COREPER 2 PSC	19 JUSTICE AND HOME AFFAIRS PSC	18 COREPER 2 PSC
Fri	23 Justice and Home Affairs (Informal) COREPER 1	20 JUSTICE AND HOME AFFAIRS COREPER 1	19 COREPER 1
Sat	24	21	20
Sun	25	22	21
Mon	26 GENERAL AFFAIRS AND EXTERNAL RELATIONS AGRICULTURE AND FISHERIES	23 GENERAL AFFAIRS AND EXTERNAL RELATIONS	22 GENERAL AFFAIRS AND EXTERNAL RELATIONS AGRICULTURE AND FISHERIES
Tue	27 GENERAL AFFAIRS AND EXTERNAL RELATIONS PSC Conciliation Committee	24 GENERAL AFFAIRS AND EXTERNAL RELATIONS AGRICULTURE AND FISHERIES PSC Conciliation Committee	23 GENERAL AFFAIRS AND EXTERNAL RELATIONS AGRICULTURE AND FISHERIES PSC
Wed	28 COREPER 1	25 COREPER 1	24 COREPER 2 / COREPER 1
Thu	29 COREPER 2	26 COREPER 2 EDUCATION, YOUTH AND CULTURE	25 EUROPEAN COUNCIL, BRUSSELS
Fri	30 PSC COREPER 1	27 PSC COREPER 1	26 EUROPEAN COUNCIL, BRUSSELS
Sat	31	28	27
Sun		29	28
Mon			29
Tue			30 PSC JUSTICE AND HOME AFFAIRS
Wed			31 COREPER 1



April	May	June
		1 EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS Eurogroup
		2 ECOFIN EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS
1 COREPER 2		3 COREPER 2
2 PSC COREPER 1 Economic and Financial Affairs (Informal)		4 PSC COREPER 1
3 Economic and Financial Affairs (Informal)	1	5
4 Economic and Financial Affairs (Informal)	2	6
5 Defence Ministers (Informal)	3	7
6 PSC Defence Ministers (Informal)	4 PSC	8 JUSTICE AND HOME AFFAIRS PSC
7 COREPER 2 / COREPER 1	5 COREPER 2 / COREPER 1	9 COREPER 1
8	6	10 TRANSPORT, TELECOMMUNICATIONS AND ENERGY European Parliament Elections COREPER 2 PSC
9 GOOD FRIDAY	7 PSC	11 TRANSPORT, TELECOMMUNICATIONS AND ENERGY European Parliament Elections
10 Easter Saturday	8	12 European Parliament Elections
11 Easter Sunday	9 Schuman Day Agriculture (Informal)	13 European Parliament Elections
12 Easter Monday	10 Agriculture (Informal) Eurogroup	14 GENERAL AFFAIRS AND EXTERNAL RELATIONS / COREPER 1
13	11 ECOFIN PSC Agriculture (Informal)	15 GENERAL AFFAIRS AND EXTERNAL RELATIONS
14	12 COREPER 1	16 COREPER 2 / COREPER 1
15	13 COREPER 2 PSC	17 EUROPEAN COUNCIL, BRUSSELS
16 Gymnich	14 COREPER 1 Environment (Informal)	18 EUROPEAN COUNCIL, BRUSSELS
17 Gymnich	15 Environment (Informal)	19
18	16 Environment (Informal)	20
19	17 GENERAL AFFAIRS AND EXTERNAL RELATIONS, including Defence Ministers	21 AGRICULTURE AND FISHERIES
20 PSC	18 GENERAL AFFAIRS AND EXTERNAL RELATIONS, including Defence Ministers	22 AGRICULTURE AND FISHERIES PSC
21 COREPER 2 / COREPER 1	19 COREPER 2 / COREPER 1	23 COREPER 2 / COREPER 1
22 COREPER 2 PSC	20 Ascension Thursday	24
23 COREPER 1	21 Bridging day	25 COREPER 1
24	22	26
25	23	27
26 AGRICULTURE AND FISHERIES GENERAL AFFAIRS AND EXTERNAL RELATIONS, including Development Ministers PSC	24 AGRICULTURE AND FISHERIES	28 GENERAL AFFAIRS AND EXTERNAL RELATIONS(poss) ENVIRONMENT
27 AGRICULTURE AND FISHERIES GENERAL AFFAIRS AND EXTERNAL RELATIONS, including development Ministers PSC	25 AGRICULTURE AND FISHERIES PSC	29 GENERAL AFFAIRS AND EXTERNAL RELATIONS (poss) PSC Environment
28 COREPER 2 / COREPER 1	26 COREPER 2 / COREPER 1	30 COREPER 1 / COREPER 2
29 JUSTICE AND HOME AFFAIRS	27 EDUCATION, YOUTH AND CULTURE	
30 JUSTICE AND HOME AFFAIRS PSC COREPER 1	28 EDUCATION, YOUTH AND CULTURE PSC / COREPER 1	
	29	
	30	
	31 Whit Monday holiday	

### Residential Institutions Redress Scheme.

198. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science the estimate of the cost to the State of the indemnity agreement in relation to abuse in institutions run by religious orders. [9114/04]

**Minister for Education and Science (Mr. N. Dempsey):** The indemnity agreement to which the Deputy refers is the agreement between the State and 18 religious congregations that was signed on 5 June 2002. Under the agreement, the congregations made a contribution of €128 million to the residential institutions redress fund and, in return for this contribution, the previous Government agreed to grant an indemnity to the congregations that were parties to the agreement.

The indemnity applies only to cases which are eligible to be dealt with under the terms of the Residential Institutions Redress Act 2002 but which are not resolved within this scheme and in respect of which litigation is commenced within six years of the date of the agreement. In the event of a congregation deciding to run a case itself, then the indemnity will not apply.

It is hoped that the vast majority of cases will be dealt with by the Residential Institutions Redress Board rather than through the courts. Therefore, it is expected that the indemnity will apply to relatively few cases. However, as there is no way to predict at this time how many claimants will opt to go through the courts rather than the redress board, I am not in a position to estimate the likely cost of the indemnity to the State. However, to date, the indemnity has been invoked in settling just three cases. Furthermore, the settlements that were reached in these three cases were all well within the parameters of the awards that can be made by the redress board.

### Teacher Training Colleges.

199. **Mr. R. Bruton** asked the Minister for Education and Science if his attention has been drawn to the fact that there is now no home economics faculty available to students who wish to study it in the Dublin area or on the eastern side of the country; his proposals to develop faculties for the teaching of home economics; and if he will make a statement on the matter. [8251/04]

**Minister for Education and Science (Mr. N. Dempsey):** I assume the Deputy is referring to the decision to close St. Catherine's College of Education for Home Economics in Sion Hill, Blackrock, over a four year period and to designate St. Angela's College in Sligo as the sole centre for training of home economics teachers.

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 the available places in Sligo.

### Special Educational Needs.

200. **Mr. R. Bruton** asked the Minister for Education and Science the terms of reference of the audit which he has announced in respect of special needs provision in schools; the way in which he proposes to handle outstanding applications for resource teaching and special needs assistants during the period the audit is taking place; and if this delay is consistent with the legal obligation on his Department to make appropriate education available to children with special needs. [8252/04]

**Minister for Education and Science (Mr. N. Dempsey):** As part of its evaluative role, my Department's inspectorate conducted a sample survey, in late 2002, of 25 primary schools which had been allocated resource teacher and special needs assistant support. The objective of the review was to provide a detailed account of the additional allocation of resources for pupils with special educational needs with particular reference to the terms of the relevant departmental circulars.

While expressing concern at the higher than expected incidence of significant disability identified in the survey, the report emphasised the need for caution in drawing firm conclusions because of the small sample involved. It also noted that increased access to psychological assessment services in recent years had led to increased numbers of pupils in mainstream schools being identified as having special needs. Nonetheless, the report expressed concern that the greater availability of resources in recent years may also have led to significant over-

[Mr. N. Dempsey.]

identification of special needs in schools and that such over-identification had serious long-term implications for the future funding and development of special education services.

Arising from the findings in the report, all applications for special educational resources are subject to individual verification. In addition, 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.

#### Higher Education Grants.

201. **Ms Lynch** asked the Minister for Education and Science if he will review the request by a person (details supplied) to recognise the dental nursing one year certificate course at the Belfast Institute of Further Education; and if he will make a statement on the matter. [8256/04]

**Minister for Education and Science (Mr. N. Dempsey):** Grants under my Department's higher education grant scheme and vocational education committees scholarship scheme are tenable in respect of full-time undergraduate courses of not less than two years' duration pursued in a university or third level institution which is maintained or assisted by recurrent grants from public funds in another EU member state. With regard to colleges of further and higher education in the UK and Northern Ireland, generally speaking, an approved course means a course at higher national diploma, HND, level or higher. As the course referred to by the Deputy does not meet the definition of an approved course for the purposes of the schemes, it cannot be recognised for grant assistance.

The terms and conditions of the schemes are reviewed by my Department annually and revised where necessary. Additional courses may be approved under the schemes only where they meet the prescribed definition of an approved course.

#### Schools Building Projects.

202. **Ms Lynch** asked the Minister for Education and Science if the building of schools by public private partnerships has been an economically sound decision; if the running costs

of these schools has decreased or increased in view of the fact that these schools have been operating for more than a year; and if he will commission a report to quantify exactly the overall cost-benefit of these public private partnership agreements for schools. [8257/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Department's interest in participating in the PPP pilot programme arose primarily for four reasons: to take school principals away from running buildings and thereby allow them concentrate on their core educational and management functions; to test value for money of school provision over a longer period than construction; to get new ideas on school design through an output-based approach; and to see better usage of school buildings outside school hours.

The contract for the first pilot education PPP in Ireland, a bundle of five post-primary schools, was signed in November 2001. Construction of the schools was completed by the end of December 2002, four of the schools ahead of schedule while the fifth was signed-off as scheduled. The speedy delivery of infrastructure is one of the attractions of this form of procurement. The private sector is paid on the basis of a combination of asset usage, availability and performance during the life of the project — in this case 25 years — and is not paid upfront for construction. Under PPPs, the private sector is required to take a stake in the whole-life cycle of the building, aligning responsibility for operation and maintenance with responsibility for design and construction.

The cost of operating the schools is determined by the project agreement. This provides for a review of the annual operating costs of the schools and allows for an inflationary increase in this element of the unitary payment. My Department is pleased with the project and is in the process of undertaking an initial evaluation of the project to date. As part of this evaluation, regular meetings are held with the management of each of the schools to allow for updates on the operation of the individual schools.

My Department provides grants to post-primary school to meet the running costs of the schools. These grants have been significantly reduced in respect of each of the PPP schools.

#### Special Educational Needs.

203. **Mr. F. McGrath** asked the Minister for Education and Science if assistance will be given to pupils and staff at Scoil Cairtriona primary school, Coolcock, Dublin, in their efforts to obtain a resource teachers and special needs assistant to improve the education service for children with special needs. [8258/04]

**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. The school has the services of one full-time special needs assistant, SNA, four part-time SNAs, one full-time resource teacher and one part-time resource teacher.

SER applications received between 15 February and 31 August 2003 are being considered. 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. 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.

The arrangements for processing applications received after the 31 August 2003 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.

#### **Summer Works Scheme.**

204. **Mr. Neville** asked the Minister for Education and Science the schools in County Limerick which will obtain assistance through the summer work scheme by his Department. [8259/04]

**Minister for Education and Science (Mr. N. Dempsey):** The list of successful applicants under the summer works scheme is published on my Department's website at *www.education.ie*. Contact will be made with the school authorities shortly with details of the works approved.

#### **Early Childhood Education.**

205. **Mr. O'Connor** asked the Minister for Education and Science if he has verified the need for early start school places in Jobstown, Tallaght, Dublin 24; if his attention has been drawn to the serious demand in this regard; and if he will make a statement on the matter. [8293/04]

**Minister for Education and Science (Mr. N. Dempsey):** Any decision to expand or extend the

early start pre-school pilot project is being considered in the context of a broad review of all initiatives to tackle educational disadvantage which is underway in my Department.

#### **Schools Building Projects.**

206. **Mr. O'Connor** asked the Minister for Education and Science his plans for the provision of further school places in the Tallaght area to deal with the additional house building approved by South Dublin County Council and which is now in various phases of development; if his attention has been drawn to the urgent need to deal with this challenge; and if he will make a statement on the matter. [8294/04]

**Minister for Education and Science (Mr. N. Dempsey):** Officials of my Department's school planning section meet on a regular basis with the planning department of South Dublin County Council with a view to identifying the need, if any, for additional educational provision and reserving sites for schools where required. A decision on the provision of new schools in the Tallaght area will involve further consultations with the local authority regarding the rate and likely timescale of housing developments, together with an ongoing assessment of the capacity of existing schools in the area to meet anticipated demand. My Department will continue to monitor developments in the Tallaght area and any needs identified will be addressed by initially increasing capacity at existing schools where appropriate or through the provision of new schools as necessary.

207. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the position regarding the provision of the new community school in Dingle, County Kerry; and if he will make a statement on the matter. [8305/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am pleased to advise the Deputy that a new school building project for Dingle community school is due to proceed 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 tendering process for this project has commenced with the pre-qualification of suitable contractors. The school authorities will be kept advised of developments.

#### **Departmental Staff.**

208. **Ms Enright** asked the Minister for Education and Science the number of staff appointed by him from outside the Civil Service since the general election in 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8331/04]

**Minister for Education and Science (Mr. N. Dempsey):** Details of the number of staff appointed by me, from outside the Civil Service to my office and that of the Minister of State, Deputy de Valera, are as follows:

Office of the Minister

Name	Position
James Fegan	Special Adviser
Margaret Conway	Personal Assistant
Una Grehan	Personal Secretary
Grace Cappock	Press Officer

Office of the Minister of State

Name	Position
Mary McNamara	Personal Assistant (July 2002-February 2003)
Seamus Browne	Personal Assistant (April — June 2003)
Mairead Collins	Personal Secretary
John Flanagan	Civilian Driver
Frank O'Sullivan	Civilian Driver
PJ Higgins	Civilian Driver

The total cost of salaries and expenses for these staff from July 2002 to date is €642,066.08. Department of Finance guidelines for appointments in ministerial private offices have been adhered to in all cases.

**Special Educational Needs.**

209. **Mr. Deasy** asked the Minister for Education and Science the reason for the delay in appointing one-to-one teaching for a person (details supplied) in County Waterford who has been assessed and approved for same; and if he will make a statement on the matter. [8341/04]

**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 currently being considered. 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. 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.

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.

**Early School Leavers.**

210. **Mr. Howlin** asked the Minister for Education and Science if his attention has been drawn to a matter regarding a college (details supplied); if he will consider reinstating the stay in school retention initiative at this college; if not, if he will continue funding at current levels; and if he will make a statement on the matter. [8342/04]

**Minister for Education and Science (Mr. N. Dempsey):** Any decision to expand or extend the school completion programme is being considered in the context of a broad review of all such initiatives to tackle educational disadvantage and early school leaving, which is currently under way in my Department.

**Consultation Projects.**

211. **Ms Enright** asked the Minister for Education and Science the members appointed by him to a board to examine the future of Irish education; the salaries or expenses payable to these members in the course of their duties on this board; and if he will make a statement on the matter. [8368/04]

**Minister for Education and Science (Mr. N. Dempsey):** I assume that the Deputy is referring to the YES consultation process, which is underway at present. The purpose of the process is to facilitate a wide public discussion-debate on the issues to be faced in the framing of future education policy. I am encouraging students and parents in all socio-economic circumstances and education providers, along with employers and other groups with a more oblique interest in future education policy, to contribute. The result of the process will be a report that will outline the issues raised by those who have participated in or contributed to the process during the year, which should provide a blueprint against which future education policy can be framed. The

secretariat for the process is also producing reports on individual elements of the process as these occur. At present, reports on the public meetings that have taken place as part of the process can be viewed on [www.youreducation.ie](http://www.youreducation.ie).

I have not appointed members of a board to examine the future of education in Ireland. Instead, I have set up this process to facilitate public debate and discussion. The Educational Research Centre, ERC, in Drumcondra is providing the independent secretariat that both manages and reports on the information and contributions being gathered through the process. The ERC will require funding of about €60,000 to purchase the resources it needs to undertake this task.

#### **School Accommodation.**

212. **Mr. Crowe** asked the Minister for Education and Science if he will make funding available for the provision of a small prefab to be used both as a library and for use by the resource teacher of Gaelscoil Barra, Faussagh Road, Cabra, Dublin, which is without accommodation. [8369/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application has been received from Gaelscoil Bharra for grant-aid for the provision of a temporary room to accommodate a resource teacher. Officials within my Department are assessing and prioritising applications for temporary accommodation. I intend shortly to publish details of all temporary accommodation projects that will proceed in 2004.

#### **Special Educational Needs.**

213. **Ms Enright** asked the Minister for Education and Science when resource hours for a person (details supplied) in County Wexford, who was diagnosed in 2002 with dyslexia, will be allocated; and if he will make a statement on the matter. [8370/04]

**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, including this application, 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. 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.

#### **School Accommodation.**

214. **Mr. S. Power** asked the Minister for Education and Science if a decision has been made on the future use of lands and buildings adjoining Gaelscoil Cill Dara, Curragh, County Kildare; and if he will make a statement on the matter. [8373/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department's school planning section is currently assessing the need for accommodation for permanent education provision in the Newbridge area. This assessment will involve a review of the lands and buildings adjoining Gaelscoil Cill Dara.

#### **Schools Refurbishment.**

215. **Mr. Crowe** asked the Minister for Education and Science if he will provide funding to upgrade the heating and security measures, including consideration of the installation of closed circuit television cameras, at St. Francis junior and senior schools, Priorswood, Dublin 17. [8378/04]

**Minister for Education and Science (Mr. N. Dempsey):** The scope of the works required at the schools referred to by the Deputy are appropriate for consideration under the summer works scheme which was announced in December last. The closing date for applications under the scheme was 30 January 2004. I note that the schools in question did not make applications under this scheme.

Subject to a review of the summer works scheme 2004, it is planned to invite applications for the 2005 scheme later this year. Full details will be posted on my Department's website at [www.education.ie](http://www.education.ie) as soon as possible.

#### **Post-Leaving Certificate Review.**

216. **Mr. Crawford** asked the Minister for Education and Science the elements of the McIver report he has put in place; his views on whether the PLC colleges are giving a tremendous service and that the review initiated by his Department can no longer be ignored; and if he will make a statement on the matter. [8382/04]

**Minister for Education and Science (Mr. N. Dempsey):** The post-leaving certificate review was commissioned to examine the sector and make recommendations as necessary regarding the organisational, support, development, technical and administrative structures and resources required in schools with large scale post-leaving certificate, PLC, provision, having regard to good practice in related areas across the system and in other countries. The final report was completed in April 2003.

The recommendations of the report are wide-ranging and encompass proposals that extend beyond PLC provision. The report poses considerable challenges in regard to the shaping of structures for the delivery of further and adult education into the future. The recommendations are being considered at departmental level with a view to addressing the priority issues within the context of overall educational policy and provision.

During 2003, officials in my Department held discussions with the management and staff representative interests in the sector to examine their respective priorities and to consider issues surrounding a number of the recommendations of the report, having regard to the implications for other areas of the education system. Discussions involving all the relevant interests with regard to prioritisation of the recommendations will continue as necessary in the coming period.

#### **Pension Provisions.**

217. **Mr. O'Shea** asked the Minister for Education and Science if the new proposal regarding the retirement age for national teachers will apply to the final year students in Mary Immaculate training college, Limerick; and if he will make a statement on the matter. [8383/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Public Service Superannuation (Miscellaneous Provisions) Bill 2004 provides for the raising of the minimum pension age of most new entrants to the public service, including teachers, to age 65. It also provides for the removal of the compulsory retirement age for most new entrants to the public service, including teachers. A detailed definition of new entrant is given in section 2 of the Bill.

The definition provides, broadly, that persons entering employment in the public service on or after 1 April 2004 will be regarded as new entrants. The new arrangements do not apply to public servants who are serving on 31 March 2004. A broad scope has been given to the term "serving" in the context of the Bill. The general principle is that anyone who has an employment relationship with the public service as of 31 March 2004 will not be deemed to be a new entrant.

I cannot comment on the position of individual students. The application to them of the proposed new terms would depend on whether or not they

fall within the definition of new entrant if they take up employment in the public service.

#### **Special Educational Needs.**

218. **Mr. Stagg** asked the Minister for Education and Science if he will sanction the proposed Sapling's ABA school in Rathfarnham, south County Dublin; and if he will make a statement on the matter. [8384/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is actively considering the application referred to by the Deputy. My officials are liaising with my Department's inspectorate and the national educational psychological service in this regard and a response will issue to the applicants as quickly as possible.

Following an initial examination of the application, my Department raised certain queries with the applicants relating to details of the children who would attend the facility and regarding the proposed accommodation. A response has recently been received and is being examined at present.

219. **Mr. Neville** asked the Minister for Education and Science if a one-to-one remedial teacher will be provided for a person (details supplied) in County Limerick who has been assessed with very special needs and is unable to read or write. [8385/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received an application for special educational resources, SER, for the pupil 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 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. 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.

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.

#### Schools Building Projects.

220. **Mr. J. Bruton** asked the Minister for Education and Science the initiatives his Department has put in place to provide additional second level schools in the Navan area for the increasing number of students who will have left primary schools in Navan and require access to second level education; the information his Department has received regarding the increasing numbers of students; if a report has been published regarding an analysis of population increase in Navan, which gives an indication of the increased numbers of second level schools required in the Navan area over the coming years; and if he will make a statement on the matter. [8412/04]

**Minister for Education and Science (Mr. N. Dempsey):** While enrolments in the 11 primary schools in Navan have increased by 14% over the past eight years to 2,757, it remains the case that there is sufficient pupil places in second level schools in Navan to cater for demand. The school planning section of my Department will continue to monitor developments in the Navan area in light of increasing enrolments in primary schools and in light of the overall pace of demographic change in Navan.

#### School Accommodation.

221. **Cecilia Keaveney** asked the Minister for Education and Science the support which exists for a school (details supplied) in County Donegal to tarmac a play area to help facilitate ease of movement for a special needs child in a wheelchair; and if he will make a statement on the matter. [8428/04]

**Minister for Education and Science (Mr. N. Dempsey):** Since 1997 my Department provides the grant scheme for minor works to all primary schools including the school referred to by the Deputy. Details of the scheme are available on my Department's website at *www.education.ie* and works covered by the scheme are improvements to school buildings and grounds such as re-surfacing of school yard.

#### School Enrolment.

222. **Mr. Healy** asked the Minister for Education and Science if he will remove the capping of pupil numbers at Rathkeevin national

school, Clonmel; and if he will make a statement on the matter. [8429/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school planning section of my Department has received an application from the school authorities of Rathkeevin national school, Clonmel, County Tipperary, to remove the enrolment cap in place at this school. The school planning section of my Department, in conjunction with the local district inspector for the area, is carrying out a review of the enrolment capping policy at this school. As part of this examination an extensive review of the enrolment situation in all the primary schools in the Clonmel area and neighbouring parish is taking place. It is expected that this review will be completed shortly. A decision in this matter will be conveyed to the school authorities as soon as possible.

#### School Accommodation.

223. **Mr. Healy** asked the Minister for Education and Science if he will approve Cahir boys' national school, Cahir, County Tipperary, for the pilot scheme for the construction of much needed classrooms and physical education facilities; and if he will make a statement on the matter. [8430/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application for additional accommodation was received from Cahir boys' national school by my Department in 2000. However, the application was returned to the school authorities for necessary additional information. The completed application form has not as yet been received back from the school authorities. Accordingly, at present there is no application under consideration for funding for this school. On receipt of a completed application form for capital funding from Cahir boys' national school the matter will be considered further.

#### Adult Education.

224. **Mr. O'Dowd** asked the Minister for Education and Science the steps he proposes to take to rectify the anomaly that has arisen in Drogheda Institute of Further Education due to the capping of enrolment in the post-leaving certificate sector at 2003-04 levels, whereby the DIFE will be funded for 396 students in a facility that was built for 500. [8431/04]

**Minister for Education and Science (Mr. N. Dempsey):** In the 2003-04 academic year, 666 post-leaving certificate places were approved in County Louth VEC. The allocation and distribution of PLC places among schools in scheme is an operational matter for consideration by the VEC concerned in the first instance. In the circumstances I have asked the VEC to correspond directly with the Deputy in regard to this matter.



### Physical Education Facilities.

225. **Mr. Deenihan** asked the Minister for Education and Science when phase two of the successful junior cycle physical education support service will commence; the number of schools that will be involved; if the programme will continue in 2005; and if he will make a statement on the matter. [8468/04]

**Minister for Education and Science (Mr. N. Dempsey):** The phased introduction to schools of the revised syllabus at junior level for physical education began in September 2003. In all, some 112 schools have participated in the first introductory phase.

It is proposed that a further cohort of schools will introduce the revised syllabus in September 2004. The relevant circular inviting schools to participate in phase two is being prepared in my Department and will issue to all post-primary schools in the coming weeks. It is not possible to indicate at this time the number of schools which will be involved in phase two. This will be decided when the applications have been received and plans for inservice provision have been prepared. It is envisaged that the junior cycle physical education support programme will continue during the 2004-05 school year.

### School Accommodation.

226. **Mr. Durkan** asked the Minister for Education and Science if he will increase the size of the general purposes room in the proposed extension of a school (details supplied) in County Kildare in line with the extra classroom accommodation; and if he will make a statement on the matter. [8477/04]

**Minister for Education and Science (Mr. N. Dempsey):** A GP-PE room of 200 m<sup>2</sup> is provided for in the proposed extension to this school. However, my Department has no objection to the school increasing the size of the proposed GP-PE room, provided the additional costs are funded locally.

### Special Educational Needs.

227. **Mr. Kehoe** asked the Minister for Education and Science the status of the application for resource hours for a person (details supplied) in County Wexford; and if he will make a statement on the matter. [8479/04]

**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. 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.

The arrangements for processing applications received after the 31 August 2003 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.

228. **Mr. F. McGrath** asked the Minister for Education and Science if urgent assistance will be given to a school (details supplied) in Dublin 14 in its efforts to develop resource services and special needs assistants for its pupils; and if this matter will be given priority. [8490/04]

**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. The school in question has the services of three full-time and one part-time special needs assistants, two full-time resource teachers and one shared learning support teacher.

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. 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.

The arrangements for processing applications received after the 31 August 2003 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 Enrolment.

229. **Mr. Hayes** asked the Minister for Education and Science if he will address the capping of numbers attending a school (details supplied) in County Tipperary due to the consequences and hardship for many families in the locality. [8508/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school planning section of my Department has received an application to remove the enrolment cap in place at the school referred to by the Deputy. The school planning section of my Department, in conjunction with the local district inspector for the area, is carrying out a review of the enrolment capping policy at this school. As part of this examination an extensive review of the enrolment situation in all primary schools in the Clonmel area and neighbouring parish is taking place. It is expected that this review will be completed shortly. A decision on this application will be conveyed to the school authorities as soon as possible.

#### Schools Building Projects.

230. **Ms Enright** asked the Minister for Education and Science the stage the application for a new school (details supplied) in County Clare is at; the reason for the delay in the provision of the new school; if he intends it to proceed by public private partnership; and if he will make a statement on the matter. [8526/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application has been received in my Department for building works at Ennis national school. The project is at the pre-architectural planning stage. When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme

from 2005. I expect to be in a position to make further announcements in the course of the year to update schools in the context of the multi-annual programme of works including public-private partnerships. The application from Ennis national school will be considered in this regard.

231. **Ms Enright** asked the Minister for Education and Science if funding has been made available to upgrade the science facilities at a school (details supplied) in County Clare; and if he will make a statement on the matter. [8527/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has not received a specific application for the refurbishment of science laboratories at the school in question. However, there is a proposed large-scale building project for this school 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). The proposed works include and extension and refurbishment works to the existing school. As part of this project, it is proposed to address the service requirements in the science laboratories. This proposed project is at an advanced stage of architectural planning and has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

Indicative timescales have been included 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.

232. **Ms Enright** asked the Minister for Education and Science the position in regard to an application for an extension to a school (details supplied) in County Clare; and if he will make a statement on the matter. [8528/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposed large-scale building project for Rice College, Ennis, 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 advanced architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

Indicative timescales have been included 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.

233. **Ms Enright** asked the Minister for Education and Science the meaning of fast tracking a project through the school building programme; the number of projects that have been told they will be fast tracked; the method to be adopted by him to do this; and if he will make a statement on the matter. [8529/04]

**Minister for Education and Science (Mr. N. Dempsey):** The various stages of architectural planning for large-scale building projects are set out in the frequently asked questions, FAQ, section of the 2004 school building programme which is available on my Department's website at [www.education.ie](http://www.education.ie).

While most of the projects in the 2004 school building programme are at an advanced stage of architectural planning, there are over 15 projects in the very early stages of architectural planning that are earmarked for progression through architectural planning and on to construction as part of the programme.

These projects mainly arise in rapidly developing areas and are listed in the programme as part of my Department's response to meeting urgent demand for school places in these areas. To meet the indicative timescales set out in the programme, my Department is using innovative methods to deliver these projects, including a design and build contract, combining of stages of architectural planning for projects, generic designs and various forms of devolved authority.

The expansion of the devolved initiatives that were introduced in 2003 to over 90 further projects enables these schools to progress their projects themselves through architectural planning and on to construction without reference to my Department.

#### Departmental Schemes.

234. **Ms Enright** asked the Minister for Education and Science if he will provide finance for the following works at a school (details supplied) pending the building of a new school; and if he will make a statement on the matter. [8530/04]

**Minister for Education and Science (Mr. N. Dempsey):** The scope of works required at the school referred to by the Deputy are appropriate for consideration under the summer works scheme. While the school's application under the summer works scheme for 2004 was unsuccessful, it is open to the school's management authority to reapply for the key priority works required at the school as part of the 2005 summer works scheme, details of which will be announced later this year.

#### Class Sizes.

235. **Ms O'Sullivan** asked the Minister for Education and Science when he will implement his promise to send an inspector to a school (details supplied) in County Kildare to address

the problem of large classes, two of which consist of 33 boys; and if he will make a statement on the matter. [8536/04]

**Minister for Education and Science (Mr. N. Dempsey):** The relevant Department officials met the school authorities on 19 February 2004 to discuss a range of issues, including the issue raised by the Deputy.

#### Schools Building Projects.

236. **Ms O'Sullivan** asked the Minister for Education and Science if his attention has been drawn to the need for a second level school in the Laytown area of County Meath in view of the rapidly expanding population in Laytown and Bettystown and also in areas such as Drogheda where young persons from Laytown and Bettystown have traditionally accessed second level places; and if he will make a statement on the matter. [8537/04]

**Minister for Education and Science (Mr. N. Dempsey):** As I recently announced, over the remainder of this 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 in 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. In this way, the education needs at both primary and post-primary levels in the Laytown area will be assessed as part of the development plan to be drawn up for that area.

#### School Staffing.

237. **Mr. Carey** asked the Minister for Education and Science if he will examine the application by a school (details supplied) in Dublin 11 for additional teaching resources; and if he will make a statement on the matter. [8562/04]

**Minister for Education and Science (Mr. N. Dempsey):** Teacher allocations to second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. Each school management authority is required to organise its time table and subject options having regard to pupils needs within the limit of its approved teacher allocation. Apart from meeting requirements in regard to the provision of the core subjects, the curriculum offered in individual

second level schools is a matter for the authorities of the school concerned having regard to its approved teacher allocation.

The rules for allocating teaching resources provide that where a school management authority is unable to meet its curricular commitments from within its approved allocation, my Department will consider applications for additional short term support, that is, curricular concessions. The school concerned has made an application for additional teaching resources. This application is currently being considered. My Department will contact the school when a decision has been made.

### Departmental Correspondence

238. **Mr. Naughten** asked the Minister for Education and Science if, further to Parliamentary Question No. 263 of 16 December 2003, a decision has been made in regard to same; if he has satisfied himself that the delay in making a decision on this matter is acceptable; and if he will make a statement on the matter. [8563/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department expects to be in a position to respond to the matter referred to by the Deputy shortly.

### Schools Building Projects.

239. **Ms Enright** asked the Minister for Education and Science the position regarding the application for funding for tarmacadam resurfacing at a school (details supplied) in County Donegal; and if other funding can be made available to complete the playground resurfacing before September 2004. [8570/04]

**Minister for Education and Science (Mr. N. Dempsey):** Since 1997, my Department has provided the grant scheme for minor works to all primary schools, including the school referred to by the Deputy. Details of the scheme are available on my Department's website at [www.education.ie](http://www.education.ie) and works covered by the scheme are improvements to school buildings and grounds such as re-surfacing of school yard.

### University Library Services.

240. **Mr. Crawford** asked the Minister for Education and Science if he has satisfied himself with the situation which now exists in colleges such as Trinity and UCD in which libraries are closed at 6 p.m.; his views on whether this has serious implications especially for rural students who have to survive in one room flats with minimum facilities; his further views on whether this is a result of Government failure to cover the cost of benchmarking or inflation in their funding; and if he will make a statement on the matter. [8585/04]

**Minister for Education and Science (Mr. N. Dempsey):** The day to day management of universities and institutes of technology,

including library opening hours, are matters for the institutions themselves. My Department does not have a function in such matters.

Some €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. Overall funding, capital and current, for the higher education sector will stand at €1.48 billion in 2004. 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. This is up €631 million or 74% on 1997 levels.

I am aware that institutions 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.

### Site Acquisitions.

241. **Ms Enright** asked the Minister for Education and Science the money set aside in his Department in 2004 for site acquisition for primary and post-primary schools; the amount spent to date and the amount remaining to be spent; and if he will make a statement on the matter. [8586/04]

**Minister for Education and Science (Mr. N. Dempsey):** Some €32 million has been allocated for the acquisition of sites for primary and post-primary schools during 2004. The Office of Public Works manages site acquisitions on behalf of my Department and to date a total of €7 million has been transferred to the OPW account. This leaves a balance of €25 million.

### Schools Building Projects.

242. **Mr. McHugh** asked the Minister for Education and Science if an application from a school (details supplied) in County Galway for grant aid towards construction of two classrooms will be approved; when funding will be made available; the amount of funding that will be allocated; and if he will make a statement on the matter. [8609/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application for grant aid towards additional accommodation has been received from the management authority of the school to which the Deputy refers. When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual

[Mr. N. Dempsey.] allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year. The application from the school referred to will be considered in this regard.

243. **Mr. S. Power** asked the Minister for Education and Science if agreement has been reached on the extension at a school (details supplied) in County Kildare; and if he will make a statement on the matter. [8610/04]

**Minister for Education and Science (Mr. N. Dempsey):** Proposals for the delivery of approximately 575m<sup>2</sup> of modular accommodation this year have issued to the management authorities of Naas CBS. I understand that the management authorities have agreed in principle to the proposals.

#### Special Educational Needs.

244. **Mr. Stanton** asked the Minister for Education and Science the money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the money allocated to enabling persons with disabilities to more easily access services of his Department. [8642/04]

**Minister for Education and Science (Mr. N. Dempsey):** Any application for special educational needs, SEN, supports received in my Department will be considered in the context of the criteria outlined in the relevant Department circulars and the existing level of SEN resources already available in the school.

My Department's commitment to supporting children with special educational needs within the primary school system is reflected in the significant growth in investment in special needs provision in recent years. This is illustrated by the following details. The number of learning support teachers in the primary school system has increased from 1,302 in 1998 to 1,531 at present. The annual salary cost of these teachers is approximately €54 million. The number of resource teachers has increased from 104 in 1998 to more than 2,500 currently. The annual salary cost of these teachers is estimated at over €75 million. The number of special needs assistants within the primary system has grown from 300 in 1998 to 4,319 full-time and a further 1,353 part-time posts. The salary cost of this service in 2003 was €103.56 million and is estimated at €120 million for 2004. The allocation for part time tuition services for children with special educational needs has been increased from €24.27 million in 2003 to €31.7 million in 2004. Funding towards special equipment within the primary

school system has increased from €2.12 million in 2003 to €3 million in 2004.

The resources that have been and that continue to be allocated by my Department represent real and substantial improvements in special education services. They provide concrete evidence of the Government's commitment to build on the unprecedented development of special education services.

#### Departmental Schemes.

245. **Mr. N. O'Keeffe** asked the Minister for Education and Science the reason an application by a school (details supplied) in County Cork under the summer works scheme has not been approved; and when approval for these works is likely to be forthcoming. [8721/04]

**Minister for Education and Science (Mr. N. Dempsey):** Each unsuccessful applicant under the summer works scheme 2004 will receive a letter from my Department outlining the reason works were not approved. The 2005 scheme will be announced later this year.

#### Schools Building Projects.

246. **Mr. Connaughton** asked the Minister for Education and Science the status of an application by a school (details supplied) in County Galway; when phase 1 of this school will commence; if phase 1 will be included in the small schools devolved initiative scheme; if so, when his Department will grant approval for this project; if his attention has been drawn to the fact that this school will increase from a five class teacher to a six class teacher school in September 2004; if this attention has further been drawn to the fact that there are only two proper classrooms in the school, together with two sub-standard classrooms and a pre-fab for the other three teachers; if his attention has further been drawn to the fact that in September 2004 another class will have to use a pre-fab, that the full-time resource teacher is currently housed in a pre-fab and that the shared learning support teacher based in the school works from a small kitchen; and if he will make a statement on the matter. [8722/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposed large scale building project for Killeeneen national school, Craughwell, County Galway, 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 in accordance with the published criteria for prioritising large-scale projects. This school will not be considered for inclusion in the small and rural schools initiative as the scheme is aimed at schools with a total mainstream classroom requirement of four or less.

When publishing the 2004 school building programme, I outlined that my strategy going

forward will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year.

I am aware that Killeeneen national school will increase to a six teacher school in September 2004. Officials in my Department's school planning section are currently assessing applications for temporary accommodation.

#### Gaeltacht Education.

247. **D'fhiafraigh Mr. O'Shea** den Aire Oideachais agus Eolaíochta an mó cruinníú a bhí aige leis an gComhairle um Oideachas Gaeltachta agus Gaelscolaíochta óna cheapachán, an bhfuil sé sásta le Plean Straitéiseach na Comhairle, an gcuirfidh sé airgead ar fáil chun an plean a mhaoiniú agus an ndéanfaidh sé ráiteas ina leith. [8741/04]

**Minister for Education and Science (Mr. N. Dempsey):** Ní raibh aon cruinníú agamsa go fóill leis an gComhairle, ach bhí timpeall cúig chruinníú idir Phríomh Fheidhmeannach an Chomhairle agus oifigí den Roinn. Maidir leis an Plean Stratéiseach, tá mo Roinn sásta leis an stratéis ginearálta ata léirithe, ach amháin go gcaithfear í a gníomhú leis an soláthar airgeadais atá infhaighte. Tá mo Roinn ag scrúdú faoi láthair an féidir níos mó airgid a chur ar fáil don Chomhairle i gcomhthéacs meastacháin iomlán na Roinne.

#### Site Acquisitions.

248. **Mr. F. McGrath** asked the Minister for Education and Science if the maximum support and assistance will be awarded to a school (details supplied) in Santry, Dublin 9, in obtaining a premises; if his Department will include the purchase of school sites in the 2005 programme; and if he will make this school a priority issue. [8746/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is considering options for the long-term accommodation needs of the school to which the Deputy refers, including the possible purchase of a site. However, due to the commercial sensitivities surrounding site acquisitions the Deputy will appreciate that I am unable to comment on specific site purchase issues.

#### Schools Building Projects.

249. **Ms O'Sullivan** asked the Minister for Education and Science if his attention has been drawn to the need to replace a school (details supplied) in County Tipperary with a new structure in view of concerns about the safety of

the building and also over-crowding in the school; and if he will make a statement on the matter. [8747/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application for additional accommodation was received from Cahir boys' national school by my Department in 2000. However, the application was returned to the school authorities for necessary additional information. The completed application form has not as yet been received back from the school authorities. Accordingly, there is no application under consideration for funding for this school. On receipt of a completed application form for capital funding from Cahir boys' national school the matter will be considered further.

#### School Staffing.

250. **Mr. Gilmore** asked the Minister for Education and Science if he has considered the application for resource and special needs assistant hours for a person (details supplied) in County Wicklow; if he intends to agree to the request. [8748/04]

**Minister for Education and Science (Mr. N. Dempsey):** 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, including this application, 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. 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.

251. **Mr. English** asked the Minister for Education and Science if he will allocate a person (details supplied) in County Meath one hour per day with the resource teacher in a school (details

[Mr. English.]  
supplied) in County Meath; and if he will make a statement on the matter. [8749/04]

**Minister for Education and Science (Mr. N. Dempsey):** 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.

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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.

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.

#### **School Staffing.**

252. **Mr. Connolly** asked the Minister for Education and Science the number of appeals against the awarding of assistant school principal and special duties posts at primary and second level throughout the country; and if he will make a statement on the matter. [8750/04]

**Minister for Education and Science (Mr. N. Dempsey):** Appointments to assistant principal and special duties posts are a matter for the authorities of the school concerned. My Department's function is to ensure that the proposed appointee is appropriately qualified for the post in question. As there is no requirement for school authorities to notify my Department where an appeal is lodged, the information

requested by the Deputy is not readily available in my Department.

253. **Mr. Connolly** asked the Minister for Education and Science if the individual breakdown of marks awarded in interviews for teaching posts and school administrative posts are made available to interviewees, as in many other sectors of the public service; and if he will make a statement on the matter. [8751/04]

**Minister for Education and Science (Mr. N. Dempsey):** The issue raised by the Deputy is a matter for the relevant school authority or vocational education committee as the employing authority for the posts in question.

#### **Education Schemes.**

254. **Mr. N. O'Keeffe** asked the Minister for Education and Science the reason an application under the summer works scheme has been refused in respect of a primary school (details supplied) in County Cork. [8752/04]

**Minister for Education and Science (Mr. N. Dempsey):** Each unsuccessful applicant under the summer works scheme 2004 will receive a letter from my Department outlining the reason works were not approved. The 2005 scheme will be announced later this year.

#### **School Transport.**

255. **Mr. Noonan** asked the Minister for Education and Science the reason appropriate school transport is not being provided for a person (details supplied) in County Limerick; and if he will make a statement on the matter. [8753/04]

**Minister for Education and Science (Mr. N. Dempsey):** To be eligible for school transport under the primary school transport scheme, a pupil must be residing two miles or more from his or her nearest national school. My Department has been informed by Bus Éireann, which operates the school transport service on my Department's behalf, that the pupil referred to in the details supplied is residing 1.7 miles from his nearest national school which is referred to in the details supplied. The pupil is, therefore, not eligible for free school transport.

The pupil may avail of concessionary fare paying transport to his nearest national school, subject to no extra State cost being incurred by way of extending or altering the route of service and on condition that spare seats exist after all children fully eligible for school transport have been accommodated.

#### **Exemption Certificates.**

256. **Mr. Naughten** asked the Minister for Education and Science when a decision will be made on an application by a person (details supplied) in County Roscommon for an exemption certificate; the reason for the delay;

and if he will make a statement on the matter. [8754/04]

**Minister for Education and Science (Mr. N. Dempsey):** The exemption certificate for the pupil in question issued to the school on 15 March 2004.

#### Special Educational Needs.

257. **Mr. Naughten** asked the Minister for Education and Science if primary school teachers receive training in identifying dyslexic students; and if he will make a statement on the matter. [8755/04]

**Minister for Education and Science (Mr. N. Dempsey):** Existing pre-service teacher training programmes provided by the colleges of education include specific elements aimed at equipping all primary teachers to recognise and cater for children with specific learning disabilities, including dyslexia.

In addition, the learning support teacher service has a particular role to play in addressing the special educational needs of such children. This service, which was extended in 1999 to cover all primary schools with a pupil teacher ratio of 10:1 or above targets specifically the children in question. At present, there are 1,531 learning-support teachers in primary schools.

My Department is engaged in an ongoing programme of specialist training for learning support teachers to enhance their capacity to address the needs of children with literacy and numeracy difficulties. A significant proportion of learning-support teachers have already participated in this programme.

The courses in question are supported and directly funded by the in-career development unit of my Department. Course syllabi include training in the diagnosis and identification of reading difficulties and in appropriate techniques for remediation. In particular, there is a focus on the problem of specific learning disabilities, including dyslexia, in regard to diagnosis and pedagogy.

Many shorter courses, including on-line courses, for primary teachers in the area of specific learning disabilities, including dyslexia, have been and are currently supported by the special education support service which was established by my Department in September 2003. Similar courses are also provided through the network of education centres, through teachers' organisations and through the programme of summer courses for primary teachers.

#### Schools Building Projects.

258. **Mr. Naughten** asked the Minister for Education and Science if an application for funding will be expedited for the extension to a school (details supplied) in County Roscommon which is currently with his post primary building

unit; and if he will make a statement on the matter. [8756/04]

**Minister for Education and Science (Mr. N. Dempsey):** A large scale building project for Scoil Mhuire, Strokestown, 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 the 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 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.

259. **Mr. Cregan** asked the Minister for Education and Science further to recent correspondence to his Department from a secondary school (details supplied) with regard to its application for funding under the access for all scheme, if he will arrange for his Department's architect to call to this school at the earliest possible date to resolve outstanding matters; and if he will make a statement on the matter. [8757/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has requested a revised proposal in respect of access for all at St. Brigid's College, Convent of Mercy, Callan, County Kilkenny. When the requested information is received in my Department the application will receive further consideration. Therefore, the Deputy will appreciate that it will serve no useful purpose at this time to have an official from my Department attend the school until such time as the revised proposals are submitted for examination.

#### Institutes of Technology.

260. **Mr. O'Connor** asked the Minister for Education and Science if his attention has been drawn to the recent annual lobby of the Oireachtas 2004 organised by the Union of Students in Ireland which was attended by student leaders of the Institute of Technology in Tallaght; if he will confirm that the concerns of the USI are being addressed; and if he will make a statement on the matter. [8758/04]

**Minister for Education and Science (Mr. N. Dempsey):** I do not have details of the concerns to which the Deputy refers. I would need more information regarding the issues involved to address the matter further.

261. **Mr. O'Connor** asked the Minister for Education and Science the contacts he has had with the Institute of Technology, Tallaght regarding the need for further development of



[Mr. O'Connor.] facilities at this institution; if his attention has been drawn to the anxiety of the college's student union to see progress in the matter; and if he will make a statement on the matter. [8759/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am not aware of the concerns of the student's union at the Institute of Technology, Tallaght as referred to by the Deputy. However, if the Deputy is referring to further capital developments at the institute he is probably aware that the Higher Education Authority, at my request, is carrying out a review of capital projects to assess the entire set of demands in all publicly funded third level institutions, to establish prioritisation and agree re-phasing.

I understand the Institute of Technology, Tallaght has met the review group and made a presentation on its institutional strategy and set the capital development proposals in such a strategic context. 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. Decisions in respect of capital projects at third level institutions, such as those at the Institute of Technology, Tallaght, will be taken in the context of the capital envelope of funds available to me.

#### Special Educational Needs.

262. **Mr. McGuinness** asked the Minister for Education and Science the school and home support that has been put in place for a person (details supplied) in County Carlow; if a full assessment of the person has been completed; if all of the recommendations from that assessment have been acted upon; and if he will make a statement on the matter. [8818/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received an application from the school in question for special educational resources, SER, for the pupil referred to by the Deputy. SER applications received between 15 February and 31 August 2003, including this application, 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. 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.

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.

263. **Ms Enright** asked the Minister for Education and Science when a full time classroom assistant will be appointed to a ten year old student (details supplied) in County Clare, who suffers from a very rare condition resulting in frequent black-outs and seizures; and if he will make a statement on the matter. [8855/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am aware of the case referred to by the Deputy. My Department has recently received an application for full time special needs assistant support for the pupil referred to by the Deputy. The school has confirmed to my Department that they will obtain and forward the relevant professional report(s) for this pupil. When the additional documentation is received, the application will be considered in the context of the criteria set out in the relevant departmental circulars and the existing level of SER provision in the school.

264. **Dr. Upton** asked the Minister for Education and Science if he will take immediate action to assist a person (details supplied) to increase the number of hours of schooling he receives; and the other measures his Department will take to assist this person and his family. [8856/04]

**Minister for Education and Science (Mr. N. Dempsey):** The child referred to by the Deputy is currently in receipt of ten hours home tuition per week which is being delivered in the school environment during the afternoon. This is in an effort to provide continuity of education and continuing contact with the school in the hope it will lead to re-integration. The National Educational Welfare Board is currently seeking a school placement and is awaiting a response from a number of schools. Pending the outcome of these efforts, my Department will continue to fund the home tuition.

265. **Mr. Neville** asked the Minister for Education and Science when a resource teacher will be sanctioned for a person (details supplied) in County Limerick, in view of the fact that this pupil was psychologically assessed on 1 March 2003 and a recommendation of five hours per week to support learning needs and ten hours per week special needs assistant was recommended. [8857/04]

**Minister for Education and Science (Mr. N. Dempsey):** 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. 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.

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.

#### Higher Education Grants.

266. **Mr. Perry** asked the Minister for Education and Science if his attention has been drawn to the difficulties encountered by a person (details supplied) in County Sligo in regard to financial assistance while at college; if he will ensure that this funding is granted in light of the circumstances outlined; the avenues available to him to secure funding; and if he will make a statement on the matter. [8858/04]

**Minister for Education and Science (Mr. N. Dempsey):** Under the terms of my Department's higher education grant schemes, the position is that, generally speaking, students entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. An approved course for the purpose of the higher education grant schemes means a full-time undergraduate course of not less than two years' duration and a full-time postgraduate course of not less than one year's duration pursued in an approved institution. An MA qualifier is not an approved course for the purposes of the schemes.

Accordingly, the candidate referred to by the Deputy is not eligible to receive a higher education grant in respect of this course. He may be considered for grant assistance after successful completion of the MA qualifier and admission to the masters degree course subject to the

prescribed terms and conditions of the schemes. The back to education allowance, BTEA, is a matter for my colleague, the Minister for Social and Family Affairs, Deputy Coughlan.

#### Special Educational Needs.

267. **Mr. J. Bruton** asked the Minister for Education and Science if, in regard to Parliamentary Question No. 252 of 9 March 2004 (details supplied), his Department has received the 18 psychological reports sent in by parents of autistic children, all of whom wish to attend the proposed CABAS school in south county Dublin; and if he will make a statement on the matter. [8990/04]

**Minister for Education and Science (Mr. N. Dempsey):** The position is as indicated in my reply to Parliamentary Question No. 252. Details in respect of 12 of the 18 children for whom the facility is proposed are still awaited. To expedite matters, my Department will contact the proposers of the facility with a view to obtaining the outstanding details.

#### Course Compliance.

268. **Mr. Rabbitte** asked the Minister for Education and Science the reason he failed to refer a case (details supplied) to the advisory committee in circumstances where the course in question did not comply with the architects directive; and if he will make a statement on the matter. [8991/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is currently making inquiries into this matter and a further reply will issue as soon as possible.

#### Qualification Recognition.

269. **Mr. Howlin** asked the Minister for Education and Science if courses offered post leaving certificate at a college (details supplied) in County Dublin, are formally recognised by his Department; if not, if the question of recognition by his Department of qualifications obtained by students at this college is under active consideration; if recommendations contained in a report (details supplied) will be implemented in the near future; the recommendations which will be so implemented; and if he will make a statement on the matter. [9010/04]

**Minister for Education and Science (Mr. N. Dempsey):** The VEC in Dun Laoghaire has indicated that all PLC courses in the Senior College Dun Laoghaire have prior sanction of the Department of Education and Science and all lead to recognised qualifications. The post leaving certificate review was commissioned to examine the sector and make recommendations as necessary regarding the organisational, support, development, technical and administrative structures and resources required in schools with large scale post leaving certificate, PLC,

[Mr. N. Dempsey.]

provision, having regard to good practice in related areas across the system and in other countries. The final report was completed in April 2003.

The recommendations of the report are wide-ranging and encompass proposals that extend beyond PLC provision. The report poses considerable challenges in regard to the shaping of structures for the delivery of further and adult education into the future. The recommendations are being considered at departmental level with a view to addressing the priority issues within the context of overall educational policy and provision.

Officials in my Department have had discussions with the management and staff representative interests in the sector to examine their respective priorities and to consider issues surrounding a number of the recommendations of the report, having regard to the implications for other areas of the education system. Further consultations with all the relevant interests with regard to prioritisation of the recommendations will be held in the period ahead.

#### Site Acquisitions.

270. **Mr. Gregory** asked the Minister for Education and Science when it is intended to allocate funding for the purchase of school sites; and if he will make a statement on the matter. [9011/04]

**Minister for Education and Science (Mr. N. Dempsey):** When publishing the 2004 school building programme, I allocated €32 million towards the acquisition of sites for primary and post-primary schools. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed.

#### Special Educational Needs.

271. **Mr. Gregory** asked the Minister for Education and Science when a person (details supplied) in Dublin 7 who has been independently psychologically assessed for dyslexia will be referred by his Department to the resource teaching at his school. [9012/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has no record of having received an application for special education resources, SER, for the pupil referred to by the Deputy. Any application received will be considered in the context of the criteria set out in the relevant Department circulars and the existing level of SER provision in the school.

#### Schools Building Projects.

272. **Mr. Rabbitte** asked the Minister for Education and Science his plans concerning

schools provision in the Laytown and Bettystown area; if his attention has been drawn to the widespread concern of local parents; if there is a strategic educational plan for this area; and if he will make a statement on the matter. [9013/04]

**Minister for Education and Science (Mr. N. Dempsey):** As I recently announced, over the remainder of this 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 in an area 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. In this way, the education needs at both primary and post primary levels in the Laytown-Bettystown area to cater for the rapidly expanding population in the area will be assessed as part of development plan to be drawn up for the area.

#### Special Educational Needs.

273. **Mr. Ring** asked the Minister for Education and Science the resource teaching hours that are allocated to a person (details supplied) in County Mayo; the psychologist who assessed him; and when he was assessed. [9014/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received an application for special educational resources, SER, from the school referred to by the Deputy in regard to 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. 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.

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.

The arrangements for processing applications received after 31 August 2003 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.

#### **Grant Aid.**

274. **Mr. Durkan** asked the Minister for Education and Science when he expects to allocate the balance of grant aid available to encourage participation in the sciences to the authorities at a school (details supplied) in County Kildare; if his attention has been drawn to the urgent need in view of the fact that the school is expected to respond to and participate in the policy decisions announced by his Department; if his attention has further been drawn to the damage likely to the schools junior syllabus in the event of further delays; and if he will make a statement on the matter. [9015/04]

275. **Mr. Durkan** asked the Minister for Education and Science when he expects to allocate the balance of grant aid available to encourage participation in the sciences to the authorities at a school (details supplied) in County Kildare; if his attention has been drawn to the need in view of the fact that the school is expected to respond to and participate in the policy decisions announced by his Department; if his attention has been further drawn to the damage likely to the schools syllabus in the event of further delays; and if he will make a statement on the matter. [9016/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 274 and 275 together.

My Department is currently examining all the applications received and upon completion of this process will issue payments to all eligible schools. To facilitate schools participating in this process, it is the intention of my Department's school building unit to have finalised this examination by mid April 2004 at the latest and to proceed at that time with the issuing of the relevant grant aid.

#### **Youth Services.**

276. **Mr. Stanton** asked the Minister for Education and Science the mechanisms through which youth groups and youth organisations and others providing facilities for youth work can apply for, and avail of, funding to enable capital and refurbishment works to be carried out on premises to be used for youth activities; the

amount of such funding made available by his Department specifically for capital and refurbishment works for youth activities in 2000, 2001, 2002 and 2003; and if he will make a statement on the matter. [9017/04]

**Minister for Education and Science (Mr. N. Dempsey):** Funding at the disposal of the youth affairs section in my Department is designed principally to ensure the provision of non-formal educational opportunities for young people. For this purpose, grant-in-aid funding is provided for youth organisations at national level under the youth service grant scheme, special youth work projects for disadvantaged young people and youth clubs and groups through the local youth club grant scheme. These schemes are of a current expenditure nature.

In 1998, the Government approved the establishment of the young people's facilities and services fund to assist in the development of preventative strategies in a targeted manner through the provision of youth facilities, including sport and recreational facilities and services in disadvantaged areas, where a significant drug problem has been identified or has the potential to develop. Decisions regarding locations from the fund are made by a national assessment committee, which is chaired by the Department of Community, Rural and Gaeltacht Affairs. My Department agreed to administer the funding to the local authorities and vocational educational committees in respect of more than 300 capital and services projects. The capital provision in respect of the YPFSF for the years 2000 to 2002 was €4.762 million, €11.0645 million and €10.254 million, respectively, and was administered by the youth affairs section. In 2003, responsibility for the YPFSF funding transferred to the Department of Community, Rural and Gaeltacht Affairs.

In addition, my Department's youth affairs section made available a once-off capital contribution of €1.27 million towards the reconstruction costs of the Limerick youth services centre, which had been announced in the 2001 budget. A capital allocation of €507,895 was provided in the post primary capital vote in 2000 towards the cost of the construction of an administrative building and resource centre of the Catholic Scouts of Ireland. A total of €457,105.71 was drawn down by June 2001 and the balance in June 2003.

In addition, a capital allocation of €1,237,994.63 was provided for An Óige in the post primary capital vote in 2000. The allocation was in respect of refurbishment works to Aughavannagh youth hostel. To date, this grant has not been drawn down by An Óige.

#### **ICT Programme.**

277. **Mr. Connolly** asked the Minister for Education and Science if he proposes to provide computer hardware for primary schools; the level of investment in computer hardware for primary

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schools; and if he will make a statement on the matter. [9132/04]

**Minister for Education and Science (Mr. N. Dempsey):** Since 1998, my Department has provided funding of more than €140 million for the schools' ICT programme, including capital grants for computer hardware and software, teacher training and a range of support services to promote ICT in teaching and learning in schools.

Under the schools IT 2000 initiative 1998-2000, €22 million was made available to primary schools in ICT capital grants while a further €35 million was provided to primary schools under the Blueprint for the Future of ICT in Education, 2001-2003. In this period, significant progress has been made in enhancing access to and use of ICT in primary schools. The average pupil to computer ratio has fallen from 37:1 to just over 11:1, every school has been provided with an Internet connection and approximately 90% of teachers have acquired basic training in the use of ICT, while many teachers have gone on to undertake further training.

Future funding for computer hardware in primary schools will be considered in the context of available resources and plans for a new schools' ICT strategy which are currently at an advanced stage of preparation in my Department.

#### Schools Refurbishment.

278. **Dr. Upton** asked the Minister for Education and Science if he will review the maintenance needs of a school (details supplied) in particular, repairs to windows and the leaking roof; and if he will make a statement on the matter. [9151/04]

**Minister for Education and Science (Mr. N. Dempsey):** Carrying out routine maintenance works in a school is the responsibility of a school's board of management. The school's management authority should use a portion of the capitation grant provided by my Department for this purpose.

More extensive works of a capital nature can be addressed by accessing funding under the summer works scheme. While an application from the school to which the Deputy refers under the 2004 summer works scheme was unsuccessful, it is open to the school's management authority to re-apply for funding for capital works as part of the 2005 scheme, details of which will be announced later this year.

#### EU Presidency.

279. **Mr. Durkan** asked the Minister for Education and Science the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of postal service or by other means in every case;

if not, the nature of the exception; the total cost to the Exchequer or EU of events to date; and if he will make a statement on the matter. [9183/04]

**Minister for Education and Science (Mr. N. Dempsey):** To date, my Department, together with bodies under the aegis of the Department and other educational bodies, has hosted nine Presidency events in the field of education and training. The information sought by the Deputy in respect of each event is set out as follows. The total costs of all events to date is not available as final payments have yet to be made.

Launch of the European Year of Education Through Sport, 29-30 January, Croke Park, Dublin — the Presidency hosted one dinner at the Royal Hospital Kilmainham during this event. The dinner was attended by the Dutch Minister for Sport and by approximately 180 delegates representing Ministries of Education and Sport and other relevant bodies in each EU member state and accession country. A number of EU Commission officials were also in attendance. No Garda motorcycle escorts were provided. Invitations were issued by post and by e-mail.

Learning in the Europe of Knowledge Conference, 6-7 February, NUI, Galway — a delegate dinner was held in Newcastle, County Galway. Some 101 delegates attended, including educational experts, lecturers and professors in third level institutions from Ireland and Europe. No Garda escort was provided. Invitations were issued by post. European Student Convention, 10-12 February, Dublin Castle — no functions or receptions were held.

Youth Ministerial Conference, 4-6 March, Dromoland Castle, County Clare — a reception and gala dinner was held on 5 March. Approximately 170 delegates attended, including several Ministers for Youth Affairs from EU and accession countries, senior officials, representatives of non-governmental organisations and two young people from each country. Several local dignitaries, including TDs and representatives of the European Parliament, the EU Commission, the European Youth Forum and the European Economic and Social Committee also attended. Garda escorts from Shannon Airport to Dromoland Castle were provided for the eight Ministers who attended, for the chairperson of the education committee of the European Parliament and the EU Commission Director for Youth, Civil Society and Communication. Invitations issued by post and e-mail.

Meeting of Directors General for Higher Education, 5-6 March, Dublin Castle — a reception was held in the Mansion House and a dinner in Farmleigh. Both events were attended by 80 people composed of delegates from EU and accession countries, delegates' spouses or partners, invited speakers, invited speakers' spouses or partners and officials from the Department. No Garda escort was provided on

either occasion. Invitations were issued on registration.

Conference on Common Approaches to Vocational Training and Higher Education, 8 March, Dublin Castle — a reception was held in Trinity College, hosted by the Tánaiste, attended by approximately 250 people, including delegates from EU and accession countries and from relevant Irish bodies. No Garda escort was provided. Invitations were issued by e-mail. A reception was held in the Chester Beatty Library at the end of the conference with delegates from the Directors General for Vocational Training and the Bologna Follow-up Group also present. Approximately 200 people attended. Invitations were issued by post and e-mail. No Garda escort was provided.

Meeting of Bologna Follow-up Group, 9 March, Department of Education and Science, Dublin — delegates attending the Bologna Follow-up Group also attended a reception at the end of the conference on Common Approaches to Vocational Training and Higher Education.

Meeting of Directors General for Vocational Training, 9 March, Dublin Castle — a dinner was held in Farmleigh attended by 70 people,

including senior officials from EU member states and accession countries. No Garda escort was provided. Invitations were sent by post.

OECD Ministers Conference, 18-19 March, Dublin Castle — a dinner was held in Farmleigh attended by 154 people, including Ministers for Education from OECD countries and senior officials. A Garda escort was provided to the venue. Invitations were hand delivered.

#### Ministerial Appointments.

280. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources the number of staff appointed by him from outside the Civil Service since the general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8332/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I have appointed four staff from outside the Civil Service since the general election in 2002. The details which the Deputy has requested in relation to these individuals is laid out in the following table:

Name	Title	Salary 2002 (June to Dec) €	Salary 2003 €	Salary 2004 (Jan to date) €	Travel & Subsistence June 2002 to date €
Richard Moore	Press advisor	47,061	97,854	24,404	2,265
Ciaran O'Cuinn	Special advisor	31,512	71,001	20,316	4,696
Myra Wall	Personal secretary	22,059	51,832	13,493	Nil
Christine Maguire	Personal assistant	23,252	55,314	15,215	Nil

#### Telecommunications Services.

281. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources his views on whether, in respect of his commitment to open up access to broadband for all, that the inclusion of a former Eircom subsidiary (details supplied) in a consortium can be interpreted as an appeasement of a major telecommunications operator, and at the same time provide an additional blocked competition in the market place; and if he will make a statement on the matter. [8396/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Arrangements for the marketing, management, operation and maintenance of the metropolitan area networks will be consistent with the Government's strategy of providing broadband infrastructure on an open access and carrier neutral basis. It is intended that this open access principle will be enshrined in a code of practice for the use of the metropolitan area networks thus ensuring that access to the infrastructure is administered on fair, transparent and non-discriminatory terms to all interested parties. The competition for the appointment of the management services entity is a public

procurement process. I have, and have had, no role in the tendering process.

#### Radio Broadcasting.

282. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the conditions required for Internet radio station approval; and his views on the feasibility of such a project by a person (details supplied) in County Mayo. [8405/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** In so far as the broadcasting sector in Ireland is concerned, the Radio and Television Act 1988 and the Broadcasting Act 2001 confer on the Broadcasting Commission of Ireland the function of arranging for the provision of sound broadcasting services, including local radio services. Sections 5 and 6 of the 1988 Act set out the process through which local radio licences may be awarded and the factors which the Broadcasting Commission of Ireland must consider. The Broadcasting Commission of Ireland is an independent statutory body and I have no role in relation to licensing decisions.

With regard to radio stations established for transmission on the Internet, these do not fall

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within the remit of the Broadcasting Commission of Ireland and as such are not subject to regulation. I have no plans to introduce regulation to this area.

#### **Marine Safety.**

283. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position in regard to the new independent agency for marine and water safety; and if he will make a statement on the matter. [8435/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** As I informed the House in my reply on 11 November 2003, my officials have been engaged in the detailed preparatory work necessary to finalise proposals for the establishment of a new independent safety agency to take responsibility for all aspects of marine safety and emergency response. The ongoing work entails a detailed examination of all existing legislative provisions relating to maritime safety and the marine environment, essential in defining the functions of the new agency. The agency will, among other things, bring together safety services currently provided by the Irish Coast Guard and the maritime safety directorate of my Department. Drafting of heads of a Bill and a memorandum for Government are well advanced and it remains my objective to bring the proposal formally to Government as quickly as possible to get the agency up and running without delay.

#### **Fisheries Protection.**

284. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the status of cod recovery plan proposals for the Irish Sea; and if he will make a statement on the matter. [8436/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** A cod recovery plan for the Irish Sea was agreed at last December's Fisheries Council and its provisions are now applicable to vessels operating there. The plan provides for a progressive recovery of the Irish Sea cod stock to a safe biological level over a period of time. The main elements to achieve this objective include limitations on catch and fishing effort, strengthened control and enforcement and also a seasonal closure during springtime to protect spawning cod aggregations. This seasonal closure covers the period from mid February to end April and was a particular priority of Ireland in its approach to the development of this recovery plan. I am satisfied that these recovery measures represent a balanced and reasonable approach to the recovery of this important stock.

#### **Mobile Telephony.**

285. **Mr. Ferris** asked the Minister for

Communications, Marine and Natural Resources his views on whether the decision requiring a company (details supply) to indemnify the State against all costs or claims that might arise from the use by that company of Garda station sites for the erection of mobile phone masts proves that these masts are not safe. [8444/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The conditions attached to the use of Garda sites for the erection of mobile phone masts is a matter for the Garda authorities and Department of Justice, Equality and Law Reform. The decision to require a company to indemnify the State against all costs or claims that might arise from the use by that company of Garda station sites for the erection of mobile phone masts does not imply that these masts are not safe. The requirement reflects the general situation where one organisation permits another over which it has no control to use its property or chattels. A legal indemnification is prudent practice in such situations. The use of such an indemnity does not imply a view that the activities in question would not be safe. If such a view was held by a responsible authority, the permission would be withheld.

#### **Fishing Vessel Licences.**

286. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position in relation to a boat licence for a person (details supplied) in County Donegal; and if he will make a statement on the matter. [8540/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The independent licensing authority for sea fishing boats, established under the Fisheries (Amendment) Act 2003, has informed me that it has issued a letter of licence offer in respect of the vessel concerned. It assures me that a licence will issue as soon as the terms and conditions of the licence offer have been complied with.

#### **Fisheries Protection.**

287. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources his views on the demand of associations (details supplied) for a permanent end to all drift net activity in and around coastal waters from the end of the 2004 salmon season. [8564/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I am aware of the demands as expressed by the associations mentioned by the Deputy in regard to drift netting for wild salmon. I take this opportunity to reaffirm the Government's commitment to the conservation of the wild salmon stock so that in the future the resource can provide the maximum contribution to the regional and national economy.

The Government views our salmon stock as a national asset, which must be conserved, protected and shared among all our citizens. As a result, a delicate balancing exercise is necessary between the needs of the coastal and inland communities who depend on fishing resources for their livelihood and the recreational users, including tourists, who each pursue the noble salmon for their own end.

We all agree over-exploitation of fish stocks is a significant threat to the long-term sustainability of the inland fisheries resource. The Government has accepted the scientific advice to the effect that reductions in the overall fishing effort are required in order to sustain and rebuild wild salmon stocks on a district basis. For this reason, the current policy has been designed to bring spawning escapement in all districts and catchments up to the level of the scientifically advised conservation limit in 2005.

With regard to commercial salmon fishing, I would argue strongly that the Government's management of the Irish home water commercial salmon fisheries, which limits the commercial salmon fishing season and restricts the number of fish being caught, clearly demonstrates a commitment to the conservation of the wild salmon stock which is in keeping with the highest international standards.

My Department has, in recent years introduced a range of conservation measures which have seen considerable advancements made in salmon policy and, in particular, the management of the drift net salmon fishery. As part of these measures, the drift net season is now confined to a two month period in June and July on a four day week basis. Fishing is only allowed during daylight hours and is confined to the area within the six mile limit.

The Department has recently published draft wild salmon and sea trout tagging scheme regulations which, *inter alia*, limit the total allowable commercial catch of salmon for the 2004 season. The current strategy of developing a sustainable commercial and recreational salmon fishery through aligning catches on the scientific advice by next year holds out the strong prospect of a recovery of stocks and of a long term sustainable fishery for both sectors.

#### **Services for Person with Disabilities.**

288. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources the money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the amount of money allocated to enabling persons with disabilities to more easily access services of his Department. [8643/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** There was no specific allocation by my Department in 2003 or 2004 to directly fund services for persons with disabilities. In terms of enabling access to my Department for persons with disabilities, the

refurbishment of the reception to the Department's offices in Leeson Lane incorporated a number of items to facilitate and enhance access for persons with disabilities. The Department's offices in Adelaide Road have also been refurbished and access for persons with disabilities enhanced as part of that project. While it is not possible to accurately separate the cost of these items from the overall cost of the contract, it is estimated that the cost was in the region of €61,500 plus VAT.

#### **Harbours and Piers**

289. **Mr. N. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources when he proposes to make funding available to a local authority (details supplied) to complete very necessary works. [8719/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Knockadoon Pier is owned by Cork County Council and responsibility for its repair and maintenance rests with the local authority in the first instance. In July 2003, Cork County Council made an application to my Department for funding to carry out works at Knockadoon slipway at an estimated cost of €94,500. There was no funding available in 2003 for these works. The question of providing funding in the 2004-06 period will depend on the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

#### **Departmental Schemes.**

290. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the action he is taking to extend three phase electricity to rural areas; and if he will make a statement on the matter. [8732/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** My Department administers the farm electrification grant scheme which subsidises the installation of electricity supply to farms located in disadvantaged areas which are without supply or where supply is inadequate to facilitate their development and modernisation. Both single phase and three phase installations are eligible for assistance under the scheme. Apart from that, the question of availability of three phase supply is a matter for the electricity sector players and not one in which I have a function.

#### **Motor Ferry Employees.**

291. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources if he will assist the 75 mostly European crew of a motor ferry (details supplied) operating out of Cork; and if he will give them the maximum advice, support and assistance. [8988/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I have no



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 statutory function in regard to seafarers' wages. Terms and conditions of employment in respect of the seafarers operating on board the super ferry is primarily the responsibility of the ship owners. The super ferry is not registered on the Irish ship register. Obligations on the ship's owners regarding maintenance, crewing standards and certification of those matters are appropriate to the flag state operating the ship's register, which in this instance is St. Vincent and the Grenadines.

The primary concern of my Department is to ensure that all sea-going vessels operate in a safe manner and in compliance with all the relevant regulations and legislation. This is in accordance with the International Labour Organisation, ILO, Convention No. 147, article 4, which authorises port states to take measures necessary to rectify any conditions on board a vessel which are clearly hazardous to health. In this regard, the maritime safety directorate of my Department regularly inspects the super ferry under port state control and EU mandatory ro-ro vessel inspection procedures, to ensure that the vessel complies in every respect with international maritime safety requirements.

#### **Fishery Inspectors.**

292. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the action he intends to take to settle the industrial dispute with the fishery inspectors which affects the fish processing industry by the Department's ban on landings between midnight and 8 a.m.; if his attention has been drawn to the fact that boats are now landing outside of this country and thus seasonal workers are being denied the right to work by the actions of his Department; and if the Minister will compensate the fish processing workers for loss of earnings and the fishermen for additional transport costs. [9073/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The new landing times for pelagic fish have been imposed because of more stringent monitoring controls and weighing procedures recently introduced by the European Commission in regard to the mackerel, horse mackerel and north west herring fisheries. These new rules are designed to facilitate effective control of pelagic fisheries. Such control is a key element in fisheries management policy and enables the sustainable management and development of the fisheries concerned. This is an entirely valid policy objective and I fully support it.

In implementing the new EU procedures, my Department has acceded to industry requests to allow landings at a variety of ports around the coast. The immediate impact of that decision was that some restrictions had to be placed on permitted landing time at the range of permitted

ports. The permitted times for landing are between 8.00 a.m. and midnight on weekdays and 8 a.m. to 6 p.m. on weekends and public holidays. This represents fairly comprehensive coverage given the constraints on staffing resources. While a 24 hour coverage would be an ideal situation, there are certain organisational and resource realities that my Department has had to consider and the current rate of coverage is a reasonable response in the prevailing circumstances.

I, and my Department officials, continue to work closely with the industry in the implementation of these new requirements. We have worked together in the past few weeks to put in place certain transitional arrangements which are both effective in control terms and also satisfy the legitimate requirement of both fishermen and processors to maintain the quality of catches. This process will continue and I am confident practical problems can be resolved in a mutually satisfactory manner. In this context, I have not ruled out a possible extension to the existing permitted hours of landing going forward provided that a clear justification exists and that sufficient resources are available to support any such changes.

The supply of fish to fish processing plants has always been subject to the influence of many factors including weather, the location of where the fish is being caught and the prices paid at different ports. A significant proportion of the catches in the spring pelagic fisheries have normally been landed abroad. The choice of where fish is landed, whether into ports within Ireland or elsewhere, cannot be directed by me and is a matter solely for the individual fishing skippers. Under the current arrangements, the maximum possible waiting period in Irish ports of up to eight hours during a weekday and up to 14 hours during a weekend is substantially less than the time that is often spent by these vessels sailing to alternative landing ports outside Ireland. Clearly, the choice of some skippers to land some pelagic catches abroad is not determined by the limited restrictions on night time landings.

#### **EU Presidency.**

293. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the cost to the exchequer or EU of events to date; and if he will make a statement on the matter. [9184/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The following table sets out the EU Presidency events undertaken to date by my Department. Final costs are not yet available.

## Department of Communications, Marine and Natural Resources Presidency events.

Date	Event	Number/Status invited	Involvement of Garda Motor Cycles	Method of invitation
01-03 March	Broadcasting Conference — Dublin	30 Ministers 80 Delegates	Yes	Letter
10-11 March	Ministerial Fisheries Conference — Dundalk	25 Ministers 105 Delegates	Yes	Letter and E-mail
17 March	International Maritime Organisation — Sub-committee on Flag State Implementation, 12th session — St. Patrick's Day reception — IMO, London	200 Delegates	No	Verbal by announcement at the meeting

**Dissolution of Board.**

294. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources when a board (details supplied) was informed of its dissolution and the structure in place in the interim; and if he will make a statement on the matter. [9206/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Donegal County Council has been wholly responsible for the management, control and operation of Buncrana Harbour since December 1999. Following consultation between the various interested parties, the Buncrana Harbour Commissioners, which had operated the harbour under the Harbours Act 1946, was dissolved by means of an order, S.I. No. 394 of 1999, made under section 88 of the Harbours Act 1996. On dissolution, all property, rights and liabilities and every member of staff of the harbour authority transferred to Donegal County Council.

**Ministerial Appointments.**

295. **Ms Enright** asked the Minister for Arts, Sport and Tourism the number of staff appointed by him from outside the Civil Service since the general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8333/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Since the general election in 2002, I have appointed two people from outside the Civil Service to positions in my Department. The appointees are my personal assistant and my personal secretary. The total salary paid to these appointees since June 2002 is €137,585.69. The total paid to date in expenses is €34,488.21. These appointments are in accordance with the Department of Finance guidelines on such matters.

**National Conference Centre.**

296. **Cecilia Keaveney** asked the Minister for Arts, Sport and Tourism the position in regard to the national conference centre; and if he will make a statement on the matter. [8434/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As I informed the House on 25 February last, four submissions were received by the Office of Public Works in response to its advertisement for expressions of interest in the provision of a national conference centre in the Dublin area.

Those submissions are currently undergoing detailed evaluation by an assessment panel representative of my Department, the Office of Public Works and its advisers, the Department of Finance, Fáilte Ireland and the National Development Finance Agency. A separate panel will subsequently evaluate the site proposals that candidates were also required to put forward, following which the next stage of the process will be initiated with a view to securing a final decision from Government in the autumn. Subject to the acceptability of proposals, the national conference centre could, as envisaged in the expressions of interest notice, be constructed before the end of 2007.

**Tax Relief.**

297. **Mr. P. Breen** asked the Minister for Arts, Sport and Tourism if he has received correspondence from an organisation (details supplied) in County Clare; the action he will take in regard to the correspondence under the Taxes Consolidation Act 1997; and if he will make a statement on the matter. [8549/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Section 847A of the Taxes Consolidation Act provides for a scheme for tax relief for relevant donations to an approved sports body for the funding of approved projects. This scheme is administered jointly by the Revenue Commissioners and my Department. My Department's sole function is to certify that the project is a sports project.

It is a requirement under the scheme that the applicant be recognised as a sports exempt body under section 235 of the Taxes Consolidation Act. Sports exempt certification is provided by the Revenue Commissioners alone. This certification by the Revenue Commissioners states that a body is established and existing for

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the sole purpose of promoting sport, whose income is exempt from income-corporation tax.

An application to this scheme was received by my Department earlier this year from the organisation in question. However, this organisation is not recognised by the Revenue Commissioners as a sports exempt body and as a result its project does not qualify for consideration under this scheme.

#### **Sports Capital Programme.**

298. **Mr. Ring** asked the Minister for Arts, Sport and Tourism when funding will be made available under the sports capital programme 2004; and if he will sanction funding to a centre (details supplied) in County Mayo under this programme. [8550/04]

**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 1,304 applications were received before the closing date, including one from the organisation in question. All applications are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

#### **Dance Training.**

299. **Mr. Gormley** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the fact that there is currently no dance training to professional level available for dance students here; if he has plans to fund dance students who have no choice but to live and train abroad; and if he has plans to provide a comprehensive dance education system and an academy for the performing arts. [8566/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I refer the Deputy to my reply to Question No. 225 on 17 December 2003.

#### **Services for People with Disabilities.**

300. **Mr. Stanton** asked the Minister for Arts, Sport and Tourism the money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the money allocated to enabling persons with disabilities to more easily access services of his Department. [8644/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Under the national lottery funded sports capital programme, which is administered by my Department, funding is available to sporting clubs and organisations and to voluntary and community organisations, including organisations representing people with disabilities at local, regional and national levels throughout the country towards the provision of sporting facilities and equipment. It is a requirement of the programme that projects funded be accessible to those with disabilities.

Under the 2003 sports capital programme, €56.35 million was allocated to 628 projects. The type of projects involved include indoor sports halls, community centres, athletic tracks, all-weather playing pitches, basketball courts, provision of sports equipment and a variety of other sports facilities, all of which can be used by disabled persons. In terms of specific allocations to organisations representing the disabled under the 2003 programme, grant aid of €100,000 was allocated to the Irish Wheelchair Association and €3,000 to the Laois Riding for the Disabled Association under the 2003 programme.

Funding in 2003 included €350,000 allocated to the AUL complex in Clonshaugh and €275,000 to Morton stadium to refurbish and improve their facilities for hosting the soccer and athletics competitions of the 2003 Special Olympics World Games. In 2003, my Department also paid the final 5% of the €19.05 million grant allocated in 2001 to ensure that facilities at Croke Park were ready for the games.

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 1,034 applications were received before the closing date, all of which are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

In addition, the Irish Sports Council, from the funding provided by my Department, provided annual grants to a number of organisations representing the disabled, such as the Paralympic Council of Ireland, Special Olympics Ireland, Cerebral Palsy Ireland, Irish Blind Sports Association, Irish Deaf Sports Association and the Irish Wheelchair Association and also to individual elite competitors with disability to assist with their programmes and activities. In 2003, €9.05 million was allocated from my Department's Vote to assist towards the costs of preparing for and staging the Special Olympics World Summer Games.

There is no provision within my Department's Vote specifically allocated to enabling persons with disabilities to more easily access the services of my Department. However, I am happy to say

that my Department's website has been certified for maximum possible accessibility for users with disabilities and is monitored on a monthly basis to ensure it continues to be fully accessible.

The main services of my Department used by the public are provided by the cultural institutions — the National Museum, the National Library and the National Archives — which form part of my Department. The capital expenditure for new construction and refurbishment in regard to these institutions is provided by the Office of Public Works and the provision of access for disabled persons is incorporated to the extent that is practicable.

### **Sports Capital Programme.**

301. **Mr. Ferris** asked the Minister for Arts, Sport and Tourism when the grant application by An Tinteán Theatre, Ballybunion, which was submitted more than two years ago, will be assessed; and when they will get a reply. [8742/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** A capital grant of €825,000 was allocated by my Department to this project in December 2001, to assist with the development of phase 1 of the project, which involves the construction of an auditorium with associated administration and backstage facilities. My officials have been in regular contact with the promoters of this project and €675,000 was paid to the promoters in December 2003. The balance will be paid on submission by the promoters of the appropriate documentation. In addition, I announced yesterday that a grant of up to €709,803 has been allocated to this project under the EU co-financed tourism product development scheme, operated by Fáilte Ireland.

302. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism if he will approve a grant for a club (details supplied) in County Kerry from the national lottery; and if he will make a statement on the matter. [8743/04]

**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 1,304 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.

303. **Mr. O'Connor** asked the Minister for Arts, Sport and Tourism the contacts he has had with the Institute of Technology in Tallaght regarding the need for the development of sports facilities at this institution; if his attention has been drawn to the anxiety of the college's student union to see progress in the matter; and if he will make a statement on the matter. [8744/04]

**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 1,304 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.

### **Grant Payments.**

304. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the applications for funding to support potential sporting or art events submitted to his Department for the years 2004, 2005 and 2006; the decision of his Department in regard to such funding or assistance; and if he will make a statement on the matter. [8892/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** A total of 117 applications for cultural events taking place abroad were received by my Department for consideration by the cultural relations committee. Of these, 70 applications were successful, 40 were not recommended for funding and seven are to be considered by the committee at its next meeting. No applications have yet been received in respect of events in 2005 or 2006.

Apart from the above my Department does not fund sporting or art events directly. A range of sporting and arts events are funded through various schemes and programmes operated by the State agencies under my Department's remit. Information in respect of these events may be attained directly from the State agencies concerned.

### **Sports Capital Programme.**

305. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the applications received from national or local sporting bodies of all sports for

[Mr. Wall.] facilities or the provision of such facilities at Abbotstown sports centre; the meetings the Minister or his Department has had with the various bodies; the criteria used to process such applications; the guidelines in regard to capital sports grants such as to permit associations to make applications with the provision of facilities at Abbotstown thereon; and if he will make a statement on the matter. [8893/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Government has agreed to proceed with the development of state-of-the-art sporting infrastructure at Abbotstown. In February I met the board of Campus and Stadium Ireland Development Limited. I outlined the Government's views for the sports campus to the members of the board and asked them to provide me with a phased and prioritised proposal, with a sporting and business case and annual budgets, which would deliver the component elements of the campus within a realistic timeframe by building on and updating the existing framework plan for the site, in consultation with the various interested parties and taking account of developments which have taken place in the meantime.

The campus will very likely include pitches and training facilities, administrative facilities for the smaller sporting bodies who depend very largely on voluntary commitment. It might also include medical and training support for elite athlete development and, eventually, an indoor sporting arena, which it is expected would attract private sector investment.

CSID has been given the responsibility for translating this concept into an action plan for delivery and overseeing a programme of development that, over time, will be seen as accomplishing a major transformation in the quality of Ireland's sporting infrastructure. I understand that it has commenced the process of consultation with the various interested parties, in particular the national governing bodies of sport.

306. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if a sports capital grant for 2004 will be awarded to a company (details supplied) in County Galway; and if he will make a statement on the matter. [9123/04]

307. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if a sports capital grant for 2004 will be paid to a company (details supplied) in County Galway; and if he will make a statement on the matter. [9124/04]

308. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if a sports capital grant for 2004 will be paid to a company (details supplied) in County Galway; and if he will make a statement on the matter. [9125/04]

309. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if a sports grant for 2004 will be paid to a company (details supplied) in County

Galway; and if he will make a statement on the matter. [9126/04]

310. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if a sports capital grant for 2004 will be awarded to a company (details supplied) in County Galway; and if he will make a statement on the matter. [9127/04]

311. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if a sports capital grant for 2004 will be awarded to a company (details supplied) in County Galway; and if he will make a statement on the matter. [9128/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 306 to 311, inclusive, together.

The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. This 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 1,304 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.

#### **National Cultural Institutions.**

312. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism if his Department has received a request for additional staffing from the National Museum of Ireland following implementation of the National Cultural Institutions Act 1997; the levels of additional staffing requested; the levels of additional staffing to be allocated; and if he will make a statement on the matter. [9153/04]

313. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the provisions of the National Cultural Institutions Act 1997 which have yet to be implemented; the timescale for the full implementation of the Act; and if he will make a statement on the matter. [9154/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I propose to take Questions Nos. 312 and 313 together.

The main provisions of the National Cultural Institutions Act 1997 that have not yet been brought into effect relate to the establishment of statutory boards for the National Museum of Ireland and the National Library of Ireland for the purpose of granting these institutions

autonomous status. Work has been proceeding with a view to bringing the relevant provisions into force. However, it is not the intention to grant autonomous status unless the resources available to the institutions are adequate to enable them thereafter to function satisfactorily.

To date, the finance and human resource functions for these institutions have been carried out by my Department and, at a minimum, resources necessary to allow those functions to be transferred must be provided to the institutions. The National Library of Ireland has sought an additional 12 posts in the context of autonomy. The National Museum of Ireland has sought a total of 93 additional posts in the context of its ten-year capital expansion programme and the granting of autonomous status. The granting of autonomous status and the bringing into effect of the remaining provisions of the Act are dependent on the resolution of the issues

surrounding staff resources. In this regard, discussions are ongoing with the Department of Finance, in the context of current Government policy on staff numbers in the public sector.

#### EU Presidency.

314. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the cost to the exchequer or EU of events to date; and if he will make a statement on the matter. [9185/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The following tabular statement sets out the information requested by the Deputy on EU Presidency events held to date.

Event	Detail	Date	Invites	Status of those attending	Garda Escorts	Total Spend €
Cultural Programme	Cultural Programme Launch (Dublin)	7 January	1000 posted	Minister, Arts community, Media, Department Officials, Embassies	No	11,500
	Danu Concert (Brussels)	12 January	1500 posted	Minister, Brussels Diplomatic Community, Department officials, Media	No	48,200
	Gallery of Photography Exhibition Launch (Brussels)	12 January	100 by e-mail	Minister, Artists, Diplomatic staff,	No	1,000
	National Gallery — New Frontiers (Dublin)	2 March	1000 posted	Minister, Ambassadors, Ministers of Culture, Arts community, Sponsors, Media, Department officials	No	12,500
	Music Tours Launch (Dublin)	9 March	500 posted	Minister, Ambassadors, Arts community, Participating musicians, Media, Department officials	No	7,500
Official Events	Seminar on Literature as a means of promoting Linguistic Diversity (Killarney, Kerry)	11-12 March	10 posted 66 by e-mail	Minister, EU Cultural Affairs Committee, Sectoral Representatives, Department officials	No	100,000
TOTAL €	180,700					

#### Health Board Services.

315. **Mr. G. Mitchell** asked the Minister for Health and Children if speech therapy will be provided for a person (details supplied) in Dublin 8. [8344/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health related services, including speech and language therapy, for people with physical and/or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the Eastern Regional Health Authority

with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

#### Adoption Services.

316. **Mr. Stanton** asked the Minister for Health and Children the number of children adopted from outside the State each year in 2000, 2001, 2002, 2003 and to date in 2004; the countries of origin in each case; and if he will make a statement on the matter. [9026/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Adoption Board, which is an autonomous body, collects the information requested. My Department has

[Mr. B. Lenihan.]  
asked the CEO of the board to reply directly to the Deputy.

### Heart Disease.

317. **Mr. Deenihan** asked the Minister for Health and Children the deaths due to heart disease in each health board region for the years 2000 and 2003; and if he will make a statement on the matter. [8267/04]

318. **Mr. Deenihan** asked the Minister for Health and Children the deaths due to cardiovascular diseases in County Kerry for both males and females in the years 2000, 2001, 2002 and 2003 respectively; and if he will make a statement on the matter. [8268/04]

**Minister for Health and Children (Mr. Martin):**  
I propose to take Questions Nos. 317 and 318 together.

The information sought by the Deputy is in the following tables.

#### Deaths of residents in Kerry classified by cause of death and sex

##### Year of occurrence: 2000

		All	Male	Female
393-398	Acute rheumatic fever	2	0	2
401-405	Hypertensive disease	15	8	7
410-414	Ischaemic heart disease	312	169	143
415-417	Diseases of pulmonary circulation	5	4	1
420-429	Other forms of heart disease	97	49	48
430-438	Cerebrovascular disease	118	58	60
440-448	Diseases of arteries, arterioles and capillaries	43	24	19
451-459	Diseases of veins and lymphatics, and other diseases of circulatory system	9	4	5
All		601	316	285

##### Year of occurrence: 2001

		All	Male	Female
401-405	Hypertensive disease	16	10	6
410-414	Ischaemic heart disease	278	159	119
415-417	Diseases of pulmonary circulation	2	2	0
420-429	Other forms of heart disease	87	50	37
430-438	Cerebrovascular disease	104	55	49
440-448	Diseases of arteries, arterioles and capillaries	40	25	15
451-459	Diseases of veins and lymphatics, and other diseases of circulatory system	5	2	3
All		532	303	229

##### Year of registration: 2002

		All	Male	Female
393-398	Acute rheumatic fever	2	0	2
401-405	Hypertensive disease	18	6	12
410-414	Ischaemic heart disease	288	149	139
415-417	Diseases of pulmonary circulation	2	1	1
420-429	Other forms of heart disease	82	46	36
430-438	Cerebrovascular disease	110	54	56
440-448	Diseases of arteries, arterioles and capillaries	40	25	15
451-459	Diseases of veins and lymphatics, and other diseases of circulatory system	12	6	6
All		554	287	267

Year of registration: 2003 (1st, 2nd and 3rd quarter)

		All	Male	Female
401-405	Hypertensive disease	11	5	6
410-414	Ischaemic heart disease	180	111	69
415-417	Diseases of pulmonary circulation	2	1	1
420-429	Other forms of heart disease	63	31	32
430-438	Cerebrovascular disease	83	39	44
440-448	Diseases of arteries, arterioles and capillaries	23	9	14
451-459	Diseases of veins and lymphatics, and other diseases of circulatory system	3	0	3
All		365	196	169

Year of occurrence: 2000

Healthboard area of residence	All
Eastern	3,775
South-Eastern	1,384
Midland	766
North-Eastern	1,062
Mid-Western	1,169
Southern	2,217
West	1,440
North-Western	853
All	12,666

Year of occurrence: 2003

(1st, 2nd and 3rd quarter available to date)

Healthboard area of residence	All
Eastern	2,548
South-Eastern	917
Midland	506
North-Eastern	646
Mid-Western	738
Southern	1,404
West	1,023
North-Western	565
All	8,347

### Hospitals Building Programme.

319. **Mr. P. McGrath** asked the Minister for Health and Children when the builders' warranty on phase 1 and the new accident and emergency department of the new James Connolly Memorial Hospital expire. [8269/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the capital development at James Connolly Memorial Hospital, phase 1, is a matter for the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive of the authority to

investigate the matter raised by the Deputy and to reply to him directly.

### Hospital Waiting Lists.

320. **Mr. F. McGrath** asked the Minister for Health and Children the reason the waiting list for new patients for both diabetes and endocrine disease is still 16 months at Beaumont Hospital; and if he will make a statement on the matter. [8270/04]

321. **Mr. F. McGrath** asked the Minister for Health and Children if he will appoint and fund four full-time diabetes consultants for Beaumont Hospital, Dublin; and if he will make a statement on improving the services for patients who have to wait 16 months. [8271/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 320 and 321 together.

Services at Beaumont Hospital are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to examine the issues raised and to reply to the Deputy directly.

### Hospital Services.

322. **Ms McManus** asked the Minister for Health and Children if his attention has been drawn to the fact that there is no dietician in St. Columcille's Hospital, Loughlinstown; the reasons this is so; when the post is to be filled; and if he will make a statement on the matter. [8272/04]

**Minister for Health and Children (Mr. Martin):** Any proposal to develop services at St. Columcille's Hospital, Loughlinstown, is a matter for consideration by the Eastern Regional Health Authority in the first instance. My Department has, therefore, asked the regional chief executive of the authority to investigate the matters raised by the Deputy and to reply to her directly.

### Home Help Services.

323. **Mr. Wall** asked the Minister for Health and Children the reason a person (details



[Mr. Wall.]  
supplied) in County Kildare has had their home help hours cut; if there is medical evidence to support such a reduction; the plans his Department has to review such reductions; the number of hours allocated to the person now; and if he will make a statement on the matter. [8273/04]

**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 Kildare area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### Organ Donation.

324. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children his plans to introduce an organ donation scheme such as found in several other European countries in which consent to donate is presumed unless an opt-out form is signed. [8302/04]

332. **Mr. O'Shea** asked the Minister for Health and Children the discussions he has had with the Minister for Transport in regard to introducing an organ donation scheme using the new plastic card formatted driving licence; and if he will make a statement on the matter. [8347/04]

343. **Mr. Deenihan** asked the Minister for Health and Children if he will consider introducing an organ donation scheme using the new plastic card formatted driving license, which will be introduced shortly; and if he will make a statement on the matter. [8391/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 324, 332 and 343 together.

There are two systems that can be used to ascertain an individual's wishes on organ donation: the opt-in system and the opt-out system. The former system, which operates in this country, requires that the specific consent to donation of each person, or their relatives, be obtained before organs or tissues are removed. The opt-out system presumes that all citizens consent to donation unless they have specifically expressed a wish to the contrary. The practice in this country is that where a person has indicated his or her willingness to donate organs by way of carrying an organ donor card, or a driving licence marked accordingly, the consent of the next-of-kin is always sought.

Even where opt-out systems are in operation, the relatives of the deceased are approached as part of the donor screening process to seek a medical history of any high-risk behaviour. Thus, the relatives will always be aware that a donation

is being considered and can register an objection to the donation.

I understand that the European Commission is considering the question of legislation in respect of organ transplantation, including the issue of consent, and proposes to conduct a thorough scientific evaluation. It will present a report to the Council of the European Union on its analysis as soon as possible.

In the meantime I am proposing to establish, in the near future, an expert group to examine organ donation, procurement and utilisation policy in Ireland as part of the national health strategy's commitment to develop organ transplantation services with a view to increasing donation and utilisation rates. I would be happy to have the issue raised by the Deputies considered by the group in the course of its work.

#### Hospitals Building Programme.

325. **Mr. O'Connor** asked the Minister for Health and Children if there are plans to negotiate a public private partnership arrangement in respect of the need for the immediate redevelopment of the Millbrook Lawns health centre, Tallaght, Dublin 24; if his attention has been drawn to the obvious potential in this regard; and if he will make a statement on the matter. [8303/04]

**Minister for Health and Children (Mr. Martin):** The identification, prioritisation and provision of health centres to meet the health and personal social service needs of local communities are matters for the health boards or the Eastern Regional Health Authority, ERHA. In the case of Millbrook Lawns health centre, this responsibility rests with the ERHA.

I am not aware of any plans to negotiate a public private partnership arrangement in respect of Millbrook Lawns health centre. However, the ERHA has recently submitted proposals for the development of this centre costing in the region of €1 million. These are currently being considered by my Department in the context of an examination of overall capital priorities for 2004. This examination will be completed shortly and my Department will then be in a better position to revert to the ERHA about progressing this project.

#### Hospital Services.

326. **Mr. F. McGrath** asked the Minister for Health and Children if the maximum advice and assistance will be given to a person (details supplied) in Dublin 5 on their peripheral vision and their attempt to claim assistance. [8317/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of ophthalmic services to eligible persons in Dublin 5 is a matter for the Eastern Regional Health Authority. My Department has asked the regional chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

### Eating Disorders.

327. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the number of specialist consultants in the State specialising in eating disorders; the other services available to those suffering from eating disorders; if there is a strategy in place for addressing this growing public health problem; and if he will make a statement on the matter. [8319/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Persons presenting with eating disorders are generally treated through the psychiatric services of their local health board. Out-patient psychiatric services are provided from a network of hospitals, health centres, day hospitals and day centres. Where in-patient treatment is deemed necessary, it is provided in the local acute psychiatric unit or hospital, beds being allocated on the basis of patient need at any particular time.

A tertiary referral service for eating disorders is available to public patients in St. Vincent's Hospital, Elm Park, Dublin where three in-patient beds are designated for this purpose. A similar service is available privately at St. Patrick's Hospital, James's St, Dublin and at St. John of God Hospital, Stillorgan, County Dublin.

The number of consultants in the State specialising in eating disorders is not known, as eating disorders do not represent a recognised consultant specialty or special interest post in the context of the appointment of consultants. However, it is acknowledged that many physicians, paediatricians and psychiatrists have developed particular expertise in the area.

Later this year, the working group on child and adolescent psychiatry will commence the preparation of a report on services for people with eating disorders and how they can best be developed in the short, medium and long term.

### Home Help Services.

328. **Mr. Carey** asked the Minister for Health and Children the reason 1.5 hours home help service is being withdrawn from a person (details supplied) in Dublin 11; and if he will make a statement on the matter. [8321/04]

**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 11 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 direct to him as a matter of urgency.

### Departmental Staff.

329. **Ms Enright** asked the Minister for Health and Children the number of staff appointed by him from outside the Civil Service since the

general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8334/04]

**Minister for Health and Children (Mr. Martin):** Since the General Election in 2002 there has been one appointment to the post of press officer to my office from outside the Civil Service. The total amount for salary and expenses paid from 6 June 2002 to 26 March 2004 is €119,337.84 broken down as €115,616.91 for salary and €3,720.93 for expenses.

### Genetically Modified Organisms.

330. **Mr. Eamon Ryan** asked the Minister for Health and Children if a moratorium on the importation of genetically modified foods is still in existence here; the regulations governing the actions of retailers importing foods from the United States or other countries in this regard; and the regulations that are required for the labelling of foods, which may contain genetically modified ingredients from genetically modified plants. [8340/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** There is no moratorium on genetically modified foods in Ireland or the EU. The *de facto* moratorium in the EU on genetically modified organisms, GMOs, relates to the fact that since October 1998, no new GMOs have been authorised for release into the environment under Directive 90/220/EC, or as food under the novel food Regulation 285/97. The EU's regulatory regime has since been updated to better address the challenges posed by modern biotechnology. Under EU rules, only authorised genetically modified foods, or foods containing ingredients thereof, can be imported and placed on the market. Ireland applies EU legislation on GM foods.

Several EU regulations, including 258/97, 1139/98, 49/2000 and 50/2000, govern the labelling of food products containing GMOs. These will be either amended or repealed by a new regulation on GM food and feed 1829/2003, which repeals 1139/98, 49/2000 and 50/2000. Regulation 1830/2003 stipulating traceability and labelling rules for GMOs and any derived food has also been adopted. These regulations become applicable in April of this year, and will require foods produced from GMOs to be labelled irrespective of whether DNA or protein of GM origin is present in the final product.

Consequently, highly refined or processed food such as starch, sugar and oil products which may not contain any detectable DNA or protein from the original GMO and until now did not require GM specific labelling, will require specific labelling if derived from GMOs. A traceability system will also be put in place to verify the GM origin of the food where DNA or protein is not detectable. Labels will have to indicate either

[Mr. T. O'Malley.]

“This product contains genetically modified organisms” or “... produced from genetically modified (name of organism)”. Operators will have to comply with these new provisions on labelling from April 2004.

Trace levels of GMOs in conventional food and feed can and do arise during cultivation, harvest, transport and processing. This is not particular to GMOs but can occur in the production of food, feed and seed with the result that it is very difficult to achieve products that are 100% pure. Against this background, the EU's objective is to ensure legal certainty and establish certain thresholds above which conventional food and feed have to be labelled as consisting of, or containing, or being produced from a GMO.

Under current legislation the presence of GM material in conventional food does not have to be labelled if it is below 1% and if it can be shown to be adventitious and technically unavoidable. The EU has now revised this to a threshold of no higher than 0.9% that will apply from April of 2004.

The FSAI is the competent authority in Ireland for the enforcement of EU legislation regarding genetically modified foods. The FSAI carries out checks on the marketplace for compliance with the GM legislation and since 2000 has found that any GM ingredients found in foods were authorised and complied with GM labelling.

#### Hospital Services.

331. **Mr. McGinley** asked the Minister for Health and Children when a person (details supplied) in County Donegal will be called for urgent orthodontic treatment. [8346/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of orthodontic treatment to eligible persons in County Donegal rests with the North Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

*Question No. 332 answered with Question No. 324.*

#### Cancer Treatment.

333. **Mr. O'Shea** asked the Minister for Health and Children his views on whether, when the three modalities of cancer treatment are provided together on one site, outcomes are maximised by at least 20%; and if he will make a statement on the matter. [8349/04]

334. **Mr. O'Shea** asked the Minister for Health and Children if cancer patients in Dublin, Cork and Galway will have at least a 20% better outcome in overall mortality as opposed to patients who do not receive the three modalities of cancer treatment on the same site; and if he will make a statement on the matter. [8350/04]

335. **Mr. O'Shea** asked the Minister for Health and Children if cancer patients in the south-east, mid-west and north-west will have to leave their region in order to have radiotherapy treatment; and if he will make a statement on the matter. [8351/04]

336. **Mr. O'Shea** asked the Minister for Health and Children if multidisciplinary cancer care, whereby the three modalities of treatment are provided together, will be available at the proposed two units in Dublin as well as in Cork and Galway; and if he will make a statement on the matter. [8353/04]

337. **Mr. O'Shea** asked the Minister for Health and Children if cancer patients from the south-east, mid-west and north-west requiring the three modalities of treatment, will not receive the three modalities on one site; and if he will make a statement on the matter. [8354/04]

338. **Mr. O'Shea** asked the Minister for Health and Children if the reason for downgrading St. Luke's Hospital, Dublin, is that in regard to multidisciplinary cancer care, the hospital only offers one of the three modalities of treatment; and if he will make a statement on the matter. [8355/04]

339. **Mr. O'Shea** asked the Minister for Health and Children the proposals he has to ensure that terminally-ill cancer patients requiring radiotherapy will not be disadvantaged due to residing far from Dublin, Cork or Galway; and if he will make a statement on the matter. [8356/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 333 to 339, inclusive, together.

The Government's objective is to provide a model of cancer care, which ensures that patients with cancer receive the most appropriate and best quality of care regardless of their place of residence. In order to achieve this objective, an integrated and co-ordinated approach is required, which encompasses prevention, screening, cancer treatment — including medical, surgical and radiation oncology — education, training and research.

I launched the report the Development of Radiation Oncology Services in Ireland in October 2003. Its recommendations have been accepted by Government. The group, which prepared the report, formulated guidelines for the development of additional radiation therapy facilities as follows. A sufficient patient population should exist within a proposed catchment area to support the future development of a radiation oncology service. A radiation oncology service should enable maximum patient access to the highest quality service. Other clinical specialties and support services that enable the appropriate function and development of a radiation oncology centre and/or supra-regional cancer centre should exist

on the site. Radiation oncology must be part of organised multidisciplinary cancer care. A radiation oncology service should take account of patient groups with special needs. A radiation oncology service should develop links between those hospitals providing radiation oncology care and other hospitals involved in the provision of cancer care but without physical treatment facilities. Where radiation oncology facilities are not available on site, it will be important to provide appropriate outreach services particularly through the development of joint clinical and other appointments between hospitals and/or health boards.

I am satisfied that the application of these guidelines in the development of radiation oncology services as part of a multidisciplinary cancer service will best ensure that cancer patients have access to the highest quality of care.

The Government has agreed that a major programme is now required to rapidly develop clinical radiation oncology treatment services to modern standards and that the first phase of the programme will be the development of a clinical network of large centres in Dublin, Cork and Galway. The development of these centres as a clinical network is of paramount importance and will, in the shortest possible timeframe, begin to address the profound deficit in radiation oncology services that has been identified in the report.

I have provided resources to begin to implement the report's recommendations. Specifically, I have approved the purchase of two additional linear accelerators for the supra-regional centre at Cork University Hospital, CUH, and the necessary capital investment amounting to over €4 million to commission this service as rapidly as possible. In 2004, €1 million ongoing revenue funding is being made available for this development which will improve services for cancer patients in the Southern, Mid-Western and South Eastern Health Board regions.

I have approved the appointment of an additional consultant radiation oncologist at CUH with sessional commitments to the South Eastern Health Board. I shortly expect to be in a position to announce the approval of a further consultant radiation oncologist with significant sessional commitments to the Mid-Western Health Board. I have also approved the appointment of a project team to prepare a brief for the rapid expansion of current capacity at CUH from four to eight linear accelerators.

I am making available €2.5 million ongoing revenue funding this year to the supra-regional centre at University College Hospital, Galway, UCHG. This centre is constructed and the equipment is being commissioned. I have approved the appointment of an additional consultant medical oncologist and two consultant radiation oncologists, one of whom has significant sessional commitments to the North Western Health Board. I shortly expect to be in a position

to approve the appointment of a third consultant radiation oncologist, with significant sessional commitments to the Mid-Western Health Board.

I have requested the Western Health Board to prepare a development control plan to facilitate the expansion from three to six linear accelerators in the medium term. I have also approved the establishment of a project team to plan this expansion at UCHG. This project team met for the first time yesterday. These developments will have significant benefits for patients in the western, mid-western and north-western regions.

The immediate 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 a significant increase in the numbers of patients receiving radiation oncology in the short term.

The report recommends that there should be two treatment centres located in the eastern region, one serving the southern part of the region and adjacent catchment areas and one serving the northern part of the region and adjacent catchment areas. I have asked the chief medical officer of my Department to advise on the optimum location of radiation treatment facilities in Dublin. A detailed request for submissions is being finalised at present. The chief medical officer will apply the guidelines established by the group and will be supported by the hospital planning office and international experts.

With regard to the Deputy's reference to St. Luke's Hospital, I wish to assure the House that I am committed to protecting its distinct ethos and to ensuring that its expertise plays a key role in the development programme I have outlined.

The Government has also decided that in the future development of services, consideration should be given to the efficacy of developing satellite centres at Waterford, Limerick and in the north-west. Such consideration will take into account the international evaluation of satellite centres, the efficacy of providing this model and the need to ensure quality standards of care.

As recommended in the report, I have established the national radiation oncology co-ordinating group. The group comprises clinical, technical, managerial, academic and nursing expertise from different geographic regions. The group's remit encompasses recommending measures to facilitate improved access to existing and planned services, including transport and accommodation. I expect the group to develop proposals in these important areas.

#### **Hospital Waiting Lists.**

340. **Mr. Ring** asked the Minister for Health

[Mr. Ring.]  
and Children when a person (details supplied) in County Mayo will be called for surgery (details supplied). [8359/04]

**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 asked the chief executive officer of the board to investigate the case and to reply directly to the Deputy.

#### **Mental Health Services.**

341. **Mr. Neville** asked the Minister for Health and Children the position regarding the report from the expert group on mental health policy, which was established in October 2003. [8372/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The expert group on mental health policy was established in 2003 to prepare a new national policy framework for the mental health services updating the 1984 policy document Planning for the Future. The group consists of 18 widely experienced people who are serving in their personal capacity. The membership encompasses a wide range of knowledge and a balance of views on many issues affecting the performance and delivery of care in our mental health services.

The group requested submissions from interested organisations, individuals and the general public in October 2003 and almost 150 submissions were received. These submissions are now being considered by the members of the group. It has been decided also to undertake further consultation initiatives with various stakeholders, including users of the mental health services. The group is expected to complete its work in 2005.

#### **Hospitals Building Programme.**

342. **Dr. Upton** asked the Minister for Health and Children the position regarding long overdue redevelopment of Our Lady's Hospital for Sick Children, Crumlin; and if he will make a statement on the matter. [8379/04]

**Minister for Health and Children (Mr. Martin):** As the Deputy is aware, the Eastern Regional Health Authority, ERHA, 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.

On foot of an acknowledgement by all parties of the need for an overall development of the facilities at Our Lady's Hospital for Sick Children, Crumlin, I approved the establishment of a project team to plan for the future development of the hospital. The team includes representatives from the hospital, the ERHA, and the Department of Health and Children.

Many of the buildings within the hospital are approximately 50 years old, and have not been upgraded in any significant way over that period. As a result, they do not now generally meet contemporary standards for paediatric hospital facilities. The first stage of the planning process, the brief for an outline development control plan that will set the context for future capital developments on the site, has been finalised and a design team to prepare the plan has been selected. The ODCP is due for completion by the end of September 2004.

It is intended that a phased approach to new development and the upgrade of facilities will be taken. The plans will allow for the prioritisation of developments according to the service needs of the hospital and the ERHA. A phased approach will ensure that services continue to be provided at the hospital during the redevelopment.

A number of additional major developments, funded by the Exchequer, are currently being put in place at the hospital. These include a €30 million investment in the new operating department which will provide two additional theatres, increasing the capacity of the hospital to five major theatres and two minor theatres. Included in this development are new recovery beds, a day surgery unit and a modern central sterile supplies department. This development will increase the capacity of the hospital to meet the additional surgery demands at both inpatient and outpatient level.

In addition, on the basis of the volume and complexity of cases being dealt with at the hospital, I approved the provision of an MRI facility at Crumlin that will significantly enhance the level of diagnostic services provided for children. A design brief has been prepared for this development and a design team to advance the planning and design process on this facility has commenced its work.

*Question No. 343 answered with Question No. 324.*

#### **Services for People with Disabilities.**

344. **Mr. G. Mitchel** asked the Minister for Health and Children if a person (details supplied) in Dublin 12 can avail of a scheme to obtain a free special type of door bell, smoke alarm and fax; and the schemes which are available to help persons of this kind. [8401/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of aids and appliances including, special types of doorbells, smoke alarms and faxes are a matter for the relevant health board. Accordingly, the Deputy's question has been referred to the regional chief executive officer of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy as a matter of urgency.

### Post-Adoption Contact Register.

345. **Mr. Timmins** asked the Minister for Health and Children the agencies which a person who is anxious to trace their birth mother needs to contact in order to start inquiries; the agencies which will assist in checking out a birth certificate; and if he will make a statement on the matter. [8411/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** An adopted person wishing to trace their natural mother may contact the agency that handled their adoption. If the person does not know the name of the agency involved, he or she may contact the Adoption Board for advice.

### Hospital Services.

346. **Ms Burton** asked the Minister for Health and Children the regulations which exist concerning a person (details supplied) enquiring into the exact time of birth of their children in the Rotunda Hospital; if these details are recorded; if parents can access these details; and, if so, the way in which they can do so simply. [8424/04]

**Minister for Health and Children (Mr. Martin):** Services at the Rotunda Hospital are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to examine the issues raised and to reply to the Deputy directly.

### Services for People with Disabilities.

347. **Mr. Ring** asked the Minister for Health and Children if there are plans in place to provide funding for an organisation (details supplied) in County Kerry. [8425/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The development of health related support services to people with disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Priorities for the allocation of funding available for the development of such services are decided by the health boards in consultation with their regional co-ordinating committees and regional consultative and development committees for disability services. Voluntary sector service providers and consumers are represented on the co-ordinating committees. Accordingly, the Deputy's question has been referred to the chief executive officer of the Southern Health Board with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

### Hospital Staff.

348. **Mr. Durkan** asked the Minister for Health and Children the number of nursing posts now filled by agency nurses; if this represents good practice in terms of staffing; and if he will make a statement on the matter. [8469/04]

### Minister for Health and Children (Mr. Martin):

The Health Service Employers Agency carries out quarterly national surveys of the nursing resource, including use of agency nurses. The numbers of agency nurses used in the public health service for the months mentioned are as follows:-

Month	Average Number of Agency Nurses Used per Day
September 2000	414
January 2001	423
April 2001	499
July 2001	417
October 2001	397
January 2002	459
April 2002	384
September 2002	416
December 2002	346
March 2003	307
June 2003	294
September 2003	317
December 2003	329
Average 2001	434
Average 2002	401
Average 2003	312

While the above figures demonstrate significant fluctuations, a comparison of the averages for 2001, 2002, and 2003 clearly shows a continuous and substantial downward trend. The average number of agency nurses used per day during 2003 was 122 less than the number used during 2001, and 187 less than that used during April 2001, which was the highest monthly number recorded since the surveys began.

The use of agency nurses has always been a feature of the system and while it has been declining in recent years, there are sound operational reasons for such use. These reasons include making up for unexpected absences and dealing with short-term fluctuations in workflows.

### Services for People with Disabilities.

349. **Mr. Ardagh** asked the Minister for Health and Children when an orthopaedic shower will be installed for a person (details supplied) in Dublin 12. [8482/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of aids and appliances including orthopaedic showers is a matter for the relevant health board. Accordingly, the Deputy's question has been referred to the regional chief executive officer, Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy as a matter of urgency.

### Ministerial Orders.

350. **Mr. Andrews** asked the Minister for

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Health and Children when a commencement order will be passed concerning dental legislation as it affects dental hygienists having expanded roles. [8483/04]

**Minister for Health and Children (Mr. Martin):**

My Department received a request from the Dental Council seeking my consent to their amendment to the scheme for dental hygienists, created pursuant to section 53(1) of the Dentists Act 1985. Section 53(3) of the Act stipulates that the Dental Council may amend this scheme with my consent. My Department has written to the Dental Council outlining some queries on the amendment. The matter will be considered further when the Dental Council's response is received.

**Home Care Services.**

351. **Mr. F. McGrath** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 5 is receiving only one hour per day home care; and if the hours and service for this person will be increased urgently. [8488/04]

**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 5 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 direct to him as a matter of urgency.

**Medical Cards.**

352. **Mr. F. McGrath** asked the Minister for Health and Children if a person (details supplied) in Dublin 5 who is diabetic will be given the maximum advice and assistance in obtaining a medical card; and if this matter will be given priority. [8489/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of a medical card is, by legislation, a matter for the chief executive officer of the relevant health board or authority. My department will contact the CEO of the Northern Area Health Board to ask him to investigate the matter raised by the Deputy and to reply to him directly.

The Deputy should note that diabetes is an eligible condition under the long-term illness, LTI, scheme. Through the LTI, a health board may make arrangements for the supply without charge of drugs, medicines and medical and surgical appliances for the treatment of eligible conditions. Applications should be made directly to the relevant board.

**General Register Office.**

353. **Mr. Penrose** asked the Minister for Health

and Children the legislation which exists for the issuing of birth certificates for births registered on or after 8 September 2003 in pursuance of section 2 of part 5 of the Schedule to the Social Welfare (Miscellaneous Provisions) Act 2002, which registration omits the date of birth of each parent. [8491/04]

**Minister for Health and Children (Mr. Martin):**

Certified copies of entries in the register of births are issued in accordance with the provisions of the Births and Deaths Registration Acts 1863 to 1996, as amended.

The roll out of the new civil registration computer system commenced in Cork on 8 September 2003 and is being implemented on progressive basis in other registration offices. The necessary amendments to the Births and Deaths Registration Acts 1863 to 1996 to facilitate on line registration of births and deaths and the electronic production of certificates were enacted via the Social Welfare (Miscellaneous Provisions) Act 2002. A separate commencement order, under that Act, is required for the introduction of the new electronic registration system in each district.

The commencement orders provide that the particulars set out in section 2 of part 6 of the Social Welfare (Miscellaneous Provisions) Act 2002, which include the dates of birth of the mother and the father apply to the registration of a birth from the date of the commencement order. Particulars, including dates of birth of parents, are only registered and produced on a certificate, if they have been supplied by the qualified informant. These particulars may not be available in all cases, in particular where the occupier of a hospital acts as qualified informant. This is why parents should register the birth of their child.

**Medical Cards.**

354. **Mr. O'Dowd** asked the Minister for Health and Children if he will report on the progress to date on his discussions with the Survivors of Symphysiotomy, in particular with regard to the outcome of discussions between his Department and the ERHA and health boards and the Department of Social and Family Affairs, on a range of eligibility issues in respect of the provision of services and assistance to the patients. [8512/04]

372. **Mr. O'Dowd** asked the Minister for Health and Children if medical cards will be granted to those persons who have had a symphysiotomy. [8618/04]

**Minister for Health and Children (Mr. Martin):**

I propose to take Questions Nos. 354 and 372 together.

Arising from my discussions with the Survivors of Symphysiotomy, SOS, group, the Eastern Regional Health Authority and the health boards have been working closely with the group to progress a range of service supports. In this

regard, my Department has recently received a progress report from the chief executive officers' group, which includes proposals on GMS eligibility for patients on medical grounds. These proposals are being examined within my Department.

My Department has also sought advice from the Department of Social and Family Affairs, on behalf of these patients, on the eligibility criteria for social assistance allowances. The Department of Social and Family Affairs has offered to liaise directly with SOS in this regard, in order to expedite the processing of any claims that may be made.

#### **Hospital Waiting Lists.**

355. **Ms Shortall** asked the Minister for Health and Children if he will refer the case of a person (details supplied) in Dublin 9 to the Northern Area Health Board for its investigation; the reasons the Mater Hospital has not responded to the repeated pleas of this person's general practitioner to fully deal with this person's needs; if he will now arrange for this person to have a hip replacement, if this cannot be catered for in the Mater Hospital, if he will make arrangements with St. Mary's Hospital, Cappagh or another hospital; and if he will make a statement on the matter. [8513/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of health services to persons living in counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

#### **Hospitals Building Programme.**

356. **Mr. McGinley** asked the Minister for Health and Children if there are plans to extend, refurbish or repair the health centre at Brockagh, Cloghan, County Donegal; and if he will make a statement on the matter. [8514/04]

**Minister for Health and Children (Mr. Martin):** The identification, prioritisation and provision of health centres to meet the health and personal social service needs of local communities are matters for the health boards or the Eastern Regional Health Authority. In the case of the new health centre at Brockagh, Cloghan, County Donegal, this responsibility rests with the North Western Health Board.

The board has advised me that a proposal for a new health centre at Brockagh is at an advanced planning stage and that it will shortly be submitting this proposal to my Department for approval. When received, this proposal will be considered by my Department in the context of overall capital priorities for 2004 in line with funding resources available.

#### **Health Board Services.**

357. **Mr. Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 478 of 4 November 2003, if he has made a decision on this matter; and if he will make a statement on the matter. [8515/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** My Department is considering what new capital projects can be progressed nationally this year. The supported living accommodation (high dependency) project in Galway, to which the Deputy is referring, will be considered in this context.

358. **Mr. Naughten** asked the Minister for Health and Children the reason the Western Health Board will not supply blood bags to a general practitioner who is treating a person with haemochromatosis; if he will have this policy reviewed; and if he will make a statement on the matter. [8516/04]

**Minister for Health and Children (Mr. Martin):** My Department is making inquiries into this matter on behalf of the Deputy and will revert to him as soon as possible.

#### **Hospital Waiting Lists.**

359. **Ms Shortall** asked the Minister for Health and Children the reason an appointment for a person (details supplied) in Dublin 9 took several years to be scheduled and has been cancelled on two occasions; if his attention has been drawn to the fact that the person alleges they were waiting eight years for this operation; if steps will be taken to ensure that another appointment is scheduled as soon as possible; and if he will make a statement on the matter. [8517/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of health services to persons living in counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

#### **Hospital Staff.**

360. **Mr. Sherlock** asked the Minister for Health and Children if he has received an application from the Southern Health Board for the appointment of two radiologists to Mallow General Hospital; his decision on this application; and if he will make a statement on the matter. [8518/04]

**Minister for Health and Children (Mr. Martin):** The provision of hospital services, including the appointment of staff at Mallow General Hospital is a matter for the Southern Health Board. An application for approval of posts that would provide consultant radiologist cover for Mallow General Hospital has also been submitted by the Southern Health Board to my Department.



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Funding for these consultant posts will be considered in the context of available resources.

361. **Mr. Sherlock** asked the Minister for Health and Children if he has received an application from the Southern Health Board for the appointment of a consultant geriatrician to Mallow General Hospital; his decision on this application; and if he will make a statement on the matter. [8519/04]

**Minister for Health and Children (Mr. Martin):**

The provision of hospital services, including the appointment of staff at Mallow General Hospital, is a matter for the Southern Health Board. An application for approval of a consultant geriatrician post has been submitted by the Southern Health Board to my Department. Funding for this consultant post will be considered in the context of available resources.

Hospital	Number of In-patients treated	Average duration of stay in days	Total number of in-patient days	Estimated daily cost per in-patient
Cork University Hospital	23,656	6.34	149,934	€ 746
South Infirmary/Victoria Hospital	8,090	6.42	51,977	465
Mercy University Hospital	10,856	6.61	71,733	516
Mallow General Hospital	4,268	5.35	22,826	475

Care should be exercised in the interpretation of this data, in particular the daily cost figures, as the case mix complexity can vary between hospitals.

**Health Board Services.**

363. **Mr. J. Higgins** asked the Minister for Health and Children the reason persons with pulmonary hypertension in need of oxygen treatment equipment supplied by a company (details supplied) at a cost of €124.84 per month and portable oxygen kits at €50 per month have to wait six to eight weeks before this money, paid up front to the company, can be reimbursed by the local health board; and if he will make a statement on the matter. [8521/04]

364. **Mr. J. Higgins** asked the Minister for Health and Children if he will take steps to speed up the process by which persons with pulmonary hypertension in need of oxygen treatment equipment at a cost of €124.84 per month and portable oxygen kits at €50 per month are reimbursed by the local health boards following an up front payment to the company supplying this equipment; and if he will make a statement on the matter. [8522/04]

**Minister for Health and Children (Mr. Martin):**

I propose to take Questions Nos. 363 and 364 together.

**Hospital Services.**

362. **Mr. Sherlock** asked the Minister for Health and Children the original financial allocation for 2002 and 2003 in respect of hospitals (details supplied); the number of in-patients treated; the average duration of stay; the total number of in-patient days; the estimated daily cost per in-patient; and if he will make a statement on the matter. [8520/04]

**Minister for Health and Children (Mr. Martin):**

The distribution of funding to the hospitals mentioned by the Deputy is a matter for the Southern Health Board and my Department has asked the chief executive officer of the board to provide the relevant information directly to the Deputy.

The patient information requested by the Deputy for 2002 has been compiled from the hospital in-patient enquiry system, HIPE. Comparable information for 2003 is not yet available.

The provision of oxygen and oxygen equipment to non-medical card patients is a matter for the individual health board. If the Deputy is aware of people experiencing difficulties he should contact the relevant health board with details of the claim.

**Hospital Waiting Lists.**

365. **Mr. Perry** asked the Minister for Health and Children if he will ensure that a person (details supplied) in County Sligo is called for treatment to Sligo General Hospital in view of the deterioration in their condition; and if he will make a statement on the matter. [8534/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of health services to persons living in County Sligo rests with the North Western Health Board. My Department has therefore asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

366. **Mr. Perry** asked the Minister for Health and Children if an appointment will be expedited for a person (details supplied) in County Sligo and ensure that they are instantly called for orthodontic treatment which is urgently needed in view of the deterioration in their condition; and if he will make a statement on the matter. [8535/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of orthodontic treatment to eligible persons in County Sligo rests with the North Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

**Pharmacy Regulations.**

367. **Mr. Gormley** asked the Minister for Health and Children the main conclusions of the Pharmacy Review Group; the reason for the delay in publishing the report; and the action he intends to take to implement the recommendations of the report. [8565/04]

**Minister for Health and Children (Mr. Martin):**

I established the Pharmacy Review Group in November 2001 to examine the pharmacy issues raised in the OECD report on regulatory reform in Ireland. The group submitted its report on 31 January 2003. I have been examining the complex legal and other issues surrounding the group's recommendations. The Deputy will appreciate that it would not be appropriate for me to comment on the report's recommendations before completion of this examination. I have made the report available on my Department's website, *www.doh.ie*, along with reports prepared for the group by Indecon International Economic Consultants.

**Health Board Services.**

368. **Mr. Carey** asked the Minister for Health and Children when a person (details supplied) in Dublin 11 will obtain a hearing aid from the NRB in view of the fact that more than €2.131 million has been granted to the NAHB and ERHA since 2000 in an effort to reduce the waiting list and improve the service for hearing aids; and if he will make a statement on the matter. [8575/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of community audiology services to eligible persons in Dublin 11 rests with the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and to reply to him directly.

369. **Mr. Carey** asked the Minister for Health and Children when it is proposed to secure an appropriate placement for a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [8576/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of care and treatment of the named individual rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive to investigate the matter raised by the Deputy and reply to him directly.

**Hospitals Building Programme.**

370. **Mr. Gormley** asked the Minister for Health and Children if the design team preparing the outline development control plan for the new Crumlin hospital is expected to complete its work before June 2004; and if he will make a statement on the matter. [8588/04]

**Minister for Health and Children (Mr. Martin):**

An outline development control plan, ODCP, for Our Lady's Hospital for Sick Children, Crumlin, is being prepared by the design team and is due for completion in September 2004. The preparation of this plan requires examination of all options for the hospital's redevelopment on the existing site, in accordance with an outline design brief prepared by the hospital's project team. The preferred option will allow for consideration of the phased redevelopment of the hospital — ensuring continuity of existing levels of service to patients — at the most economically advantageous cost. This will be the benchmark for all other redevelopment options. This approach has been taken in agreement with the Eastern Regional Health Authority, the hospital and the new Crumlin hospital group.

**Hospital Waiting Lists.**

371. **Ms McManus** asked the Minister for Health and Children when a person (details supplied) in Dublin 13 will be called to have their operation; and if he will make a statement on the matter. [8589/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of health services to persons living in counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

*Question No. 372 answered with Question No. 354.*

**Public Service Retirement Age.**

373. **Mr. Ferris** asked the Minister for Health and Children if he will include all current psychiatric students in the proposal to extend the retirement age for the profession from 55 to 65. [8619/04]

**Minister for Health and Children (Mr. Martin):**

The Government has decided that from 1 April 2004 the minimum pension age for the generality of new entrants to the public service, including psychiatric nurses, will be increased to 65. The Public Service Superannuation (Miscellaneous Provisions) Bill 2004 is intended to give legal effect to this and other decisions.

As regards students, I have been informed by my colleague the Minister for Finance that no special provision is made for people training to be nurses, including psychiatric nurses, as there is

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no direct link with employment on completion of such training. They must make application for positions as they arise and are appointed only if successful with such an application.

#### **Health Board Services.**

374. **Cecilia Keaveney** asked the Minister for Health and Children when a person (details supplied) in County Donegal will be called for orthodontic treatment; and if he will make a statement on the matter. [8620/04]

#### **Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of orthodontic treatment to eligible persons in County Donegal rests with the North Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to her directly.

#### **Services for People with Disabilities.**

375. **Mr. Stanton** asked the Minister for Health and Children the amount of money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the amount of money allocated to enabling persons with disabilities to more easily access services of his Department. [8645/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The following amounts of additional revenue funding have been made available to the health boards by my Department in 2003 and 2004 for the provision of health services for people with disabilities: 2003, €57.58 million; and 2004, €34 million. This is ongoing funding and will remain available to the health boards for the provision of such services.

#### **Nursing Home Subvention.**

376. **Mr. Cregan** asked the Minister for Health and Children if the present rate of health board subvention is likely to be increased in the short term; and if he will make a statement on the matter. [8713/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The Nursing Home (Subvention) Regulations 1993 are administered by the health boards and the Eastern Regional Health Authority. There are currently three rates of subvention payable, namely, €114.30, €152.40 and €190.50, for the three levels of dependency which are medium, high and maximum. Included in these payments is an increase of 25% which came into effect in April 2001.

A review of the nursing home regulations is currently underway involving all of the key stakeholders. The objective of the review is to: develop a scheme which will be transparent; offer a high standard of care for clients; provide equity within the system to include standardised dependency and means testing; be less discretionary; provide both a home and nursing

home subvention depending on need; be consistent in implementation throughout the country; be financially sustainable; and draw on experience of the operation of the old scheme. Pending the outcome of the review, there are no plans to increase the current approved subvention rates.

A health board may pay more than the maximum rate of subvention relative to an individual's level of dependency in a case for example where personal funds are exhausted. The application of these provisions is a matter for the individual health board concerned in the context of meeting increasing demands for subvention within the board's revenue allocation as notified annually in the letters of determination. This is in keeping with the provisions of the Health (Amendment)(No. 3) Act 1996. The average rate of subvention paid by health boards generally exceeds the current approved basic rates.

#### **Adoption Services.**

377. **Mr. Penrose** asked the Minister for Health and Children if there are adoption agencies apart from the health boards which can conduct home studies that would be approved by the Adoption Board, for persons who make applications to adopt children; and if he will make a statement on the matter. [8717/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Adoption agencies registered with the Adoption Board can conduct home studies at present. Apart from the health boards, PACT is the only agency currently carrying out assessments.

#### **Services for People with Disabilities.**

378. **Mr. Gilmore** asked the Minister for Health and Children if he has plans to devise and implement a three to five-year plan to address funding deficits in intellectual disability services; if he has received a submission from the East Coast Area Federation detailing the extent of its waiting lists; the funding required of same for both capital and current purposes; when he intends to address its funding needs; and if he will make a statement on the matter. [8718/04]

388. **Mr. R. Bruton** asked the Minister for Health and Children the trends in the waiting lists for different forms of service for persons with an intellectual disability over the past four years; if he will indicate his target for waiting times and waiting lists in respect of these services under the programme for Government; and if he has satisfied himself that progress in reducing waiting lists and waiting times is being achieved. [8824/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 378 and 388 together.

My Department has, since 1997, allocated significant levels of funding across the disability sector which has resulted in very significant and unprecedented developments in the quality and quantity of the health related services which are being provided to people with disabilities. A total of €643 million has been invested in these services, of which €388 million was provided for services to persons with intellectual disability and those with autism. The overall total includes an additional €25 million in current expenditure which was made available by the Minister for Finance in the 2004 budget for services for people with disabilities. A total of €18 million is being used by services for persons with intellectual disabilities and those with autism to provide extra day services particularly for young adults leaving school in June 2004, emergency residential placements and to enhance the health related support services available for children with intellectual disability or autism.

The national intellectual disability database shows that in 2002 there were 23,050 people with intellectual disability in receipt of specialised services, representing 90.6% of the total population registered on the database. There were 468 people — 1.8% of those registered — who were without services at that time and were identified as requiring appropriate services in the period 2003-07. This number had reduced by 47, or 9%, since 2001. The remaining 1,930 people, 7.6%, were not availing of services and had no identified requirement for services during the planning period 2003-07.

Since 1996 there has been significant growth in the level of provision of full-time residential services, residential support services and day services recorded on the national intellectual disability database, reflecting, in particular, the significant investment programme in the intellectual disability sector between 2000 and 2002. Key developments noted in the 2002 report include: a 37% growth in the number of people with intellectual disability living in full-time residential placements within local communities; a 165% increase in the provision of intensive placements designed to meet the needs of individuals with challenging behaviours; a 47% reduction in the number of people accommodated in psychiatric hospitals; a continued expansion in the availability of residential support services, in particular service-based respite services, which have grown by 255%, with an additional 443 people being reported as being in receipt of these services between 2001 and 2002 alone; and increased provision in almost all areas of adult day services and in the level of provision of support services delivered as part of a package of day services to both children and adults.

Despite the significant investment outlined, demographic factors are contributing to growing waiting lists for residential services in particular even though the numbers of people in receipt of

services continues to increase. For example, in 1981 some 27% of persons with a moderate, severe or profound intellectual disability were aged 35 years and over and in 2002 the proportion of this population aged 35 and over has increased to 45%.

The increased birth rate in the 1960s and 1970s has resulted in large numbers of adults in their late 20s and early 30s requiring full-time residential services. In addition, people with an intellectual disability are living longer than previously increasing the need for services compared to previous generations. This has also been the international experience in service provision to this population.

The need to provide for additional day places for young adults leaving school in 2003 and again in 2004 also reflects the increased adult profile of those requiring support from these services in that the numbers leaving the adult day services are not sufficient to free up places for younger persons coming through from the schools.

One of the major difficulties facing the health services in delivering support services to people with disabilities, is the shortage of certain professionals such as speech and language therapists, occupational therapists, physiotherapists and psychologists. Significant progress has been achieved in boosting the number of therapy training places. Last year the Ministers for Education and Science and Health and Children announced 150 additional therapy training places in speech and language therapy and occupational therapy.

There has also been 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 success of these measures is reflected in the increases in speech and language therapists and occupational therapists employed in the public health service over the three year period to end of 2002, with a 73% increase in occupational therapists and a 33% increase in speech and language therapists.

From the information outlined, it is clear that while significant progress has been made in recent years, there is a need for a continued programme of investment. I am not aware of any submission from the East Coast Area Federation.

#### **Health Board Services.**

379. **Mr. F. McGrath** asked the Minister for Health and Children the steps he intends to take to assist a person (details supplied) in Dublin 11 who is waiting for two stump boards; and if he will make a statement on the matter. [8814/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of aids and appliances including, stump boards are a matter for the relevant health board. Accordingly, the Deputy's question has been referred to the regional chief executive officer,

[Mr. T. O'Malley.]  
Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy as a matter of urgency.

#### **Drugs Payment Scheme.**

380. **Mr. Penrose** asked the Minister for Health and Children if his attention has been drawn to the fact that the last review of the drugs repayments scheme took place in 1995 and since then there has been a significant increase in the instance of asthma, inflammatory bowel disease and other such illnesses, and that no State subvention or help is available towards their treatment; if, in this context, he will ensure that same is reviewed; and if he will make a statement on the matter. [8815/04]

**Minister for Health and Children (Mr. Martin):** I assume that the Deputy is referring to the drugs payment scheme, DPS, which replaced the drug refund and drug cost subsidisation schemes in 1999, following a review of those schemes. The DPS is open to all individuals or families who do not hold a medical card. Under the DPS, no individual or family unit pays more than €78 per calendar month towards the cost of approved prescribed medicines. As entitlements under the DPS are based solely on eligible expenditure, people suffering from the conditions mentioned by the Deputy have the same access to State support for the cost of drug treatment as any other member of the scheme. There are no plans to amend this position.

#### **Medical Cards.**

381. **Mr. McGuinness** asked the Minister for Health and Children if he will issue a medical card to a person (details supplied) in County Carlow on medical grounds. [8816/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of medical cards, is by legislation, a matter for the chief executive officer of the relevant health board or authority. My Department has, therefore, asked the CEO of the South Eastern Health Board to investigate the matter raised by the Deputy and reply to him directly.

#### **Health Board Services.**

382. **Mr. McGuinness** asked the Minister for Health and Children the school and home support that has been put in place for a person (details supplied) in County Carlow who attends Drummond NS, Carlow; if a full assessment of the person has been complete; if all of the recommendations from that assessment have been acted upon; and if he will make a statement on the matter. [8817/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** While this is primarily a matter for my colleague, the Minister for Education and Science, my Department has,

nevertheless, referred the matter to the South Eastern Health Board which is responsible for the provision of services in the Carlow area. My Department has, therefore, asked the chief executive officer of the board to investigate the matter raised by the Deputy and reply directly to him.

383. **Mr. McGuinness** asked the Minister for Health and Children further to Parliamentary Question No. 917 of 30 September 2003, if he will now insist on a response from the SEHB. [8819/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I wish to inform the Deputy that my Department has had inquiries made and can confirm that the South Eastern Health Board, SEHB, issued a reply in this instance. Furthermore, following the SEHB's investigations it would appear that this is a matter more appropriate to the Department of the Environment, Heritage and Local Government as it concerns the essential repairs grant and not the disabled person's grant as indicated by the Deputy.

#### **Medical Cards.**

384. **Mr. McGuinness** asked the Minister for Health and Children if an application will be expedited for a medical card for a person (details supplied) in County Kilkenny; if he will explain the delay in processing a submission and further information made available on 15 December 2003; and if he will grant the medical card based on the medical and financial reports. [8820/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of medical cards, is by legislation, a matter for the chief executive officer of the relevant health board or authority. My Department has, therefore, asked the CEO of the South Eastern Health Board to investigate the matter raised by the Deputy and reply to him directly.

385. **Mr. McGuinness** asked the Minister for Health and Children further to Parliamentary Question No. 352 of 10 February 2004, if an application will be expedited for a person (details supplied) in County Kilkenny to grant the medical card. [8821/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of medical cards is, by legislation, a matter for the chief executive officer of the relevant health board or authority. I understand that the Deputy raised this matter previously in a parliamentary question last February and was advised that the CEO of the South Eastern Health Board would investigate the matter raised and reply directly to him. My Department has made further inquiries with the CEO of the board and has been advised that the matter raised is still under investigation.

### Health Board Services.

386. **Mr. McGuinness** asked the Minister for Health and Children if the SEHB will assist a person (details supplied) in County Kilkenny; and if he will expedite a decision in the case. [8822/04]

**Minister for Health and Children (Mr. Martin):** The provision of assistance in the circumstances outlined by the Deputy in County Kilkenny is a matter for the South Eastern Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

387. **Mr. Durkan** asked the Minister for Health and Children when regular and continuous speech therapy will be offered to a person (details supplied) in County Kildare in view of the fact that they are attending mainstream school and are disadvantaged by the lack of speech therapy currently offered to them; and if he will make a statement on the matter. [8823/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health related services, including speech and language therapy, for people with physical and/or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards, in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

*Question No. 388 answered with Question No. 378.*

389. **Mr. Wall** asked the Minister for Health and Children the date of an operation for a person (details supplied) in County Kildare who has been on an emergency list since 3 October 2003; and if he will make a statement on the matter. [8825/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of health services to persons residing in counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and reply to him directly.

390. **Mr. O'Dowd** asked the Minister for Health and Children if a new health centre will be provided in Dunleer, County Louth. [8865/04]

**Minister for Health and Children (Mr. Martin):** The identification, prioritisation and provision of health centres to meet the health and personal social service needs of local communities are matters for the health boards or the Eastern Regional Health Authority. In the case of the

new health centre at Dunleer, County Louth, this responsibility rests with the North Eastern Health Board. The board has advised me that it has identified the need to expand its community care facility in Dunleer and has prepared a planning brief for the development. The board has further advised that it is currently in discussions with a landowner in Dunleer regarding the possibility of acquiring a site for building a new health centre.

### Housing Aid for the Elderly.

391. **Mr. Ring** asked the Minister for Health and Children the reason an application for grant aid by a person (details supplied) in County Mayo for special housing aid for the elderly scheme was refused, though no inspection of the house was carried out. [8866/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the housing aid scheme for the elderly in the Mayo area is operated by the Western Health Board on behalf of the Department of the Environment, Heritage and Local Government. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

### Health Board Services.

392. **Ms Shortall** asked the Minister for Health and Children if he can confirm that a 17 year old person (details supplied), in the care of the State most of his life, who is currently dealing successfully with a heroin addiction problem, is about to be officially made homeless and exposed to high risk of relapse when City Lodge, where this person currently resides, closes shortly; and his proposals to ensure that this young person is provided with adequate and proper care and aftercare in accordance with their rights under the Child Care Act 1991. [8868/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I have been informed by the Eastern Regional Health Authority that City Lodge hostel was opened by the South Western Area Health Board in December 2000 to fulfil the need, on a temporary basis, for additional emergency accommodation for young people out of home. It was initially envisaged that this would be a temporary service for a short period, as the building was not considered ideal on a long-term basis. Consequently, while City Lodge has served a very useful purpose over the past three years the board has decided to wind it down in light of the broader development of services, including the opening of the new caretakers hostel, with accommodation for nine young people, changes and expansion in the services of the Salvation Army on Burgh Quay and other changes in residential services, which have been taking place as part of the regional youth homeless action plan.

[Mr. B. Lenihan.]

There are, at present, six young people being cared for in City Lodge. The South Western Area Health Board has informed me that alternative placements have been identified for each of them including the young person referred to by the Deputy. The board has also assured me that City Lodge will not be closed down until the young people have been moved to their new accommodation.

#### **Accident and Emergency Services.**

393. **Ms Shortall** asked the Minister for Health and Children if his attention has been drawn to the chaotic and dilapidated conditions in the accident and emergency Department of the Mater Hospital; his views on the appropriateness of very sick and vulnerable patients having to endure conditions where there are no adequate toilet or washing facilities and very poor catering arrangements, often for up to 48 hours, while awaiting a hospital bed; and the steps he will take to upgrade this Department, as a matter of urgency. [8869/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the funding of services at the Mater Hospital rests with the Eastern Regional Health Authority. At the outset, I should say that both my Department and the Eastern Regional Health Authority have accepted the need for upgrading of the accident and emergency department at the Mater Hospital. In October 2002 my Department approved a capital grant of €1.4 million for this purpose. This upgrading will, apart from benefiting Accident and Emergency patients, staff and clinical risk management in general, reduce hospital admissions and expand the available complement of hospital beds.

Due to the nature of the Accident and Emergency department, it was necessary to phase work on the project which commenced in April 2003. My Department is advised by the ERHA that a new three-bay resuscitation area and wound care clinic have now been completed while the final stages of the project, which relate to security and upgrade of the entrance, are expected to be completed shortly. It is acknowledged that, due to ongoing pressure in the Accident and Emergency department, programming of the project has been difficult. However, the Deputy will appreciate that clinical priorities have at all times needed to take precedence over project work.

#### **Services for People with Disabilities.**

394. **Dr. Upton** asked the Minister for Health and Children if a person (details supplied) in Dublin 8 will be assisted in every way possible, in particular as they have been identified for an emergency residential placement. [8871/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of funding for services to

persons with intellectual disabilities and those with autism in the Dublin region is a matter, in the first instance, for the Eastern Regional Health Authority. My Department has, therefore, asked regional chief executive of the authority to investigate the matter raised by the Deputy and reply directly to him.

#### **Pharmacy Services.**

395. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the action he is prepared to take to ensure the continuation of the traditional pharmacist-owned pharmacy services in this country in view of the finding of the recently published pharmacy review group report that these types of pharmacies, which are the backbone of pharmacy services in this country, could disappear in a deregulated market. [8872/04]

**Minister for Health and Children (Mr. Martin):** As Minister for Health and Children, my responsibilities centre on the provision of a high quality health service and this includes ensuring, in so far as possible, that adequate and accessible pharmacy services are generally available. I established the pharmacy review group in November 2001 to examine the pharmacy issues raised in the OECD report on regulatory reform in Ireland. The review group was asked principally to assess the existing statutory restrictions on entry to the community pharmacy sector, and to put forward options to address these issues. The group's report is available on my Department's website, [www.doh.ie](http://www.doh.ie), along with reports prepared for the group by Indecon International Economic Consultants.

The opening and operation of retail pharmacies in Ireland is governed by the Pharmacy Acts, 1875 to 1977, subject to restrictions imposed by non-pharmacy legislation such as the planning Act. Pharmacies have not been exclusively pharmacist controlled since 1890. Any individual or company who satisfies the legal requirements, principally that the shop and the dispensing and compounding of medical prescriptions are personally supervised by a full-time pharmacist who is not acting elsewhere in a similar capacity, can open a pharmacy in Ireland.

I have been examining the complex legal and other issues surrounding the group's recommendations. The Deputy will appreciate that it would not be appropriate for me to comment on the report's recommendations before completion of this examination. However, the Deputy should note that the review group made only one proposal on restrictions on pharmacy ownership, which was in respect of beneficial ownership or business interests between dispensing and prescribing.

#### **Health Board Services.**

396. **Mr. Wall** asked the Minister for Health and Children when a person (details supplied) in

County Carlow will receive orthodontic treatment in view of the urgency of such treatment for the person involved; and if he will make a statement on the matter. [8909/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of orthodontic treatment to eligible persons in County Carlow rests with the South Eastern Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

#### **Hospital Services.**

397. **Mr. Hogan** asked the Minister for Health and Children if he will be appointing new consultants at St. Luke's General Hospital, Kilkenny, in 2004 in view of the European Working Time Directive and the reduction of junior hospital doctors at that particular hospital; and if he will make a statement on the matter. [8910/04]

398. **Mr. Hogan** asked the Minister for Health and Children when a third paediatrician will be appointed to St. Luke's General Hospital, Kilkenny; and if he will make a statement on the matter. [8911/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 397 and 398 together.

The provision of hospital services, including the appointment of staff, at St. Luke's Hospital, Kilkenny, is a matter for the South Eastern Health Board. The board has submitted an application to my Department for approval of a third consultant paediatrician at St. Luke's Hospital. Funding for this post will be considered in the context of available resources.

As part of ongoing measures to achieve the required reductions in the average weekly on-site working hours of non-consultant hospital doctors, NCHDs, each hospital has been asked to map out the potential for reducing hours, the measures that could be taken to reduce hours and any associated resource requirements. It should be noted however, that the Hanly report points to change in work practices rather than the appointment of large numbers of additional consultants as the key means of reducing NCHD hours by 1 August 2004.

#### **Disabled Drivers.**

399. **Mr. Ellis** asked the Minister for Health and Children if his Department will now withdraw the upper age limit of 65 years for people who are entitled to motorised transport grants; and if he will make a statement on the matter. [8996/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The guidelines in respect of the motorised transport grant were revised in July 2002, in accordance with recommendations by the national health board

working group on disability related allowances/grants coming under the aegis of my Department.

The revised circular for the motorised transport grant states that all health boards may pay a grant towards the purchase of a car and/or adaptations to a car being purchased by a person with a severe disability who is 17 years or older and up to 65 years of age, where such a car is essential for him or her to obtain or retain employment. Self-employed persons who satisfy the criteria of eligibility may also be considered, subject to the above age limits. In cases, where application is made on the basis of obtaining or retaining employment or self employment, the board must be satisfied that the applicant is capable of holding down a job, has the physical capacity to drive the vehicle and is qualified to hold a driver's licence, full or provisional. However, a qualified person with a disability who is incapable of driving or who has been medically advised not to drive and who has to be driven to and from his or her place of employment will only be considered eligible for a grant provided that he or she will be driven by another named person to and from his or her place of employment. The car must be purchased in the name of the person with a disability. The grant may also be considered in exceptional circumstances for a person with a severe disability, subject to the above age limits, who lives in a very remote location and whose disability impedes him or her from using public transport.

My Department's view is that the grant is primarily aimed at people with disabilities to enable them obtain or retain employment and, therefore, the upper age limit of 65 years of age is considered appropriate. The working group has made various recommendations in respect of the age limits and eligibility criteria for this grant including the withdrawal of the age limit where the motorised transport grant is paid due to "very remote location". I envisage that this issue will be addressed by the working group on the feasibility of introducing a cost of disability payment as part of a global review of mobility related allowances and benefits.

400. **Mr. Ellis** asked the Minister for Health and Children if his Department would indicate an approximate date by which the interdepartmental working group on motorised transport will report. [8997/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I am not aware of the working group referred to by the Deputy. The Deputy may be referring to the interdepartmental report on the disabled drivers and disabled passengers (tax concessions) scheme which was produced under the aegis of the Department of Finance.

#### **Health Board Services.**

401. **Mr. Wall** asked the Minister for Health



[Mr. Wall.]

and Children the number of the original nine beds allocated for respite care by the South Western Area Health Board which are still dedicated for that purpose; the number of persons that have availed of the service in the past year; the number on the waiting list for such a service; the number of vacant beds at the hospital; and if he will make a statement on the matter. [9029/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The provision of health services in this area is, in the first instance, the responsibility of the South Western Area Health Board acting under aegis of the Eastern Regional Health Authority. As the information sought by the Deputy is not held in my Department, the regional chief executive of the authority has been asked to investigate the matter raised and provide the information requested, to my Department, as a matter of urgency. My Department will contact the Deputy when the information is to hand.

402. **Mr. Wall** asked the Minister for Health and Children the position regarding the reopening of the assessment and respite unit at St. Vincent's Hospital, Athy, County Kildare; when this will occur, in view of the recent advertisements for nurses by the board and the reasons stated by the board that there were nurse shortages in the closing of the ward; and if he will make a statement on the matter. [9030/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The provision of health services in this 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. As the information sought by the Deputy is not held in my Department, the regional chief executive of the authority has been asked to investigate the matter raised and provide the information requested, to my Department, as a matter of urgency. My Department will contact the Deputy when the information is to hand.

#### **Nursing Home Subventions.**

403. **Mr. Wall** asked the Minister for Health and Children the number of applications received by the South Western Area Health Board for enhanced subvention in the past year; the waiting list for such subvention; the plans he has to review the scheme in view of the imbalance of costs for nursing homes within the South Western Area Health Board region; and if he will make a statement on the matter. [9031/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The provision of health services in this area is, in the first instance, the responsibility of the South Western Area Health Board acting under aegis of the Eastern Regional Health Authority. As the information

sought by the Deputy is not held in my Department, the regional chief executive of the authority has been asked to investigate the matter raised and reply direct to him as a matter of urgency.

A review of the nursing home regulations is currently underway involving all of the key stakeholders. The objective of the review is to develop a scheme which will be transparent, offer a high standard of care for clients, provide equity within the system to include standardised dependency and means testing, be less discretionary, provide both a home and nursing home subvention depending on need, be consistent in implementation throughout the country, be financially sustainable and draw on experience of the operation of the old scheme.

#### **Health Board Services.**

404. **Mr. Carey** asked the Minister for Health and Children if there has been a response from the chief executive officers of each health board or authority (details supplied) in respect of the charge by chiropodists to medical card holders; and if he will make a statement on the matter. [9032/04]

**Minister for Health and Children (Mr. Martin):** The health board chief executive officers have responded to my Department's request for a report on the arrangements for the provision of chiropody services by each health board. The report is being examined by my officials. The need for further action will be considered on completion of this examination.

#### **Mental Health Services.**

405. **Mr. Howlin** asked the Minister for Health and Children if his attention has been drawn to the fact that, in County Wexford, the adult mental health services have no high support medium secure hostels or units, no psychologists, no social workers and no occupational therapists; his views on whether an adult mental health service without such resources is adequate to meet the needs of persons with mental illness or learning disabilities in County Wexford; when funding for the provision of such vital resources will be made available to the South Eastern Health Board; and if he will make a statement on the matter. [9033/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** With regard to the Wexford mental health services, I am informed by the South Eastern Health Board that it has advertised for psychologists and these interviews are scheduled to take place in the near future. The board has also advised that interviews are taking place for the senior social worker post the week beginning 29 March and a basic grade post is due to be filled by a newly qualified social worker in May-June of this year.

The South Eastern Health Board has experienced difficulties filling the senior

occupational therapy post and the post will be advertised again next week. However, the board expects to be in a position to offer a basic grade post to a newly qualified graduate in the near future.

The South Eastern Health Board acknowledges that there are ongoing difficulties in recruiting allied health professionals and a number of different recruitment initiatives have been implemented in an effort to recruit these grades. I am satisfied with the measures being taken by the South Eastern Health Board to overcome the current staffing difficulties which are not related to the provision of funding.

Within the Wexford mental health service there are two high support hostels for people who are in the process of being rehabilitated back into the community. However, there are no high support medium secure hostels or units for people with serious challenging behaviour. The provision of appropriate accommodation for this particular group of patients is being considered in the context of the development of a national capital framework programme currently under active consideration within my Department.

#### **Health Board Services.**

406. **Mr. Durkan** asked the Minister for Health and Children when assessment in respect of qualification for domiciliary care allowance will be completed in the case of a person (details supplied) in County Kildare in respect of their child; and if he will make a statement on the matter. [9034/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The assessment of entitlement to and payment of the domiciliary care allowance in any individual case is a matter for the relevant health board. Accordingly, a copy of the Deputy's question has been forwarded to the chief executive officer of the Eastern Regional Health Authority with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

#### **Child Care Services.**

407. **Ms Shortall** asked the Minister for Health and Children further to Parliamentary Question No. 261 on 18 February 2004, the reason the information requested was not available; if he will now provide it; and if he will make a statement on the matter. [9035/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The detailed information which the Deputy sought was not readily available in my Department. The information has since been furnished to my Department by the Eastern Regional Health Authority and the health boards and I have communicated it to the Deputy.

#### **Health Board Services.**

408. **Mr. Neville** asked the Minister for Health and Children further to Parliamentary Questions Nos. 88 of 7 October 2003, No. 291 of 12 November 2003 and No. 273 of 4 February 2004, when domiciliary care allowance will be awarded to a person (details supplied) in County Limerick. [9036/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** As previously stated in this case, the assessment of and entitlement to domiciliary care allowance is a matter for the relevant health board. I have contacted the Mid-Western Health Board on the Deputy's behalf and have been advised that this case is still under consideration and once more information is available the health board will contact the Deputy directly.

409. **Ms Shortall** asked the Minister for Health and Children the number of children on waiting lists for orthodontic treatment in the Eastern Regional Health Authority with the total numbers in each treatment category, and the numbers in each category who are waiting longer than six months, 12 months, two years, three years and four years or more; and if he will make a statement on the matter. [9074/04]

**Minister for Health and Children (Mr. Martin):** The provision of orthodontic services is a matter for the health boards-authority, in the first instance.

I am pleased to advise the Deputy that I have taken a number of measures to improve orthodontic services in the Eastern Regional Health Authority, ERHA, area and 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, including five from the ERHA, 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

[Mr. Martin.] has reported that the professor commenced duty on 1 of 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 €2.044 million was provided to the ERHA in 2001 and this has enabled the authority to recruit additional staff and build additional orthodontic facilities.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to the health boards-authority specifically for the purchase of orthodontic treatment. This funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners. The ERHA received €1.815 million for the treatment of cases in this way.

The regional chief executive of the ERHA has informed my Department of the following information on the treatment waiting lists at the end of December 2003:

Treatment Waiting Lists

Area Health Board	Category A	Average waiting time (months)	Category B	Average waiting time (months)
South Western	644	< 10	474	< 12
East Coast	52	< 6	148	< 24
Northern	45	< 12	2,220	< 24

The management of waiting lists for orthodontic treatment in the ERHA is the responsibility of the regional chief executive. My Department has, therefore, asked the regional chief executive of the authority to provide the Deputy with a breakdown of the treatment waiting list as requested.

The chief executive officers of the health boards ERHA have informed my Department that at the end of the December quarter 2003, there were 21,727 children receiving orthodontic treatment in the public orthodontic service. This means that there are over twice as many children getting orthodontic treatment as there are children waiting to be treated and 4,432 extra children are getting treatment from the health boards ERHA since the end of 2001.

410. **Ms Shortall** asked the Minister for Health and Children if the ERHA will indicate when a person (details supplied) in Dublin 9 will receive their orthodontic treatment; and if he will make a statement on the matter. [9075/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of orthodontic treatment to eligible persons in Dublin 9 rests with the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and reply to her directly.

#### Services for People with Disabilities.

411. **Mr. Ferris** asked the Minister for Health and Children if he will facilitate the allocation of extra hours to existing services at the Child and

Family Clinic, Brothers of Charity Services, Tralee. [9115/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of services for persons with intellectual disabilities and those with autism is a matter, in the first instance, for the Southern Health Board, My Department has, therefore, asked the chief executive officer of the health board to investigate the matter raised by the Deputy and reply directly to him.

412. **Mr. Ferris** asked the Minister for Health and Children if he will provide extra funding to cover essential services at the Child and Family Clinic, Brothers of Charity Services, Tralee. [9116/04]

413. **Mr. Ferris** asked the Minister for Health and Children if he will facilitate the appointment of an additional pre-school therapist to the Child and Family Clinic, Brothers of Charity Services, Tralee. [9117/04]

414. **Mr. Ferris** asked the Minister for Health and Children if he will facilitate the appointment of a full time speech and language therapist to the Child and Family Clinic, Brothers of Charity Services, Tralee. [9118/04]

415. **Mr. Ferris** asked the Minister for Health and Children if he will make available the resources to appoint an occupational therapist to the Child and Family Clinic, Brothers of Charity Services, Tralee especially in view of the fact that there are none available in the County Kerry. [9119/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 412 to 415, inclusive, together.

Responsibility for the provision of services for persons with intellectual disabilities and those with autism is a matter, in the first instance, for the Southern Health Board. My Department has, therefore, asked the chief executive officer of the health board to investigate the matters raised by the Deputy and reply directly to him.

#### EU Presidency.

416. **Mr. Durkan** asked the Minister for Health and Children the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the total cost to the exchequer or EU of events to date; and if he will make a statement on the matter. [9186/04]

**Minister for Health and Children (Mr. Martin):** Eight events have been organised by my Department or agencies under its aegis in Ireland and one in Brussels since the Presidency began. The number of locations used for functions or receptions in conjunction with these eight events is eight.

To date, 654 persons approximately have attended Presidency health events. The attendees at events have included: member and accession state Health Ministers accompanied by senior policy and medical advisers; members of the advisory forum and management board of the European Food Safety Authority; experts from the competent authorities for the authorisation of medical devices from the EU member and accession and states and three EFTA countries; member state chief medical officers; representatives at policy making and expert level from member states in the area of cardiovascular health; representatives of non-governmental organisations and other stakeholder groups in the area of cardiovascular health; representatives of the World Health Organisation; representatives of the European Commission; representatives of the Irish food sector; and staff from the Department, the permanent representation of Ireland to the EU, the Irish Medicines Board, the Food Safety Authority of Ireland and the Food Safety Promotion Board. Garda motorcycle escorts were not requested or provided in respect of these events.

Invitations to the events concerned were issued by post and e-mail by my Department, the Irish permanent representation in Brussels, agencies under my Department's aegis and the European Food Safety Authority in the relevant cases. The

costs invoiced or paid to date in respect of these events by my Department or agencies under its aegis is €267,478.

#### Hospital Services.

417. **Mr. Ring** asked the Minister for Health and Children if a person (details supplied) in County Mayo is on a waiting list for prostate surgery in Galway Regional Hospital or Mayo General Hospital. [9209/04]

**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 asked the chief executive officer of the board to investigate the position in relation to this case and reply directly to him.

#### Nursing Education.

418. **Mr. Ring** asked the Minister for Health and Children if there are plans in place to introduce a course for persons who have qualified in psychiatric nursing to further study in general nursing; if so, when this course will be available; and the centres in which this course will be available. [9210/04]

**Minister for Health and Children (Mr. Martin):** I presume the Deputy is referring to the postgraduate general nursing course which was offered to registered psychiatric nurses, RPN, and registered mental handicap nurses, RMHN, who wished to train as general nurses.

A number of significant measures have been introduced to increase the supply of nurses to the Irish public health system in recent years. In order to provide more training places the schools of nursing at St. Michael's Hospital, Dún Laoghaire, and Tralee General Hospital, which had previously offered the postgraduate general nursing course were redesignated as pre-registration schools of nursing.

A significant development in nursing education was the commencement of the new four-year undergraduate nursing degree programme in thirteen higher education institutes in autumn 2002, with an approved annual intake of 1,640. The Government has approved 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 number of training places has increased by 70% across the three disciplines of general, psychiatric and mental handicap nursing since 1998 as follows:

[Mr. Martin.]

Discipline	1998	2004
General Nursing	759	1057
Psychiatric Nursing	92	343
Mental Handicap Nursing	117	240

The number of training places was increased in direct response to the identified needs of the services involved and is a key element of my overall strategy for ensuring that sufficient home-trained nurses are produced for our health services into the future.

As applications for the general nursing degree programme continue to greatly exceed the number of places available on the programme, I do not see the need at present for a postgraduate general nursing course. It is important to bear in mind that such a course would be primarily designed to cater for practising registered psychiatric and mental handicap nurses wishing to work as general nurses and, as such, would have the effect of withdrawing nurses from the mental health and intellectual disability services. The pre-registration nursing degree programmes, on the other hand, have the effect of attracting new entrants to the health service. I will keep the situation under review in the light of service requirements.

#### Tax Code.

419. **Mr. F. McGrath** asked the Minister for Transport if he will investigate the concerns regarding the on-line motor taxation in relation to a system for validating keyed in particulars of car insurance and the methodology of establishing road worthiness of vehicles in the absence of a requirement to submit details of an NCT certificate; and if he will make a statement on the matter. [8366/04]

421. **Mr. Allen** asked the Minister for Transport if spot checks on the insurance policies of those who have renewed their motor tax via the new Internet service have been carried out; if so, the number of such spot checks that have occurred; [8545/04]

**Minister of State at the Department of Transport (Dr. McDaid):** I propose to take Questions Nos. 419 and 421 together.

The information which is required to be entered and confirmed when making on-line arrangements for the payment of motor tax include details of the name of the insurance company, the date of expiry of the insurance policy and the number of the insurance policy. Arrangements for on-line renewal of motor tax have been made by the Department of the Environment, Heritage and Local Government in consultation with local authorities and commenced generally from 1 March 2004. I understand that no spot checks on insurance details entered on-line have been carried out to

date. The current arrangements are an interim measure pending the setting up of an interactive on-line mechanism for verifying insurance data supplied on-line.

The NCT status of vehicles liable to car testing is recorded on the national vehicle file maintained by the vehicle registration unit of the Department of the Environment, Heritage and Local Government. However, the production of a NCT certificate when taxing a motor car has not been a requirement since December 2001 when, arising from an industrial dispute at National Car Testing Service Limited earlier that year which affected testing, some motorists were experiencing difficulties in arranging tests in sufficient time to obtain the NCT certificate needed for their motor tax application. On the resumption of normal testing service, the demand for the NCT indicated that restoration of the NCT-motor tax link was not necessary as NCT compliance rates were on a par with those for motor tax. If the compliance rates were to fall, it remains open to me to reinstate the requirement to have a valid NCT certificate for a liable motor car in order to renew motor tax.

#### National Car Test.

420. **Mr. Perry** asked the Minister for Transport the plans he has in place to have car wash facilities available in the NCT test centres; and if he will make a statement on the matter. [8863/04]

**Minister of State at the Department of Transport (Dr. McDaid):** I have no plans to require NCTS to provide car wash facilities at NCT test centres.

*Question No. 421 answered with Question No. 419.*

422. **Ms McManus** asked the Minister for Transport if his attention has been drawn to complaints relating the health and safety issues regarding the national car testing centre in Deansgrange, County Dublin, during the past five years; if so, the nature of these complaints; if they are being addressed; and if he will make a statement on the matter. [8282/04]

**Minister of State at the Department of Transport (Dr. McDaid):** Under the contract for the provision and operation of the car testing service, National Car Testing Service Limited is required, *inter alia*, to comply with all enactments having force of law in the State, which includes health and safety legislation. Responsibility for the enforcement of health and safety legislation is a matter for the Health and Safety Authority.

#### Penalty Points System.

423. **Mr. Healy-Rae** asked the Minister for Transport 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 hand-held device while manning a speed check; and if he will make a statement on the matter. [8283/04]

439. **Mr. J. Higgins** asked the Minister for Transport if his Department will take measures to ensure that motorists observed breaking the speed limit are sent initial notification within two weeks of the offence being committed to encourage them to observe the speed limit during the months that elapse between the offence being committed and the issuing of penalty points. [8544/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 423 and 439 together.

Section 11 of the Road Traffic Act 2002 provides that where a member of the Garda Síochána has reasonable grounds for believing that a fixed charge offence is or has been committed, the member shall serve or cause to be served a fixed charge notice. Since 31 October 2002 the offence of breaking a speed limit falls within the remit of the fixed charge system. In the case of a detection for speeding, the fixed charge notice contains details of the speed that the vehicle was travelling at when detected and the speed limit in force at the relevant location. The issuing of fixed charge notices is a matter for the Garda Commissioner.

The Road Traffic Acts give broad scope to the Garda Commissioner in respect of the use of equipment in the enforcement of speed limits. Decisions relating to the type of equipment used by the Garda and the deployment of such equipment are operational matters for the Garda Commissioner.

A particular period of time after the alleged commission of an offence is not provided for in the Road Traffic Acts in respect of the issue of a fixed charge notice on the grounds that more than one notice may be required in certain circumstances. Where a detection is made that does not involve a direct interception by a member of the Garda, the fixed charge notice must be issued to the registered owner. Where the owner was not driving the vehicle at the time of the alleged commission of the offence he or she may, within 28 days of the date of the notice, nominate the driver who may then be served with a notice.

#### **Air Services.**

424. **Ms B. Moynihan-Cronin** asked the Minister for Transport if it is proposed to review the PSO to regional airline services following a recent report by a company (details supplied); his plans for the future State subsidisation of these services; and if he will make a statement on the matter. [8304/04]

**Minister for Transport (Mr. Brennan):** The report to which the Deputy refers is the review of air services supported by the essential air services

programme — public service obligation, PSO, routes. DKM Economic Consultants were commissioned by my Department to undertake the review under the Government's expenditure review initiative.

EU Council Regulation (EEC) No. 2408/92 allows member states to establish a PSO in respect of scheduled air services to an airport serving a peripheral or development region where such air services are considered essential for the economic development of the regions concerned and where air carriers are not prepared to provide such air services on a commercial basis. In accordance with this EU regulation, the Government has established PSOs on six routes linking Dublin Airport with the airports in Kerry, Galway, Knock, Sligo, Donegal and Derry. The total cost of subvention amounts to over €20 million per annum. The purpose of the DKM review was to evaluate the degree to which the objectives of the PSO air service programme warrant the ongoing allocation of Exchequer support and to examine the scope for alternative policy or new approaches to achieving the objectives on a more efficient and cost effective basis.

I am currently exploring ways of restructuring PSO specifications and contractual arrangements to ensure that, in the long term, an appropriate level of air access to the regions can be facilitated on a cost-effective basis, within the annual Estimates provision, while also encouraging maximum commercial initiative on the part of the regional airports and air operators. I intend to bring proposals to Government later this year and to re-launch a revised specification for services on all six routes to commence in mid-July 2005.

#### **Ministerial Appointments.**

425. **Ms Enright** asked the Minister for Transport the number of staff appointed by him, from outside the Civil Service, since the general election in 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8335/04]

**Minister for Transport (Mr. Brennan):** Details of staff (including salary costs and expenses paid) appointed by me from outside the Civil Service, since the general election in 2002, are set out in the following tables. The role of the staff concerned is set out hereunder.

The role of my special adviser is to keep me informed on a wide range of issues including business, policy, political and administrative, along with monitoring the objectives of the Department and liaison with interested parties in all relevant areas.

The role of my press officer is to deal with all media queries, research and prepare press releases and media information, monitor all areas of transport in the media and liaise with all sections in the Department on the dissemination

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of information that will be of benefit to the general public.

The role of the personal assistants is to assist in providing support and advice for the administrative responsibilities of the Minister of State and me.

The role of the personal secretaries is to act as Oireachtas secretary dealing with constituency matters and the role of the civilian driver is to drive for the Minister of State.

Table of appointments made by Deputy Brennan, Minister for Transport, for his office.

Grade/ Job Title	Total Salary Cost per Annum	Total cost of Expenses (from June 2002 to date)
	€	€
1 x Personal Assistant	33,685	Nil
1 x Personal Secretary	36,160	Nil
1 x Press Officer	86,314	Nil
1 x Special Advisor	80,457	18,870.93

Table of appointments made by Deputy Brennan, Minister for Transport, for the office of Deputy McDaid, Minister of State at the Department of Transport.

Grade/Job Title	Total Salary Cost per Annum	Total cost of Expenses (from June 2002 to date)
	€	€
1 x Personal Assistant	39,781	2,275.94
1 x Personal Secretary (Temporary, to Cover maternity Leave)	469.20 per week	Nil
1 x Personal Secretary	24,483	Nil
2 x Civilian Drivers	26,468 each	11,252.72

### Penalty Points System.

426. **Ms Shortall** asked the Minister for Transport if he is proposing to include road traffic offences committed by cyclists in the new system of fixed charges; and if so, when he intends to do this. [8374/04]

**Minister for Transport (Mr. Brennan):** A new system of fixed charges is due to be introduced for road traffic offences to replace the present on-the-spot-fines system and it is proposed to include road traffic offences committed by cyclists when the new statutory provisions are being prepared. The on-the-spot fines system does not apply at present under road traffic law in respect of cyclists who break the road traffic code as an alternative to being prosecuted in court.

The main features of the new system include providing that any person who is being accused of the commission of a fixed charge offence will be afforded the opportunity to pay the charge and the introduction of a two-tiered charge through which the level of charge will increase by 50% if payment is not made within 28 days of the issue of the fixed charge notice — the increased amount must be paid within a further period of 28 days so as to avoid court proceedings. If the offender elects to go to court and is convicted of an offence he or she is liable to a fine not exceeding €800 for a first offence, a fine not exceeding €1,500 for a second or subsequent offence and if a third or subsequent such offence

is committed within 12 months, the person is liable to a fine not exceeding €1,500 or, at the discretion of the court, to imprisonment for a term not exceeding three months or both. The determination of the actual fine to be imposed in each particular case is a matter for the courts.

The roll-out of the fixed charge system to the majority of traffic and parking offences including offences committed by cyclists is being progressed at present in conjunction with the Department of Justice, Equality and Law Reform and the Garda authorities.

427. **Ms Shortall** asked the Minister for Transport when he intends to include the use of hand-held mobile telephones in the list of offences in the penalty points system; and if he will make a statement on the matter. [8375/04]

**Minister of State at the Department of Transport (Dr. McDaid):** I have been advised by the Attorney General that the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) No. 2 Regulations 2002 are open to challenge in the courts on the grounds that they may be *ultra vires*. The uncertainty is compounded by the scope and speed of developments in in-car technologies. I propose to remove the uncertainty by providing, in the next road traffic Bill, a legislative framework to address the overall regulatory questions arising from the development of in-car technologies. Preparation of this legislation is at an advanced

stage in my Department. I envisage that implementation of this legislation will involve the making of revised regulations to deal with mobile telephone use by drivers of motor vehicles and the application of penalty points for breaches of the regulations.

#### **Speed Meter Detector Devices.**

428. **Ms Shortall** asked the Minister for Transport further to recent media reports regarding the availability for sale of devices designed to counter the effect of scanners and other equipment used to detect cars which exceed the statutory speed limits, the action he has taken to ensure that the Garda pursue appropriate enforcement proceedings against the suppliers of these devices; and if he will make a statement on the matter. [8376/04]

**Minister of State at the Department of Transport (Dr. McDaid):** Under the Road Traffic (Speed Meter Detectors) Regulations 1991, it is an offence to import, supply, offer to supply, fit, offer to fit a speed meter detector device in a vehicle or to use such a device in a vehicle. The penalties for a breach of the regulations are a fine not exceeding €800 in the case of a first offence, a fine not exceeding €1,500 in the case of a second or subsequent offence, and a fine of €1,500 or 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.

Enforcement of the regulations is a matter for the Garda Síochána. I am, however, aware from recent media coverage of this issue that the Garda has indicated that the use of speed meter detector devices is illegal and that persons breaching the regulations will face prosecution.

#### **Taxi Regulations.**

429. **Mr. Gogarty** asked the Minister for Transport if he is seeking changes in legislation relating to public service vehicles where the display of the word “Tacsai” is not permitted. [8380/04]

**Minister for Transport (Mr. Brennan):** I have asked my Department to examine the position regarding the use of the Irish language on taxi signs, with a view to preparing any legislative changes necessary.

#### **Speed Limits.**

430. **Mr. Naughten** asked the Minister for Transport if he will consider reviewing the locations of 30 miles per hour speed limits in towns and villages in conjunction with the national changeover from miles per hour to kilometres per hour. [8413/04]

**Minister for Transport (Mr. Brennan):** The Road Traffic Acts provide that a built-up area speed limit of 30 mph applies to every public

road, except a motorway, in an urban area. The Acts also provide that, where they deem it appropriate, the members of a local authority may replace that default speed limit with an alternative speed limit in respect of any road in such areas. Such decisions are made in consultation with the Garda and with the consent of the National Roads Authority in respect of speed limits on national roads including motorways.

I intend to introduce legislative proposals to the Oireachtas shortly to support new speed limit structures, based on the report of a working group that carried out a review of the current speed limit system against the background of the metrication of speed limits by the end of this year. I envisage that this legislation will provide for the retention of the role of the local authority members in determining the speed limits to be applied at particular locations. The legislation will also provide that the range of speed limits that may be deployed will continue to be determined on a national basis.

#### **State Airports.**

431. **Mr. P. Breen** asked the Minister for Transport the number of landowners affected, in respect of each of the protected areas designated in accordance with the terms of section 14 of the Air Navigation and Transport Act 1950 at Dublin, Shannon and Knock Airports; and if he will make a statement on the matter. [8452/04]

**Minister for Transport (Mr. Brennan):** Three orders were made under section 14 in 1988, 1989 and 1993. At that time, the Irish Aviation Authority, IAA, had not yet been established as a separate body. The orders in question relate to circular protected areas of 300 metres radius from the IAA's DVOR/DME equipment at Rowlestown West, County Dublin, Kilgarriff West, Charlestown, County Mayo and Knockaun, Shannon, County Clare. In the time available, it has not been possible to ascertain whether the Department or the IAA has information about the numbers of landowners affected by the orders. There is no requirement in the 1950 Act to identify landowners in advance of making the orders.

432. **Mr. P. Breen** asked the Minister for Transport if, further to Parliamentary Question No. 415 of 3 February 2004, in accordance with the terms of the 1944 ICAO Chicago convention, member states are obliged to prepare aerodrome safeguarding maps in respect of state airports; if Ireland has prepared such maps for Dublin, Cork and Shannon airports; if not, if Ireland has informed the ICAO of such a failure on its part in accordance with the obligations imposed by Article 38 of the convention by which contracting states are required to notify the convention of differences between the national regulations and practices and the international standards



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contained in ICAO Annexe 14; and if he will make a statement on the matter. [8453/04]

**Minister for Transport (Mr. Brennan):** As I indicated in my reply to Question No. 348 answered on 2 March 2004, this is a matter for the Irish Aviation Authority and not one in which my Department has a role.

Reply to Question No. 348 taken on 2 March 2004: This is a matter for the Irish Aviation Authority as the issue of safeguarding maps is covered in Annexe 14 to the Chicago convention.

433. **Mr. P. Breen** asked the Minister for Transport if, further to Parliamentary Question No. 480 of 16 December 2003 and with particular reference to the recent opening near Dublin Airport of a private car park, in respect of which Aer Rianta lodged an objection, followed by an appeal to An Bord Pleanála, which appeal refusal it unsuccessfully sought to challenge in the High Court with all such challenges based on the stated existence of the then proposed car park within the red zone of runway 16/34, if the red zone in question was a two-dimensional surface on the ground or a three-dimensional surface in the sky; and if he will make a statement on the matter. [8454/04]

**Minister for Transport (Mr. Brennan):** I refer the Deputy to my reply to Question No. 480 of 16 December 2003.

#### **Social Welfare Benefits.**

434. **Mr. Cregan** asked the Minister for Transport if social welfare free travel passes will be available on the new Luas service; if negotiations have been completed with the operator to date; if the same rules will apply as exist on the heavy rail, Irish Rail service; if the free service will be confined to off-peak period as is the case with Bus Átha Cliath. [8493/04]

**Minister for Transport (Mr. Brennan):** The Railway Procurement Agency has informed me that, subject to agreement with the Department of Social and Family Affairs, Luas will be providing free services to those with social welfare free travel passes. I understand that discussions are ongoing between the RPA and the Department regarding the details of such a scheme in respect, for example, of the position relating to travel at peak hours. It is expected that these issues will be finalised shortly.

#### **Parking Regulations.**

435. **Ms B. Moynihan-Cronin** asked the Minister for Transport the current fine for illegal parking in a disabled person's parking space; if he will consider increasing the fine; and if he will make a statement on the matter. [8506/04]

**Minister for Transport (Mr. Brennan):** Where a person is convicted in court of the offence of illegally parking in a disabled person's parking

bay he or she is liable to a fine not exceeding €800 for a first offence, a fine not exceeding €1,500 for a second or subsequent offence and if a third or subsequent such offence is committed within 12 months the person is liable to a fine not exceeding €1,500 or, at the discretion of the court, to imprisonment for a term not exceeding three months or both. The determination of the actual fine to be imposed in each particular case is a matter for the courts.

The offence in question currently comes within the scope of the on-the-spot fines system. The amount of the on-the-spot fine applicable to this offence is €19 which is the level that applies to the majority of parking offences. Where an on-the-spot fine notice is issued, it is open to the person to whom the notice is addressed to pay the relevant amount so as to avoid the matter proceeding to court.

The Road Traffic Act 2002 provides for the replacement of the current on-the-spot fines system by a fixed charge system. The new system which already applies to the offences of exceeding a speed limit and breaching the requirements for the use of seat belts brings greater certainty to the application of administrative charges in respect of offences. It features, in particular, a provision through which the original amount of the fixed charge will automatically increase by 50% where payment is not made within 28 days of the date of the original notice.

The roll-out of the system to the majority of traffic and parking offences including the offence of parking in a disabled persons' parking bay is being progressed in conjunction with the Department of Justice, Equality and Law Reform and the Garda authorities. I envisage that this process will feature the updating of the charges associated with parking offences generally including this offence.

#### **Rail Accidents.**

436. **Mr. G. Mitchell** asked the Minister for Transport if his railway safety inspecting officer has commenced an investigation into the deaths of two persons on the Luas line at Naas Road and Davitt Road, Dublin 12; if his Department has received a preliminary report from the inspecting officer and the RPA; if not, the reason therefor; if he will outline the details available to date; and if he will make a statement on the matter. [8523/04]

441. **Mr. O'Connor** asked the Minister for Transport if his attention has been drawn to the huge public concern being expressed in Tallaght and elsewhere arising from the recent sad deaths on the Luas lines on Davitt Road and the Naas Road; his views on whether there are clear safety issues to be addressed; if he will seek a report from the Railway Procurement Agency; and if he will make a statement on the matter. [8581/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 436 and 441 together.

As the Deputies are aware, responsibility for the day to day management of the Luas project rests with the Railway Procurement Agency, RPA. However, the RPA has assured me that it and the Luas contractors are committed to ensuring the safety of traffic management measures which must be put in place to facilitate Luas works. As Garda investigations are still ongoing into the road traffic accidents on the Naas Road and Davitt Road it would be inappropriate at this stage to comment further on the matter.

#### **Road Traffic Regulations.**

437. **Mr. Stagg** asked the Minister for Transport the reason motor bikes and scooters are not allowed to use bus lanes, thus forcing them into normal heavy city traffic; if he intends to raise this matter; and if he will make a statement on the matter. [8542/04]

**Minister for Transport (Mr. Brennan):** The use of bus lanes in this country is provided for in the Road Traffic (Traffic & Parking) Regulations 1997, the primary purpose of which is to facilitate and promote bus based public transport. These regulations generally limit the use of bus lanes to buses and, in the case of with-flow bus lanes, to cyclists. Having regard to the role of taxis in providing on-street immediate hire service an exemption to that limitation is allowed in respect of taxis when they are being used in the course of business.

An overriding concern is the carrying capacity of bus lanes and the potential that their primary role to provide bus priority could be undermined if other vehicles are allowed access.

I have received representations seeking to extend access to bus lanes to a wide range of other road users, including hackney, limousine operators and motorcyclists. I do not have any immediate proposals to review the question of extending access to bus lanes to other road users. However, as I have indicated on previous occasions in this House, I will review the question when the number of bus lanes has doubled.

#### **Driving Licences.**

438. **Ms B. Moynihan-Cronin** asked the Minister for Transport when it is envisaged to introduce the proposed plastic card type driving licence; if he will give consideration to availing of this opportunity to allow persons to indicate on the cards whether they are organ donors; his views on whether this would increase the awareness of organ donation; and if he will make a statement on the matter. [8543/04]

440. **Mr. Gormley** asked the Minister for Transport his views on whether the new driving licence format should include an opt-out from

organ donation rather than the current opt-in. [8567/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 438 and 440 together.

The paper format driving licence currently in use contains an optional section where the licence holder may, if he-she so wishes, indicate consent to be an organ donor.

I propose to introduce a plastic card licence, tenders for which are currently being considered by my Department. Consideration will be given as part of development of the card licence system as to whether optional information regarding organ donation might be recorded on the card licence. In the context of organ donation, I consider that it would be more appropriate for a prospective organ donor to positively consent to donation as is currently provided for.

*Question No. 439 answered with Question No. 423.*

*Question No. 440 answered with Question No. 438.*

*Question No. 441 answered with Question No. 436.*

#### **Services for People with Disabilities.**

442. **Mr. Stanton** asked the Minister for Transport the amount of money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the amount of money allocated to enabling persons with disabilities to more easily access services of his Department. [8646/04]

**Minister for Transport (Mr. Brennan):** All new investments in public transport infrastructure are required to conform to the highest standards of accessibility. For example, the Luas system and all new rolling stock and buses purchased by CIE are fully accessible.

In addition, my Department provides funding to part-finance accessibility improvements to existing public transport infrastructure and facilities. This funding is used primarily to improve access at bus and rail stations for people with mobility and sensory impairments. Some €4 million was provided for these projects in 2003 and €10 million is being made available for similar projects in 2004. For example, the DART upgrade project which commenced in 2003 includes provision for increasing accessibility for mobility-impaired passengers at DART stations.

#### **Rail Network.**

443. **Mr. N. O'Keeffe** asked the Minister for Transport if he will approve funding in respect of a rail project (details supplied). [8846/04]

**Minister for Transport (Mr. Brennan):** The Cork area strategic plan and the strategic rail review supported the case for upgrading

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commuter rail services in the Cork area. A feasibility study conducted by Iarnród Éireann showed a positive economic return for the proposed rail developments. I expect to receive specific proposals from Irish Rail on the development of the Blarney to Middleton line. The proposals will include a full cost benefit analysis, arrangements for financing the project and specific plans as to how the project can be delivered.

#### **Driving Tests.**

444. **Mr. N. O’Keeffe** asked the Minister for Transport if he will arrange a driving test date for a person (details supplied) in County Cork who is prepared to accept a cancellation date. [8847/04]

**Minister for Transport (Mr. Brennan):** A driving test for the person concerned will be arranged as soon as possible.

#### **National Car Test.**

445. **Mr. Naughten** asked the Minister for Transport the failure rate of catalytic converters in the NCT; if his Department has researched the claim that such converters cause more damage to the environment during manufacture than protection during the lifetime of use; and if he will make a statement on the matter. [8848/04]

**Minister of State at the Department of Transport (Dr. McDaid):** A catalytic converter forms part of a vehicle’s overall emission control system and is designed to treat vehicle engine gases by removing harmful pollutants. The emissions element of the NCT measures the exhaust gases of a vehicle for compliance with specified limit values. Failure of the NCT for exceeding a specified emission limit value could arise for a number of reasons, including a defective catalytic converter. However, as the NCTS is not a diagnostic service for vehicle faults, identification of individual factors contributing to the failure of a car on emissions grounds does not form part of the NCT and accordingly no such data on defective catalytic converters is available.

All new cars sold in the European Union must have Whole Vehicle Type Approval, WVTA. WVTA requires cars to meet the requirements set out in a series of separate type-approval directives including Directive 70/220/EEC, as amended, relating to vehicle emissions. This directive provides for the type-approval of emissions systems including catalytic converters.

#### **Rail Services.**

446. **Mr. Naughten** asked the Minister for Transport the discussions he has had with Irish Rail regarding the potential for the development of its rail freight business; the plans he has to provide specific rail freight grants; and if he will make a statement on the matter. [8849/04]

#### **Minister for Transport (Mr. Brennan):**

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

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

I expect Irish Rail will continue to develop its rail freight business in line with this more concentrated approach to this division of its work.

#### **Rail Safety.**

447. **Mr. Naughten** asked the Minister for Transport, further to Parliamentary Question No. 246 of 17 December 2003, the progress to date and when he intends to publish the programme; and if he will make a statement on the matter. [8850/04]

**Minister for Transport (Mr. Brennan):** The reconvened task force on railway safety has completed a detailed review of proposals from Iarnród Éireann for both the infrastructural and safety management systems elements of a railway safety programme for the period 2004-08. Iarnród Éireann is now preparing a revised composite draft of the programme taking account of the views expressed by the task force. This draft will be considered by the task force in early April, after which it will endeavour to bring its work to an early conclusion. I will then bring the new five year railway safety programme to Government for approval. The programme will be published following that approval.

#### **Public Transport.**

448. **Mr. Crowe** asked the Minister for Transport the implications for public transport workers in Dublin Bus who hold letters of comfort in the planned break-up of CIE and part privatisation of Dublin Bus. [8891/04]

**Minister for Transport (Mr. Brennan):** My legal advice is that the letters do no more than convey to employees serving at that time the contents of section 14(7) of the Transport (Reorganisation of Córas Iompair Éireann) Act 1986. That subsection specifies that, in the event of any of the subsidiary companies being wound up, its functions and employees would revert to CIE. Since it is not proposed to wind up any of the operating subsidiary companies, the circumstances provided for in section 14(7) of the 1986 Act do not arise.

### School Transport.

449. **Mr. Wall** asked the Minister for Transport the position on the provision of seat belts in school buses; if the Minister has provided a mechanism to monitor such a provision; the guidelines the Minister has put in place in relation to monitoring such a provision; and if he will make a statement on the matter. [8918/04]

**Minister of State at the Department of Transport (Dr. McDaid):** The Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) No. 3 Regulations 1991 require, *inter alia*, the compulsory fitment of anchorages and safety belts for use by the driver and each passenger in a forward facing front seat of buses up to 3,500 kg maximum weight that were first registered since 1 January 1992. The requirements do not distinguish between school buses and any other buses. Other buses or coaches are not at present required to be equipped with seatbelts either under EU or Irish law.

In 2003 the European Commission published proposals to amend a number of directives relating to the type approval requirements for safety belts and restraint systems, anchorages for safety belts, and seats, their anchorages and head restraints. These proposals provide, *inter alia*, for the mandatory fitment of seatbelts in all buses and coaches, other than those used on staged-stop urban services, at manufacturing stage for the purposes of obtaining motor vehicle type approval. Under the proposals it would be a requirement for the registration, sale or entry into service of new buses and coaches, from 1 January 2006, that their safety belts and restraint systems, anchorages for safety belts, and seats, their anchorages and head restraints would conform with the technical requirements specified in the proposed amending directives. It is not proposed nor would it be feasible for technical reasons to fit seatbelts to existing buses. It is expected that the proposals will be considered at Council shortly with a view to the adoption of a common position by member states.

The operation of the school transport scheme is provided and operated by Bus Éireann under contract from the Department of Education and Science. In 2002, my Department published a discussion paper on school bus safety to which a large number of responses was received. These are now being reviewed with a view to identifying a cost effective approach to enhancing road safety for school transport.

### Air Services.

450. **Mr. Naughten** asked the Minister for Transport the contingency plan which Aer Rianta has in place to ensure that industrial action does not stop the operation of flights, in line with the Government direction of six years ago; the reason this was not put in place for the industrial action

on 18 March 2004; and if he will make a statement on the matter. [9003/04]

**Minister for Transport (Mr. Brennan):** I am pleased that SIPTU decided to call off its threatened industrial action at the three State Airports on Thursday last. I believe that any such action is unnecessary and unjustified and I look forward to a resumption of the engagement process between the unions and my Department, under the chairmanship of an LRC official, at which issues of concern to Aer Rianta workers arising from the restructuring of the company can be further discussed.

My Department is currently reviewing the position regarding contingency planning by Aer Rianta to deal with industrial action affecting State airports. I have directed my officials to consult in that regard with Aer Rianta and the Irish Aviation Authority and to seek to elicit also the views of the airlines. In light of recent events, I have directed my officials to report to me on these matters as a matter of urgency.

### Public Transport.

451. **Mr. Naughten** asked the Minister for Transport when a decision will be made on the outstanding 2003 applications for bus licences and authorisations in view of recent discussions at the Oireachtas committee; when a decision will be made on an application (details supplied) which has been with his Department for over seven months; and if he will make a statement on the matter. [9058/04]

**Minister for Transport (Mr. Brennan):** During the course of 2003, a total of 196 applications were received for new passenger licences or amendments to existing licences representing an increase of nearly 100% on 2002. The Department succeeded in dealing with 139 of these applications, as well as concluding assessment of a substantial backlog of applications from previous years. A total of 57 were carried forward into 2004. Of these, 26 have been processed to date. All but one of the remaining 31 applications are currently under consideration and these are expected to be cleared by end May subject to the retention of existing bus licensing staff and the timely provision of any further information by applicants where necessary.

The particular notification referred to in the Deputy's question is one of only three notifications, of a total of 157 received from the CIE bus companies during 2003, upon which a decision had to be deferred pending clearance of a prior application for a passenger licence from a private operator. The Department expects to be in a position to make a decision on the case involved by the end of this month.

452. **Mr. Naughten** asked the Minister for Transport his plans for the introduction of bus competition outside Dublin; and if he will make a statement on the matter. [9059/04]

**Minister for Transport (Mr. Brennan):** I set out my policy proposals for public transport reform in statements to the Public Transport Partnership Forum in November 2002 and the Oireachtas committee on transport in June 2003. It is my intention that all public transport outside the greater Dublin area be subject to independent economic regulation. I also propose to establish an independent procurement and regulatory body for public transport on a national basis.

I have considered the many comprehensive submissions to my Department following the publication of the consultant's report commissioned by my Department, entitled Regulation of Bus Services Outside the Greater Dublin Area. It is my intention to bring forward detailed proposals in the near future having regard to the ongoing discussions on public transport reform with the CIE unions.

#### Driving Tests.

453. **Mr. Naughten** asked the Minister for Transport the number of vacancies within his Department for driving testers; the plans he has to fill these positions and to recruit additional testers; the number of contract testers and the plans he has to appoint them on a permanent basis; and if he will make a statement on the matter. [9060/04]

**Minister for Transport (Mr. Brennan):** The authorised number of driver testers, including supervisory testers, a chief tester and 20 contract driver testers, is 130. Currently, there are seven driver tester vacancies and one contract driver tester vacancy. The Department keeps the level of vacancies under review having regard to current and future requirements of the driver testing service.

454. **Mr. Naughten** asked the Minister for Transport the plans he has to introduce a bonus scheme for driving testers to address the current backlog; the details of the scheme in place in 2003 and its success; and if he will make a statement on the matter. [9061/04]

**Minister for Transport (Mr. Brennan):** The bonus scheme for driver testers introduced in June 2003 provided for bonus payments per additional test conducted. Payment was conditional on delivering a minimum number of additional tests. Three driver testers opted to participate in the scheme and 1,050 additional tests were delivered under the scheme. The possibility of introducing a further bonus scheme in 2004 is currently being considered.

#### EU Presidency.

455. **Mr. Durkan** asked the Minister for Transport the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all

instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the total cost to the exchequer or EU of events to date; and if he will make a statement on the matter. [9187/04]

**Minister for Transport (Mr. Brennan):** I have not hosted any events as yet in connection with Ireland's Presidency of the EU. However there will be an event involving the signing of the European Road Safety Charter in Dublin Castle on 6 April next. All EU Ministers for Transport, including the accession countries, have been invited to attend with a number of ancillary organisations. The Vice President of the European Commission and the President of the European Parliament have also been invited to attend.

All invitations were sent by the postal service. It is unlikely that Garda motorcycle escorts will be necessary. As this event is yet to take place the cost is not yet known.

#### Child Care Services.

456. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform his views on the establishment of quality, community based, State-run child care facilities as a matter of urgency in order that parents have no problems in securing child care places, which are very expensive; and if he will make a statement on the matter. [8418/04]

501. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the claim that Irish parents are spending an average of €800 per month on child care for one child, and much higher than this in many cases; if information is collected by his Department on the typical child care costs for Irish families; if so, will he provide the latest information on such costs to the House; the action he is taking to reduce child care costs; if his attention has further been drawn to the enormous disincentive for parents in taking up or continuing in employment, especially if they have two children, because of child care costs; and if he will make a statement on the matter. [8831/04]

502. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the assistance on offer from the State to parents to cover child care costs while they are at work. [8832/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 456, 501 and 502 together.

The Deputy will be aware that there have been very significant developments in the provision of supports for the development of child care in recent years. Child care was identified as a priority area for investment in the National Development Plan 2000-2006 and the Equal Opportunities Childcare Programme 2000-2006, EOCP, was launched by my Department in April 2000 to support the development of a range of

child care facilities to enable parents to remain in or return to employment, education and training. We are aware that, at the turn of the century, there were approximately 56,000 centre based child care places in Ireland.

When all the EOCP 2000-06 funding is drawn down, I expect that we will have supported at least 30,000 additional places, benefiting every county. The current EOCP is a seven year programme which aims to maintain and increase the number of child care facilities and places, improve the quality of child care services and introduce a co-ordinated approach to the delivery of child care services to meet the diverse childcare needs of parents in employment, education or training.

Total funding allocated to my Department for these purposes during the seven year period of the programme is €437 million for a diverse but strategically focused range of measures including capital grants, staffing supports for community facilities in disadvantaged areas and projects designed to improve the quality of childcare. The total funding committed under the Equal Opportunities Childcare Programme 2000-2006, in the period up to 28 February 2004, is more than €254.3 million. Over 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 over 26,500 existing places. Much of the unallocated funding is already earmarked for second phases of existing projects, particularly as a contribution to the staffing costs of community based child care facilities which offer services to disadvantaged families.

At the request of my Department, the Central Statistics Office included a module on child care in its 2002 quarterly national household survey. The survey found that for families with pre-school children only, the average cost of child care was about €105, while the average weekly cost for families using child care for school going children only was almost €76 per week. For families using a mix of child care, the average weekly cost was found to be €107.37. The Deputy will also be aware that child benefit supports made available by my colleague, the Minister for Social and Family Affairs, have been increased very significantly in recent years to support parents in their choices with regard to the care of their children. The programme for Government and the progress of my Department's equal opportunities childcare programme are confirmation of the Government's commitment to developing child care and keeping it at the forefront of its social agenda.

#### Sign Language.

457. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if the Government intends to recognise Irish sign language as an official language of the State within the

Constitution; and if he will make a statement on the matter. [8470/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Two forms of sign languages are commonly in use in this country. The Commission on the Status of People with Disabilities received a broad range of submissions from the different disability organisations and from individuals, including proposals for the recognition of Irish sign language as the language of deaf citizens and for education to be provided to deaf children through Irish sign language. The commission pointed to the need for sign language to be recognised but did not recommend inclusion as an official language or specify a particular form of sign language.

Arising from its deliberations the commission made proposals relating to the education of deaf children and access to further education options through sign language. In this regard, the Education Act 1998 made provision for support services in respect of students learning through Irish sign language or any other sign language, including interpreting services. The Education for Persons with Disabilities Bill 2003, which is currently before the Oireachtas, addresses the provision of services for children in education, focusing on the assessment of the needs of the individual child and this may include the consideration of appropriate sign language services.

While I support appropriate measures to further social inclusiveness for people with disabilities, there are no current proposals to give recognition to Irish sign language as a third official language.

#### Garda Stations.

458. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the position in relation to a Garda station in Donegal; and if he will make a statement on the matter. [8995/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand from the Garda authorities that there are no current plans to undertake works at Carndonagh Garda station. However, the accommodation needs of the gardaí there will be kept under continuing review by the Garda authorities.

#### Garda Security Escorts.

459. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he intends to review the costs incurred by the Exchequer originating in security provided for banks and other lending institutions; and if he will make a statement on the matter. [9138/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As regards costs associated with cash escorts carried out by the Garda Síochána, following negotiations between the banks and my Department last year, the banks agreed to

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increase their contributions to these costs from €952,000 in respect of 2002 and previous years to €3,000,000 in respect of 2003.

It was also agreed that further discussions would occur about the level of contributions to be made by the banks in future years and my Department is currently pursuing this matter.

#### **Asylum Applications.**

460. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he will review a deportation order in regard to a person (details supplied) in Dublin 8; and if he will give consideration to this person's situation. [8253/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person referred to arrived in the State on 1 April 2000 and applied for asylum on 3 April 2000. He was refused refugee status after appeal and, on 5 March 2002 he was informed that, on the basis of the refusal, the Minister proposed to deport him. As required by section 3 of the Immigration Act 1999 he was given the following options: to make written representations within 15 working days to the Minister setting out reasons why a deportation order should not be made; to voluntarily leave the State; or, to consent to deportation.

Representations were submitted thereafter by his legal representatives on his behalf. The case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 — prohibition of refoulement — including consideration of all the representations made and a deportation order was signed by the Minister on 10 March 2003.

The person concerned instituted judicial review proceedings challenging the deportation order. The application for leave to seek judicial review was heard in the High Court on 17 and 20 February 2004 and judgment was delivered on 19 March last refusing this application. The matter is due to be mentioned again on 23 April next. In the circumstances, I do not propose to review the deportation order made in this case.

#### **Departmental Funding.**

461. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the funding available from his Department in regard to single parent support groups; the mechanism for drawing down such funding; and if he will make a statement on the matter. [8275/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The funding of single parent support groups does not fall within the remit of my Department.

#### **Prisoner Transfers.**

462. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if he will investigate

the transfer of a person (details supplied) in County Kildare from St. Patrick's Institution to Shelton Abbey; and if he will make a statement on the matter. [8306/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person referred to by the Deputy is serving a cumulative sentence of 18 months for the unauthorised taking of an MPV, criminal damage, no insurance, assault and trespass. The sentence was reduced from two years by the court on appeal on 27 February 2004. He is currently scheduled for release, with standard remission, on 11 March 2005. In view of the length of sentence that he has left to serve, I am not prepared to consent to a transfer for him to an open centre at this time.

#### **Noise Pollution.**

463. **Mr. Kirk** asked the Minister for Justice, Equality and Law Reform the powers of the Garda Síochána in dealing with noise pollution in urban areas or centres of population; and if he will make a statement on the matter. [8307/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The legislation on noise pollution is a matter for my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Cullen. His Department has issued a leaflet entitled A Guide to the Noise Regulations which outlines the steps to be taken where a person is experiencing nuisance caused by noise.

While this is primarily a civil matter and rests outside the remit of the Garda Síochána, the Criminal Justice (Public Order) Act 2003 provides that application may be made by the Garda to the District Court for a closure order on a catering premises for certain reasons including continuous loud noise emanating from such premises.

#### **Crime Prevention.**

464. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the Garda authorities will provide a report regarding a spate of car vandalism in recent weeks in the East Wall area of Dublin 3; the action the Garda has taken on this matter; if Garda patrols are adequate to deal with this problem; if they can be increased; if there is evidence that some of the attacks are racially motivated; and if he will make a statement on the matter. [8308/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that from 9 February to 11 March 2004 there were 11 reported incidents of car vandalism in the East Wall area. There is no evidence at this stage that these incidents are racially motivated.

I understand that local Garda management has responded to these incidents by deploying a mobile unit in the area consisting of three

uniformed gardaí specifically tasked with addressing the problem of car vandalism. This unit is in addition to the normal foot and mobile patrols in the area from divisional crime task force, divisional traffic unit, detective patrols, community police units and regular uniform patrols.

I am assured that local Garda management are satisfied that there are adequate resources deployed to deal with the problems highlighted.

#### **Garda Deployment.**

465. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of gardaí specifically assigned to anti-drug measures in the Cabra area of K district, Dublin 7; the number of gardaí in the drug unit covering the entire K district; the areas and the population covered by this unit; the Garda's views on whether the drug problem is on the increase in this area; if additional Garda resources might be assigned to it; and if he will make a statement on the matter. [8309/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the K district drug unit covers the Cabra, Finglas and Blanchardstown areas and that the current personnel strength of the K district drug unit is nine, all ranks. I am further informed that the current personnel strength, all ranks, of Cabra Garda station as at 22 March 2004 is 65.

The approximate population of the K district is as follows:

Station	Population
Blanchardstown	80,000
Finglas	20,000
Cabra	20,000

Garda management in the K district state that there is no apparent increase in the drug problem in the area and are satisfied that the current strength of the K district drug unit is adequate to address the drugs issues there.

All gardaí have a responsibility, inter alia, to deal with drug related matters as they arise. I am assured by the Garda authorities that the situation will be kept under review and when additional personnel next become available the needs of Cabra Garda station will be fully considered within the overall context of the needs of Garda stations throughout the country.

#### **Registration of Title.**

466. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the position of an application for registration for persons (details supplied) in County Donegal; and if he will make a statement on the matter. [8310/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for transmission of part which was lodged on 6 October 2003 — dealing No. D2003WS009387E refers. I am further informed that this application was completed on 25 February 2004.

#### **Ministerial Appointments.**

467. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the number of staff appointed by him, from outside the Civil Service, since the general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if he will make a statement on the matter. [8336/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The details of staff appointed by me from outside the Civil Service since the general election 2002, in accordance with guidelines for staffing of ministerial offices, are as follows:

1 Special Adviser — annual salary €83,690

1 Personal Secretary — annual salary €36,159.70

1 Personal Assistant — annual salary €38,653

In addition a total of €4,526 has been paid to the special adviser for travel and subsistence over a 21 month period.

#### **Garda Deployment.**

468. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the massive amounts of cocaine available in the Cabra and Phibsborough areas of Dublin; if his attention has further been drawn to the fact that there are only six drugs officers assigned to the whole K district, which covers Finglas, Cabra and Blanchardstown; and if, in the context of the Government's pledge to provide 2,000 extra gardaí, extra resources and personnel will be allocated to tackle the rising drugs problem in these areas. [8371/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that there is no apparent recent increase in availability of cocaine in the areas covered by the K district nor is there evidence to suggest that there are massive amounts of cocaine available in those areas. Garda management in the K district is satisfied that the current strength of the K district drug unit is adequate to address the drug issues there. The strength of the unit is kept under constant review. Other operational gardaí, both uniformed and plain clothes, in the K district are also active in fighting drug misuse.

The current personnel strength of the K district as at 22 March 2004 is 267, all ranks. The current personnel strength of the K district drug unit is nine, all ranks.



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I am assured by the Garda authorities that the situation will be kept under review and when additional personnel next become available the needs of K district will be fully considered within the overall context of the needs of Garda districts throughout the country.

### Sexual Offences.

469. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will outline the legislation regarding prostitution; the number of persons who have been arrested or convicted in the Dublin area in the past three years for providing or paying for such services; and the breakdown by geographical area. [8389/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy may be aware, prostitution is not in itself a crime. Section 7 of

the Criminal Law (Sexual Offences) Act 1993 creates a summary offence of soliciting or importuning for the purposes of prostitution. Subsequent sections of the Act 8, 9, 10, and 11 deal with other offences in relation to prostitution.

I have made inquiries with the Garda authorities regarding the number of offences where proceedings commenced and the number of persons convicted in the Dublin area for years 2002 and 2003 for breaches of the Criminal Law (Sexual Offences) Act 1993. The information provided by the Garda authorities is outlined in the following table.

It should be noted that these statistics relate to two Garda divisions in the Dublin metropolitan region only as no offences were recorded in the other Dublin divisions. Statistics for year 2001 were not recorded on the PULSE system and it is therefore not possible to provide a breakdown on a divisional basis for 2001.

Breaches of Criminal Law (Sexual Offences) Act, 1993

Details of Offences where proceedings were commenced	2002				2003*			
	North Central		South Central		North Central		South Central	
	Proceedings Commenced	Persons Convicted	Proceedings Commenced	Persons Convicted	Proceedings Commenced	Persons Convicted	Proceedings Commenced	Persons Convicted
Soliciting/importuning for Commission of Sexual Offence (Section 6)	0	0	0	0	2	0	0	0
Soliciting/Importuning for Prostitution (Section 7)	117	29	102	47	115	16	52	11
Loitering for Prostitution (Section 8)	32	9	41	9	36	2	17	3

\*Statistics for 2003 are provisional and are subject to change.

### Compensation Payments.

470. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if compensation will be awarded to a person (details supplied) in Dublin 8. [8403/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Under the National Treasury Management Agency (Amendment) Act 2000, the Government has delegated the management of personal injury and property claims against the State to the State claims agency. I understand from that agency that the Garda Síochána on foot of a warrant signed by a judge of the District Court entered and conducted a search of the premises in question. No compensation has been paid by the State claims agency to the tenants or to the landlord on the grounds that the gardaí acted appropriately and within the expressed terms of the search warrant.

### Garda Clearance Certificates.

471. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the difficulties experienced by

aspiring job applicants, especially in the education and social care areas, in obtaining character clearance certificates at local Garda Síochána level; and the measures he proposes to introduce to resolve this most unsatisfactory situation. [8404/04]

505. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will make provision to enable centres for independent living to receive Garda clearance for the personal assistants programme to ensure the welfare of recipients of this programme. [8877/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 471 and 505 together.

The inter-agency working group established to examine the issue of expanding the services of the Garda central vetting unit, including to the kinds of groups identified by the Deputies, has recently submitted its report. This report and recommendations will be given full and careful consideration with a view to early implementation, as appropriate.

### Residency Permits.

472. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the religious, ethnic and cultural division which originally forced a person (details supplied) in County Kildare to seek asylum here; if his attention has further been drawn to the fact that these dangers still exist and that a return to their native land will be life threatening; and if he will make a statement on the matter. [8426/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer to my replies to Questions Nos. 171 of 23 October 2003 and 173 of 6 November 2003 concerning this case. A decision in this case will be made having regard to the factors specified in section 3(6) of the Immigration Act 1999, as amended, and to the prohibition on refoulement contained in section 5 of the Refugee Act 1996, as amended. The persons concerned will be informed of my decision in due course.

### Health Board Services.

473. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform if he has received correspondence on behalf of ten school principals in Dún Laoghaire concerning the discharge of unaccompanied students from the care of the East Coast Area Health Board; the consideration he has given to the case made by the principals; and if he will make a statement on the matter. [8427/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have received the correspondence referred to by the Deputy. The care of unaccompanied minors is the statutory responsibility of the health boards and my Department has no role whatsoever in this regard. In the Eastern Regional Health Authority Area, the East Coast Area Health Board, ECAHB, carries out this function for the three local area health boards.

The Social Welfare (Miscellaneous Provisions) Act 2003 which commenced on 27 May 2003 restricts the awarding of a rent supplement to asylum seekers. Guidance issued to health boards by the Department of Social and Family Affairs — SWA Circular No. 02/03 — stipulates that, where unaccompanied minor asylum seekers reach 18 years of age and are discharged from the care of a health board, they should be offered placement in adult direct provision accommodation.

Arising from this, when unaccompanied minors reach 18 years of age and are discharged by the health boards from their care they are provided with direct provision accommodation by the Reception and Integration Agency, RIA, which operates under the aegis of my Department.

It should be noted, however, that a health board, in line with the provisions of social welfare legislation, may exercise discretion and retain persons in its accommodation who have attained 18 years of age where there is a determination that the individual is vulnerable or does not have a sufficient level of maturity to be accommodated in an adult facility.

To date the RIA has arranged placements for approximately 150 former unaccompanied minors in direct provision accommodation at the request of the ECAHB. In addition, the RIA has also arranged a small number of placements in such accommodation in the Cork city area at the request of the Southern Health Board. The RIA, in consultation with the dedicated social work team of the ECAHB working with unaccompanied minors, has made a major effort to ensure that former unaccompanied minors who are second level students are facilitated in continuing to attend school by effecting placements close to their previous health board accommodation.

During the February mid-term break a senior official from the RIA attended meetings with former unaccompanied minors who had been relocated to direct provision accommodation to discuss what further initiatives could be put in place to facilitate their continuance in education. The RIA also engaged in discussions with VECs, Southside Partnership, Dún Laoghaire Refugee Support Group, Northern Area Health Board, NAHB and the ECAHB to identify ways to improve transitional supports for former unaccompanied minors attending school.

Arising from these discussions study facilities are being enhanced in direct provision centres. It is also intended to improve tutor supports for leaving certificate students. In the context of transitional supports the NAHB will ensure that all leaving certificate students in direct provision receive appropriate SWA payments. In addition every full-time student is being advised to avail of their entitlement to child benefit up to 19 years of age.

Further referrals of former unaccompanied minors are due to take place over the coming months and I am informed by the RIA that they will discuss with the ECAHB if referrals of examination students can be deferred until the State examinations have been completed in late June 2004.

### Refugee Status.

474. **Mr. English** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied) for leave to remain on humanitarian grounds; if their reasons for remaining will be taken into consideration; and if he will make a statement on the matter. [8442/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person referred to in the question and her child were refused refugee status in the State following consideration of their case by the Office of the Refugee Applications Commissioner and on appeal by the Refugee Appeals Tribunal.

A notification under section 3(3)(a) of the Immigration Act 1999 issued to the person on 24 February 2004 in which they were advised that the Minister had decided to refuse them a declaration as refugees and setting out the options now open to them, that is, to leave the State before the Minister decided whether or not to make deportation orders in respect of them; to consent to the making of deportation orders in respect of them or to make written representations to the Minister setting out reasons they should be allowed to remain temporarily in the State.

To date no response has been received from the applicant or her legal advisors. I will shortly consider their case for deportation under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement). Any representations received in time by, or on behalf of the persons, will be taken into consideration.

#### Parental Rights.

475. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if he has received correspondence from a person (details supplied) in County Clare regarding the legal rights of a separated father; if he intends to take action on it; and if he will make a statement on the matter. [8448/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can confirm that I have received and replied to the letter referred to by the Deputy. The attention of the correspondent has been drawn to certain statutory provisions and it has been suggested to him that he obtain legal advice as to whether he could avail himself of these provisions or of any other possible remedy.

#### Missing Persons.

476. **Mr. S. Power** asked the Minister for Justice, Equality and Law Reform if progress has been made on the search for missing women in the Leinster area; the lessons which have been learned as a result of Operation Trace; and if he will make a statement on the matter. [8504/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that investigations into all unresolved missing persons cases remain active. In the cases referred to by the Deputy, these inquiries are being carried out by gardaí at the National

Bureau of Criminal Investigation in co-operation with gardaí from the Carlow-Kildare division.

As the Deputy is aware, Operation Trace was established in 1998 by the Garda Commissioner with the express purpose of examining these cases. I am informed that the operation involved a comprehensive review of the cases of the six missing women in Leinster and that it yielded a number of new lines of inquiry which were pursued in conjunction with the original investigation teams. However, I understand that while no substantial progress has been made in these cases, all information coming to light is actively pursued to a conclusion.

#### Prison Committals.

477. **Mr. S. Power** asked the Minister for Justice, Equality and Law Reform the number of non-nationals who are serving time in prison here; the nationalities of the persons involved; and if he will make a statement on the matter. [8505/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** On yesterday's date, there was a total of 281 foreign nationals in custody. This equated to approximately 8.5% of those in custody on that date. Of the 281 persons, 195 are serving sentences for criminal offences, 52 persons are remanded in custody on criminal charges and a further 34 persons are awaiting deportation.

The nationalities of the persons involved are set out in the following table:

Nationality	Number of Persons
British	81
South African	33
Chinese	28
Nigerian	24
Romanian	14
Lithuanian	12
Albanian	6
Algerian	6
Sierra Leonean	5
Czech	5
Latvian	5
Spanish	4
Estonian	4
Kosovan	4
Moldovan	4
Russian	4
American	3
Liberian	3
Congolese	3
Niger	3
Australian	2
Jamaican	2
Kenyan	2

Nationality	Number of Persons
Moroccan	2
Polish	2
Somalian	2
Sri Lankan	2
Ukrainian	2
Danish	1
Ghanaian	1
Japanese	1
Lebanese	1
Libyan	1
Malaysian	1
Pakistani	1
Filipino	1
Syrian	1
Trinidadian	1
Tunisian	1
Vietnamese	1
Zambian	1
Zimbabwean	1
<b>Total</b>	<b>281</b>

#### Registration of Title.

478. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform when title will be completed on a property for a person (details supplied) in County Tipperary in view of the fact that this case has been ongoing for approximately seven years. [8507/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for first registration lodged on 18 February 2002 — dealing No. D2002TS001653K refers.

I understand that, due to the complicated nature of this type of application, which requires examination of an applicant's entitlement to the property concerned, it is not possible to estimate a date of completion at this time.

I am also informed that legal notices of the application were served on parties with a possible interest in the property on the 4 March 2004. I can assure the Deputy that if no objections are received to these notices this application will proceed and it will be completed as soon as possible.

#### Garda Strength.

479. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of gardaí serving in each Garda station (details supplied) for each year between 1994 and 2004; the crime figures for each year for each of the six Garda stations over the same ten year period; and if he will make a statement on the matter. [8509/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities who are responsible for the detailed allocation of resources that the personnel strength, all ranks, of Cabra, Mountjoy, Whitehall, Fitzgibbon Street and the Bridewell Garda stations as at January 1994 to 2004 are as set out in the following table:

Cabra	
Year	Strength
1994	84
1995	87
1996	81
1997	85
1998	80
1999	76
2000	80
2001	82
2002	78
2003	75
2004	65

Mountjoy	
Year	Strength
1994	86
1995	80
1996	77
1997	80
1998	73
1999	84
2000	74
2001	74
2002	75
2003	80
2004	85

Whitehall	
Year	Strength
1994	42
1995	39
1996	42
1997	43
1998	45
1999	42
2000	39
2001	43
2002	39
2003	41
2004	40

## Fitzgibbon Street

Year	Strength
1994	97
1995	103
1996	113
1997	119
1998	109
1999	118
2000	107
2001	107
2002	110
2003	108
2004	119

## Bridewell

Year	Strength
1994	159
1995	154
1996	145
1997	141
1998	149
1999	157
2000	162
2001	161
2002	153
2003	156
2004	163

## Store Street

Year	Strength
1994	208
1995	196
1996	191
1997	190
1998	218
1999	227
2000	232
2001	232
2002	221
2003	219
2004	261

In addition, national units greatly augment the operational requirements of the Dublin metropolitan region on a day to day basis and perform a very considerable amount of their duties within the region.

With regard to the Deputy's request for crime figures for each of these six Garda Stations over the ten year period in question, crime figures for each of these individual stations are not available. Crime statistics are published on a Garda divisional basis in the annual reports of the Garda

Síochána which are available in the Oireachtas Library.

**Registration of Title.**

480. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if an application by a person (details supplied) in County Sligo will be expedited; if he will make a decision on same; and if he will make a statement on the matter. [8510/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application under section 49, acquisition of title by virtue of long possession, of the Registration of Title Act 1964 which was lodged on 18 February 2003 — dealing No. D2003SM001504G refers.

I understand that due to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly, it is not possible to estimate a completion date at this stage.

I am also informed that queries were issued to the lodging solicitor on 12 March 2004 and that the application cannot proceed until these queries have been satisfactorily resolved. However, on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

**Road Traffic Offences.**

481. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform if his Department will take measures to speed up the processing of notices by the gardaí in relation to speeding offences, currently operated on a manual basis, to ensure that motorists observed breaking the speed limit be sent an initial notification within two weeks of the offence being committed to encourage them to observe the speed limit during the months that elapse between the offence being committed and the issuing of penalty points. [8511/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy will appreciate that this system is currently operating on a semi-manual basis. This will be rectified later this year when the fixed charge processing system, which provides for the computerisation of the Garda element of penalty points processing, becomes operational. The Deputy will agree that the benefits of the considerable advances in road safety achieved in the period since the introduction of penalty points outweigh the regrettable delays resulting from the operation of the interim manual system.

On the matter of a notice encouraging motorists to adhere to speeding legislation, I am sure that the Deputy will agree that in order for progress to continue in reducing the number of fatalities on our roads all road users including pedestrians, must take responsibility for their own actions. It is imperative that all drivers

adhere to the speed restrictions and all other road traffic legislation in place on our roads at all times and not just during the months that elapse between an offence being committed and the issuing of penalty points.

#### **Refugee Status.**

482. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform the status of an application for refugee status for persons (details supplied) in County Wexford; and if he will make a statement on the matter. [8571/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The family referred to by the Deputy has been refused refugee status in the State following consideration of their case by the Office of the Refugee Applications Commissioner and on appeal by the Refugee Appeals Tribunal.

In accordance with section 3 of the Immigration Act 1999, the family was informed that it was proposed to make deportation orders in respect of them and was given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons they should not be deported or why they should be allowed to remain temporarily in the State; to voluntarily leave the State; or to consent to deportation. An application for leave to remain was received from the family's legal representatives. I expect the case file to be submitted to me shortly for a decision in the case.

#### **Irish Prison Service.**

483. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform if, in view of the negotiations between the Irish Prison Service and the Prison Officers Association and the closure of Fort Mitchel Prison, he is still committed to his earlier statement of 11 November 2003, to re-open Fort Mitchel Prison in the event of the ongoing negotiations being successfully resolved; and if the re-opening of Fort Mitchel Prison will take immediate effect upon the resolution of the current dispute. [8580/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As I indicated in my reply to the Adjournment Debate on 12 November 2003, Fort Mitchel will resume its role as a closed detention centre in the event that agreement is reached with the Prison Officers' Association on sensible work practices and an annualised hours system which is good for staff and the Prison Service as a whole. This remains my position. I would envisage setting out a timetable for the re-opening of Fort Mitchel if there is a satisfactory conclusion to the ongoing talks with the Prison Officers' Association in the Labour Relations Commission.

#### **Proposed Legislation.**

484. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform the position regarding the introduction of a disability Bill; if this Bill will be rights-based; and if he will make a statement on the matter. [8590/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It is my intention, in accordance with the commitment given in An Agreed Programme for Government, to circulate a disability Bill as soon as possible in the coming weeks. Given the complex and cross cutting issues involved, the preparation of the Bill is being overseen by the Cabinet Committee on Social Inclusion.

The disability Bill is a key part of the framework being put in place by the Government to underpin the equal participation by people with disabilities in Irish society. The framework includes: the Education for Persons with Disabilities Bill, 2003 which is on Report Stage in the Dáil; the Comhairle (Amendment) Bill which is being prepared in the Department of Social and Family Affairs in relation to the provision of advocacy; sectoral plans for key public services; and, equality legislation, currently being updated by the Equality Bill 2004, which is about to commence Second Stage in the Dáil.

Following concerns expressed by interest groups, the Government agreed to further consultations about the disability Bill 2001 and proposals for disability legislation. An expert consultation team was appointed by the Government in April 2002 to oversee the consultation process. The team met with and received the views of stakeholders including the disability legislation consultation group, DLCG, the social partners, the community and voluntary sector and relevant Departments before completing its task in February 2003.

As Deputies will be aware, the DLCG is a group representative of people with disabilities, their families, carers and service providers which was brought together by the National Disability Authority, NDA, to facilitate dialogue at national level, both within the sector and with the consultation team. The DLCG presented the document, Equal Citizens — Proposals for Core Elements of Disability Legislation, to the expert consultation team in February 2003.

Since then, the DLCG have had meetings with a number of members of the Government including the Taoiseach, the Tánaiste, and Ministers of State, Deputy O'Dea and Tim O'Malley. The discussions at these meetings covered such matters as assessment of need, standards, service provision, the need to build capacity in key sectors of the public service so as to allow provision of disability accessible services in a cost effective way and workable redress mechanisms. The DLCG was assured of the Government's commitment to bring forward the disability Bill as a matter of priority.

[Mr. McDowell.]

In recent weeks, there have been meetings between the DLGC and officials from my Department, the Department of an Taoiseach and the Department of Social and Family Affairs. At these meetings, the DLGC was given an outline of the proposals for legislation and their views about these proposals were discussed and noted for consideration by the Cabinet Committee on Social Inclusion. The Cabinet Committee on Social Inclusion and the Government are finalising their deliberations on the Bill which, as I mentioned already, it is intended to circulate in the coming weeks.

The disability Bill will give statutory effect to a range of important policies as they relate to people with disabilities, establish systems for assessment of need and service provision and specify infrastructure for policy delivery and redress. The Government is convinced of the importance of effective redress mechanisms if services committed in the Bill are not delivered. Statute-based complaints and appeals structures will be provided.

#### **Closed Circuit Television Systems.**

485. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Questions Nos. 244 of 19 November 2003 and 394 of 2 March 2004, in replies to which he stated that a request for tender and detailed technical specification documents were being drafted for a closed circuit television system in Tallaght and that the pre-tender process was at an advanced stage, if his attention has been drawn to the similarity in the two replies; if his attention has further been drawn to progress towards this process being completed; and the progress which has been made between the two dates. [8607/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware, Tallaght, with Athlone, Clondalkin and Waterford, is one of the four systems in phase 2 of the current CCTV installation programme throughout the State set to receive a new Garda town centre CCTV system.

The experience to date with the installation of CCTV systems in other areas clearly indicates that to arrive at full commissioning can be a very lengthy process. This is due to in the main to the complex nature of these CCTV systems, which includes, *inter alia*, refurbishment of Garda stations for the monitoring of the cameras, provision of civil works, services of the ESB and local authorities and so on.

I am further informed by the Garda authorities that in order to implement and deliver these systems in the most efficient and cost effective manner, careful consideration must be given to the planning of the project as a whole. Consideration is currently being given to a restructuring of the manner in which these systems go to tender with a view to delivering the implementation of these CCTV systems within a shorter timeframe.

#### **Residency Permits.**

486. **Mr. McHugh** asked the Minister for Justice, Equality and Law Reform when an application by a person (details supplied) in County Galway for residency will be processed; and if he will make a statement on the matter. [8621/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question arrived in the State in November 2002 and made an asylum application. His wife and two children arrived in the State in September 2002 and made an asylum application. The wife gave birth to a child in the State in October 2002. The asylum applications were withdrawn and applications were made for residency on the basis of parentage of an Irish child.

Following the decision of the Supreme Court in the cases of L and O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases which were outstanding on that date. There are a large number of such cases outstanding at present, including the case to which the Deputy refers.

As the person in question does not have an alternative legal basis for remaining in this jurisdiction the issue of permission to remain will be considered, but only in the context of a ministerial proposal to deport him. In that context he has already been notified of such a proposal on 10 March 2004 and was given an opportunity to make representations in relation to it. If, in the light of those representations and the range of factors set out in section 3(6) of the Immigration Act 1999, the Minister decides not to make a deportation order he will be given leave to remain on a humanitarian basis.

Because of the large number of such cases on hand I am unable to say at this stage when the file will be further examined.

#### **Youth Services.**

487. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform if he has research available to him regarding how young persons view the gardaí; his views on the fact that this is a negative relationship which is to the detriment of local communities; if his attention has been drawn to the reasons for this conflict; the policies being pursued to address this problem; the role young persons can play in improving the situation; and if he will make a statement on the matter. [8622/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that the Garda Síochána strives to deliver a professional service of the highest standards to all members of the community.

The Garda Síochána places emphasis on working with young people and in particular with youths from marginalised communities. This commitment is particularly evident in the policies of the Garda national juvenile office and Garda

youth diversion projects. The success of the youth diversion programme is self evident with figures of 87% of juveniles cautioned reaching their 18th birthday not having re-offended on coming to Garda attention for anti-social or criminal activity.

The fact that the diversion programme is now legislated for under the Children Act 2001 is also an indicator of its success. The introduction of restorative justice concepts into diversion has brought more into focus the position of crime victims, by giving them a voice and encouraging young people to recognise the effect of their behaviour. This concept enables the young offender to learn from misbehaviour in a caring but firmly structured environment and assists in diverting young offenders away from criminality.

The Garda youth diversion projects, of which there are 64 throughout the country, work primarily with marginalised youths who would be considered at risk of becoming involved with criminal activities. These projects are funded by my Department and have a primary goal of developing their participants into caring contributing members of society. Many projects are based in the communities from which the young people come and engage with the local community in a positive manner. The majority of referrals to these projects are from juvenile liaison officers and community Garda personnel, but referrals are also taken from teachers and members of the local community.

The Garda schools programme continues to be delivered throughout the state to children in fifth and sixth class primary school and allows for interaction in a non-confrontational environment. The programme is delivered by locally based gardaí. A new programme for junior cycle secondary schools has been piloted and will be rolled out nationally next September as part of the Department of Education and Science's social political and health education programme.

A large number of gardaí are involved in sporting and youth organisations in their recreation time. This involvement continues to benefit communities and in particular creates an awareness among young people of Garda commitment to their well-being. In the 2004 policing plan the Garda Commissioner has given an undertaking to carry out research in the form of a survey to examine the attitudes and experience of young people towards the Garda. The survey will also examine attitudes of young people toward delinquency.

The Garda research unit at the Garda College has been tasked to carry out this survey. The results of this research when available will assist in the review and formulation of policy where necessary.

#### **Garda Remuneration.**

488. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform if garda management will supply the number of Garda Síochána members and their ranks who have been granted the full 18 month lodging allowance, from 1 January 2000 to date as allowed for in transfer

regulations applicable when members of an Garda Síochána are promoted and transferred. [8623/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department's financial management system contains certain accounting information on the payment of lodging allowances in connection with the transfer of members of the Garda Síochána. However, there are no records in my Department, either manual or computer, that can be readily accessed in order to indicate the number of members and their ranks who have been granted the full 18 month lodging allowance from 1 January 2000 to date. An extensive trawl through manual records would be necessary but it is not certain that the result would be conclusive.

#### **Liquor Licensing Laws.**

489. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform if current legislation governing minors being on licensed premises after 9.00 pm can be amended to permit minors involved in the playing of traditional music to remain on licensed premises while performing after 9 p.m. [8624/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Section 14 of the Intoxicating Liquor Act 2003, which substitutes a new section for section 34 of the Intoxicating Liquor Act 1988, generally prohibits persons under the age of 18 years from being in the bar of licensed premises. A licensee may, however, permit a child, a person under the age of 15 years, to be in the bar if the child is accompanied by a parent or guardian, but not after 9 p.m. Likewise, a licensee may permit a person aged between 15 and 17 unaccompanied by a parent or guardian to be in the bar, but not after 9 p.m.

Moreover, a licensee may allow a child accompanied by a parent or guardian, or a person aged between 15 and 17, to be in the bar after 9 p.m. on the occasion of a private function at which a substantial meal is served to persons attending the function. The restrictions in section 14 of the 2003 Act do not apply to a son or daughter of the licensee, a person who resides in the licensed premises, a person who is passing through the bar solely for the purpose of entering or leaving another part of the premises or a person who is employed in the licensed premises in accordance with section 38 of the Intoxicating Liquor Act 1988.

It is important to note that the restrictions set out in section 14 of the 2003 Act apply to the bar and not to other parts of licensed premises. This means that persons under the age of 18 years may engage in playing traditional music after 9 p.m. in parts of licensed premises other than the bar. 'Bar' is defined in the Act as any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of intoxicating liquor and includes any counter or barrier across which drink is or can be served to the public.

I should add that the restrictions set out in section 14 of the 2003 Act are in line with



[Mr. McDowell.]  
recommendations both of the Commission on Liquor Licensing in its final report and the strategic task force on alcohol in its interim report.

I have no proposals to amend these recently enacted provisions of the law.

#### Dublin-Monaghan Bombings.

490. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he has ordered an investigation into reports that a file on the bombing of Monaghan town on 17 May 1974 was removed from special branch headquarters in Harcourt Square on the order of a senior garda officer; if this file was later found under the seat of a garda patrol car and this occurred two years ago while the inquiry by Judge Barron was ongoing; if the said file was supplied to Mr. Justice Barron when recovered. [8625/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that a one-page document, which formed part of a contemporary working file used to make a presentation to the Independent Commission of Inquiry into the Dublin and Monaghan Bombings, was found in a Garda patrol car on 11 February 2000. I am further informed that this one-page document was not an original document from a 1974 file.

Upon investigation by the Garda authorities, it was found that the single page accidentally fell out of a loose leaf folder attached to the working file when it was being transported from Garda headquarters to the Garda office at Harcourt Square.

Accordingly, no further investigation into the matter is warranted.

#### Non-EEA Nationals.

491. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the procedure involved in allowing a newly married bride from outside the EEA to join their spouse who is on a work permit here; and if he will make a statement on the matter. [8626/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The following is the position in respect of such a non-EEA national who is legally employed in the State and who wishes to be joined here by his spouse. If the spouse is a visa required national then the worker in question must have been in the State for a period of 12 months and have the expectation of remaining here for at least a further 12 month period before he can be joined here. If the spouse is not a visa required national, there is no waiting period before she may join her husband in the State. However, he must be in a position to support her without recourse to public funds.

#### Peace Commissioners.

492. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the number of

peace commissioners in the Roscommon town Garda district; the names; when they were appointed; the plans he has to appoint further peace commissioners in the area; and if he will make a statement on the matter. [8628/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There are five peace commissioners entered on the current Roll of peace commissioners as residing in the Garda sub-district serving Roscommon town.

The names and dates of appointment of the peace commissioners are as follows:

Hazel Irene Cheatle	16/11/2000
Martin J. Geraghty	30/08/1994
Patrick O'Rourke	03/11/1982
Barry Molloy	31/10/1975
Vincent Joseph McManus	15/10/1996

Peace commissioners are appointed under section 88 of the Courts of Justice Act 1924. An application for appointment may be made by a person on his or her own behalf or a nomination may be made by a third party. The Garda authorities may also request an appointment in the public interest when they believe there is an essential need for a further appointment. There is no application or nomination for the appointment of additional peace commissioners in the Roscommon Garda sub-district under consideration at present.

#### Criminal Convictions.

493. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform if there are circumstances in which the record of a minor conviction can be erased from a person's record. [8629/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy will be aware, a criminal conviction whether minor or otherwise, reflects a verdict of the courts. There is currently no provision for expunging a criminal conviction from the Garda criminal records.

However, the second programme of the Law Reform Commission for the period 2000 to 2007 proposes, as part of an examination of the law on privacy, to consider longevity of criminal records and expunging of certain offences from the records. I will consider any recommendations which the Law Reform Commission may make on the matter.

The Deputy may also be interested to know that under section 258 of the Children Act 2001, where a person has committed an offence, other than an offence triable in the Central Criminal Court, while under the age of 18 years and a period of three years has elapsed since the finding of guilt and that person has not been dealt with for an offence in that three year period, he or she will be treated for all purposes in law as a person who has not committed, been charged with, been

prosecuted for, found guilty of or dealt with for the offence or offences which were the subject of the finding of guilt. That provision came into operation on 1 May 2002.

### Departmental Expenditure.

494. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the amount of money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the amount of money allocated to enabling persons with disabilities to more easily access services of his Department. [8647/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information sought by the Deputy is being compiled and will be forwarded to him as soon as it is available.

### Refugee Status.

495. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to the application for refugee status in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [8727/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person referred to by the Deputy has been refused refugee status in the State following consideration of his case by the Office of the Refugee Applications Commissioner and on appeal by the Refugee Appeals Tribunal.

In accordance with section 3 of the Immigration Act 1999, he was informed on 19 September 2001 that it was proposed to make a deportation order in respect of him and was given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons he should not be deported i.e. why he should be allowed to remain temporarily in the State; to voluntarily leave the State; or to consent to deportation. An application for leave to remain was received from the person's legal representatives on 10 October 2001. I will examine this case file shortly with a view to making a decision in the case.

### Road Traffic Offences.

496. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 380 of 9 March 2004, the number of Ministerial cars (not Garda cars carrying out their duties) recorded by speed camera above the speed limit since the introduction of speed cameras; the number of Ministerial cars that were recorded out of a total of 1,741 State vehicles caught breaking the limit; and if he will make a statement on the matter. [8826/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Ministerial cars form part of the Garda fleet and are driven by members of the

Garda Síochána carrying out official duties. The number of ministerial cars recorded by speed cameras above the speed limit since the introduction of speed cameras is not readily available. The compiling of such figures would require a disproportionate amount of Garda time and resources which could not be justified in the circumstances.

As I have previously informed the Deputy, while Garda vehicles have been recorded by speed cameras driving above the speed limit, vehicles used by members of the Garda Síochána in the performance of their duties as such members are specifically excepted from the speed limits prescribed. This is done pursuant to section 46 of the Road Traffic Act 1961 which provides that the Minister for Transport may prescribe by regulation speed limits and such regulations may provide for exceptions to those limits.

### Garda Stations.

497. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform if he will open a Garda station in Adamstown, County Wexford; if additional gardaí will be made available to cover this area; and if he will make a statement on the matter. [8827/04]

512. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if, in view of considerable expansion in the population and ongoing problems relating to traffic and law and order, he will consider the request for the establishment of a Garda station in the village of Adamstown, County Wexford; and if he will make a statement on the matter. [9038/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 497 and 512 together. I have been informed by the Garda authorities that Adamstown is part of the Carrickbyrne sub-district. The current personnel strength of Carrickbyrne Garda station is two, all ranks.

Local Garda management is satisfied that the arrangements currently in place at Carrickbyrne are adequate to meet current policing needs of the area. There are currently no plans to open a Garda station in Adamstown.

The situation will be kept under review and when additional personnel next becomes available the needs of Carrickbyrne will be fully considered within the overall context of the needs of Garda stations throughout the country.

### Garda Deployment.

498. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform the number of gardaí assigned to the Limerick division at the end of February 2004; the number at the end of 2003; the number at the end of 2002; and if he will make a statement on the matter. [8828/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda

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authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of Limerick division as at 31 December 2002, 31 December 2003 and 1 March 2004 is as set in the following table:

Year	Strength
2002	460
2003	472
01/03/04	466

The situation will be kept under review and when additional personnel next become available the needs of Limerick will be fully considered within the overall context of the needs of Garda divisions throughout the country.

#### Citizenship Applications.

499. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if an application for a certificate of naturalisation by a person (details supplied) in County Westmeath will be expedited, as it has been a long time in the

Year	Applications Received	Percentage Increase on previous year for new applications.	Certificates Issued
		%	
2000	1,004	35	125
2001	1,431	42	1,012
2002	3,574	250	1,332
2003	3,580	0	1,664
2004 to end February	660	N/A	317

Despite the increase in the number of applications over the last four years the average processing time has been reduced from two and a half years to between 15 and 18 months. It should be borne in mind that the granting of Irish citizenship is an honour and that applications must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is given only to persons who are suitably qualified. There is, therefore, a limit to the reduction in the processing time that is possible without affecting the integrity of the citizenship process.

*Questions Nos. 501 and 502 answered with Question No. 456.*

#### Child Support.

503. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform the contacts he has had with the Institute of Technology in Tallaght regarding the need for the development of crèche facilities at this institution; if his

system; and if he will make a statement on the matter. [8829/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Applications for certificates of naturalisation were received from the person referred to and her husband in December of 1994. Certain information required in order to process the applications was sought on numerous occasions but was not supplied. My officials explained to the applicants that it would not be possible to finalise the applications without this information. The files were closed in 1997.

If the information that was sought at that time is now available, the applicants can submit new applications along with the necessary support documentation and these will then be considered.

500. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the average delay in dealing with applications for naturalisation; the reasons for such delays; and the steps that are being taken to deal with such applications efficiently and effectively. [8830/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The following table sets out the number of applications for naturalisation which were received and the number of certificates issued in the period 2000 to date:

attention has been drawn to the anxiety of the college's Student Union to see progress in the matter; and if he will make a statement on the matter. [8833/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The day to day administration of the equal opportunities childcare programme 2000-2006 is undertaken by Area Development Management Limited, which has been engaged by my Department to carry-out thorough assessments of all applications for grant assistance under the programme on my behalf. All large-scale capital projects are referred by ADM Limited, to an independent external building specialist to assess the suitability of the proposal and its value for money. I am aware that there has been significant ongoing dialogue between the group, ADM Limited, and the external building specialist with regard to this application. I understand that the initial proposal from the group required revision to take account of the issues raised by the external building specialist. I also understand that ADM Limited is

currently awaiting a final report from the building specialist. On completion of the assessment process this application will be considered by the programme appraisal committee, chaired by my Department, which will make a funding recommendation to me before I make a final decision on the matter. I would advise the Deputy that there has been considerable demand from community based groups for capital grant assistance under the programme and every county has benefited from significant grant commitments to provide new and enhanced community based child care facilities.

My Department is currently carrying out an extensive review of the programme's capital commitments to date to ensure that those grant commitments previously entered into will in fact be realised by the groups on the ground. At the same time, it is also reviewing different budget lines under the capital programme to ensure that the most effective use is made of all remaining capital funding in accordance with the objectives of the programme. Every effort is being made to expedite the programme review of the capital elements of the equal opportunities childcare 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 approximately €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 would be hopeful that 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 would remind the Deputy that the equal opportunities childcare programme 2000-2006 is in fact 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.

504. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the reason there is a delay in processing child care grant applications; if he will expedite an application (details provided); and if he will make a statement on the matter. [8873/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** All applications for grant assistance under the equal opportunities childcare programme 2000-2006 undergo a thorough assessment and appraisal process by Area Development Management Limited. All large scale capital projects are referred by ADM Limited to an independent external building specialist to assess the suitability of the proposal and its value for money.

I understand from information supplied by the childcare directorate that there has been significant ongoing contact between Area Development Management Limited, the external building specialist and the group regarding their application for capital funding under the programme. On completion of the assessment process, applications are considered by the programme appraisal committee, chaired by my Department, for a recommendation before I make a final decision.

I would advise the Deputy that there has been considerable demand from community based groups for capital grant assistance under the programme and every county has benefited from significant grant commitments to provide new and enhanced community based child care facilities. My Department is currently carrying out an extensive review of the programme's capital commitments to date to ensure that those grant commitments previously entered into will in fact be realised by the groups on the ground. At the same time, it is also reviewing different budget lines under the capital programme to ensure that the most effective use is made of all remaining capital funding in accordance with the objectives of the programme.

Every effort is being made to expedite the programme review of the capital elements of the equal opportunities childcare 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 over €114 million. 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 childcare 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

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 €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 would be hopeful that 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 would remind the Deputy that the equal opportunities childcare programme 2000-2006 is in fact a seven year development programme. The progress of the programme was commented upon very favourably by the mid-term evaluators of 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.

All applications for grant assistance under the equal opportunities childcare programme 2000-2006 undergo a thorough assessment and appraisal process by Area Development Management Limited. On completion of the assessment process, applications are considered by the programme appraisal committee, chaired by my Department, for a recommendation before I make a final decision.

As the group's application for staffing grant assistance relates directly to the capital grant application, it will be considered following the completion of the appraisal process of the capital grant application.

*Question No. 505 answered with Question No. 471.*

### **Citizenship Applications.**

506. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if an application for naturalisation has been received by his Department for a person (details supplied); if he will ensure that it is processed immediately; and if he will make a statement on the matter. [8878/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 27 February 2004.

The average processing time for applications for naturalisation is 15 to 18 months at present. A letter was sent to the applicant on 2 March 2004 informing her that her application had been received and that it was likely that her application would be examined during the course of 2005.

I will inform the Deputy and the person concerned as soon as I have reached a decision on the application.

### **Dublin-Monaghan Bombings.**

507. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if, further to Question No. 382 of 2 March 2004 regarding Garda special branch monitoring of the families and victims of the Dublin and Monaghan bombings, he now accepts that the fact is widely known and in the public domain; and if he will make a statement on the matter. [8912/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I do not accept the proposition set out in the Deputy's question, and the position remains as set out in my reply to Question No. 382 of 2 March 2004.

### **Registration of Title.**

508. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position regarding a folio (details supplied) in County Mayo; and when the matter will be dealt with. [8998/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for a transfer order which was lodged on 8 October 2003. Dealing No. D2003SM008488N refers.

I am further informed that a query was issued to the lodging solicitor on 26 February 2004 and that the application cannot proceed until that query has been satisfactorily resolved.

However, I can assure the Deputy that on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

509. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if he will intervene with the Land Registry on behalf of a person (details supplied) and have the maps and folio numbers issued; if the application will be expedited; and if he will make a statement on the matter. [9027/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that these are two applications for vesting of land by the Land Commission which were lodged on 31 October 2000 and on 17 November 2000. Schedule Nos. 93552 and 93556 refer.

Land Commission schedule applications are deemed to be registered as of the date of vesting, which is prior to the date of lodgement of the documents in the Land Registry. Accordingly, registration in the Land Registry of Land Commission cases is afforded a lower priority than the registration of other dealings.

I am further informed that queries regarding both applications were raised with the Land Commission on 5 February 2004, that a reminder was issued on 24 February 2004, and that neither

application can proceed until those queries have been satisfactorily resolved.

However, I can assure the Deputy that on receipt of a satisfactory reply the matter will receive further attention in the Land Registry.

510. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position regarding a dealing (details supplied); and if this file can be expedited in view of the fact that the delay is causing hardship to the family. [9028/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that these are two applications for transmission which were lodged on 26 July 2001. Dealing Nos. D2001SM05844A and D2003SM005843Y refer.

I am further informed that the applications were completed on 29 July 2002.

#### **Victims of the Legal Profession Society.**

511. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will meet the Victims of the Legal Profession Society (details supplied); and if he will make a statement on the matter. [9037/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have received some correspondence from the Victims of the Legal Profession Society, and in response to the correspondence, my office has outlined to them how persons who may feel aggrieved at actions of members of the legal profession may have their complaints investigated.

I am, as yet, unconvinced of what beneficial results could be achieved by my meeting the society.

*Question No. 512 answered with Question No. 497.*

#### **Closed Circuit Television Systems.**

513. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the Garda authorities will make a progress report on the problem of street prostitution in the Montpelier Hill area of Dublin 7, in view of the fact that local residents believe the issue is not being effectively addressed; and if closed circuit television is being considered for the area concerned. [9039/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that local Garda management is aware of the current problems in the vicinity of Montpelier Hill.

I understand that the Montpelier Hill area and surrounding streets are the subject of regular foot and mobile patrols by both uniformed and plain clothes gardaí. I am informed that a total of 38 persons have been arrested and 119 cautions

administered in the area to date this year. I am assured the current legislation under the Criminal Law (Sexual Offences) Act 1993 is being used by the gardaí and that the area will continue to receive close attention.

Finally, I am informed that the Garda CCTV advisory committee has received a report from the chief superintendent DMR north-central, which encompasses the area in question, outlining the needs of the division. The report is currently under consideration by the committee.

#### **Departmental Correspondence.**

514. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform his views on the difficulties experienced by a person (details supplied) in Dublin 7 accessing information from his Department; and if the requested details regarding business permission will be forwarded. [9041/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information sought by the person in question is available on the Department's website. I can confirm that an information leaflet on business permission has been forwarded to the person at the address supplied as requested by the Deputy.

#### **Visa Applications.**

515. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Clare was refused a visa; and if he will make a statement on the matter. [9076/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question, a 23 year old student, made a visa application in March 2003 to visit her mother in the State. The mother arrived in the State in May 2000 and made an asylum application. She subsequently married an Irish citizen and was given permission to remain in the State on that basis in August 2002. The visa application in question was refused because it had not been established, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa. In particular it was considered that the applicant had not displayed sufficient evidence of her obligations to return home following her proposed visit. It was also noted that there was a lack of documentation which would establish the relationship between the visa applicant and the sponsor in Ireland.

An appeal against the refusal was received. However, the visa appeals officer, having re-examined the application, upheld the original decision to refuse it.

It is open to the applicant to make a fresh application with up-to-date supporting

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documentation, and the matter will be considered anew.

#### Registration of Title.

516. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the position with the dealing number for a person (details supplied) in County Mayo; and when it will be completed. [9131/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for transmission which was lodged on 21 January 2004. Dealing No. D2004SM000580C refers.

I am further informed that queries were issued to the lodging solicitor on 22 March 2004. The application will proceed when those queries have been satisfactorily resolved.

I can assure the Deputy that on receipt of a satisfactory reply the matter will receive further attention in the Land Registry.

#### Garda Stations.

517. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding the much-promised and long-awaited Garda station for Leixlip, County Kildare; the precise position regarding the procedures to provide the facility at present; if negotiations have been concluded with the various interested parties; if the necessary approvals are forthcoming. [9146/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Question No. 470 of 24 February 2004, which set out the position regarding this matter.

As I indicated, when the brief of Garda requirements for Leixlip has been received in my Department, the Office of Public Works will be requested to provide a revised sketch scheme for further consideration.

In that regard, the latest information available to me from the Garda authorities indicates that the finalised brief of requirements should be available to my Department very shortly.

#### EU Presidency.

518. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of the postal service or by other means in every case; if not, the nature of the exception; the total cost to the Exchequer or EU of events to date; and if he will make a statement on the matter. [9188/04]

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**(Mr. McDowell):** Five major meetings have taken place in Dublin under the auspices of my Department since the commencement of the Irish Presidency of the European Union on 1 January 2004. That figure does not include my Department's busy schedule of meetings in Brussels. Several other high-level bilateral meetings have also taken place in Dublin. Details of my Department's main meetings, including the Justice and Home Affairs Informal Ministerial Council, which was held in January, are available on the Irish Presidency web site, [www.eu2004.ie](http://www.eu2004.ie).

Three hundred and twenty delegates, including 49 Ministers, attended the Justice and Home Affairs Informal Ministerial Council in Dublin. That was the only meeting to date where Garda motorcycle escorts were provided. Attendance at the other four meetings amounted to a total of 400 delegates. The numbers attending the bilateral meetings varied considerably depending on the nature of the meeting. Official participation at meetings was at senior official and national expert level. Invitations were issued by post and by e-mail.

Expenditure to date in my Department for the management and operation of the business of the Irish Presidency, including pay and associated costs, is approximately €1.1 million. That is in line with planned expenditure.

#### Road Traffic Accidents.

519. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of accidents involving off-road dumpers on public roads that have taken place in each of the past five years in each Garda division. [9192/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda authorities have informed me that the details requested are available from 2001 to date and are set out in the following table.

I am further informed that the information sought is not readily available for the years before 2001 and that compiling such figures would require a disproportionate amount of Garda time and resources which could not be justified in the circumstances.

Road Traffic Accidents involving road dumpers 2001 to 2004\*

Division	Total
Cavan/Monaghan	1
Cork City	5
Cork West	3
Cork North	4
Galway West	2
Kerry	1
Limerick	1
Longford/Westmeath	2

Division	Total
Louth/Meath	1
Mayo	1
Roscommon/Galway East	1
Sligo/Leitrim	3
Tipperary	2
Waterford/Kilkenny	8
Wexford/Wicklow	2
DMR North Central	1
DMR North	1
DMR South	2
DMR West	2
DMR East	2
Total	45

\*Up to 22 March 2004.

### Animal Breeding Regulations.

520. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government if he has proposals to introduce a puppy breeders Act similar to that in Britain so that there might be proper regulation of the standards and conditions within which animals are kept; and if he will make a statement on the matter. [8558/04]

526. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government if he will consider introducing legislation similar to the Breeding of Dogs Acts 1973 and 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999 introduced in the Westminster Parliament, for example, a puppy breeders Bill to regulate puppy farming; and if he will make a statement on the matter. [8323/04]

550. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the reasons that section 19 of the Control of Dogs Act 1986 has not been fully implemented; if his attention has been drawn to the fact that section 19 may be one way of counteracting the many animal welfare issues associated with dog farming; if he has plans to bring section 19 into full force; the other measures he intends to take to regulate dog farming and empower inspectors in the enforcement of those regulations; and if he will make a statement on the matter. [8568/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 520, 526 and 550 together.

The main focus of action by local authorities under the Control of Dogs Acts 1986 and 1992 has been on the control of stray dogs and dangerous dogs, such as guard dogs, which could present nuisance or danger to the general public or to other animals.

In light of recent concerns, my Department is currently engaged in discussions with relevant interests regarding the proper management of kennels regarding the provisions of the Control of Dogs Acts. Those discussions are continuing

and are intended to inform my Department whether or to what extent revised legislation or regulatory administrative measures is desirable in the area.

### Water and Sewerage Schemes.

521. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if an application in respect of Crossboyne sewerage scheme, Crossboyne, County Mayo, has been received by his Department; when that application was received; if the application has been assessed; if so, if the scheme will be included by his Department in its investment programme for 2004; and if he will make a statement on the matter. [9316/04]

579. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when funding will be sanctioned for the Crossboyne sewerage scheme extension; and when the funding will be made available. [9021/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 521 and 579 together.

No specific proposals have been received in my Department in respect of this scheme. The scheme was 32nd on the list of sewerage schemes submitted by Mayo County Council in response to my Department's request to local authorities in 1998 to undertake a five-yearly assessment of the needs for capital water services works in their areas and to prioritise their proposals on the basis of the assessment. Given the rating afforded to the scheme by the council at that time, it has not been possible to include it in the water services investment programme.

The scheme is sixth in the most recent priority list of water and sewerage schemes furnished by Mayo County Council earlier this year in response to my Department's request to all local authorities in 2003 to produce updated assessments of needs. That latest assessment will be taken into account in the framing of the next phase of the water services investment programme in due course.

### Election Management System.

522. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government if it is planned to release the details of electronic voting records on the Internet as was done in the case of the pilot constituencies in the 2002 general election on the next occasion on which electronic voting is used; and the form in which those results will be published and the persons who will have access to the electronic files. [8262/04]

523. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that it is possible through the selection of permutations and combinations of lower-order preferences for



[Mr. R. Bruton.]

voters to create a form of electronic signature in respect of their votes; if his Department has considered the possibility that the existence of such electronic signatures can create the opportunity for a group of voters to enter into a contract to vote in a certain way, which would be verifiable afterwards by searching the electronic returns for the distinguishing electronic signature; and if he will make a statement on the matter.

[8263/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 522 and 523 together.

I intend that legislative proposals on electronic voting to be brought forward urgently will address, *inter alia*, the type and format of any voting data to be published following elections, with regard to the constitutional requirement to preserve the secrecy of the ballot.

#### State Property.

524. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if international agreements or international obligations would be breached if the Government were to allow hunting on State lands. [8264/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I refer to the reply to Question No. 4 of 4 March 2004.

#### Public Service Charges.

525. **Mr. O'Connor** asked the Minister for the

Environment, Heritage and Local Government if he has plans to have local authorities grant waivers for local charges to primary and second level schools; if his attention has been drawn to the importance of that issue to many schools; and if he will make a statement on the matter.

[8296/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The power to waive a local charge is, under law, a matter for individual local authorities, and my Department is not involved in the administration of waiver schemes.

*Question No. 526 answered with Question No. 520.*

#### Ministerial Appointments.

527. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the number of staff appointed by him from outside the Civil Service since the general election of 2002; the job descriptions for those staff; the salaries and expenses paid to those staff; and if he will make a statement on the matter.

[8337/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I have appointed three temporary staff from outside the Civil Service since the general election in 2002 in support of my office. Their names, job descriptions and salary scales are set out in the following table.

Name	Job Description	Salary Scale
Pat Daly	Special Adviser	Principal Officer Standard Scale €69,194 — €72,128 — €75,043 — €77,981 — €80,457 — €83,024 [after three years' satisfactory service at the max.] €85,589 [after six years' satisfactory service at the max.]
Sean Dower	Personal Assistant	Higher Executive Officer Standard Scale €37,520 — €38,653 — €39,781 — €40,918 — €42,052 — €43,191 — €44,328 €45,965 [after three years' satisfactory service at the max.] €47,606 [after six years' satisfactory service at the max.]
Inez O'Neill	Personal Secretary	Secretarial Assistant €359.17 — €379.38 — €403.30 — €436.25 — €469.20 — €503.94 — €538.16 — €570.17 — €602.80 — €633.80 — €656.81 — €667.72 €681.58 [after three years' satisfactory service at the max.] €692.98 [after six years' satisfactory service at the max.]

The total expenses paid to these staff from June 2002 to date is €35,725.67. Other temporary appointments have been made to the offices of the Ministers of State at my Department and to my Department's press office.

#### Environmental Policy.

528. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he has considered the report of the New

Economics Foundation, Ghost Town Britain; if this has implications for Ireland; if his attention has been drawn to concern regarding the number of post offices, banks and small retail outlets which have closed in Dublin and other parts of the country; and if he will make a statement on the matter. [8343/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I refer to the reply to Question No. 420 of 9 March 2004.

### Planning Issues.

529. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when the new guidelines on the Planning and Development Act 2000 will be issued to the county councils. [8357/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I have recently published and circulated to all local authorities draft guidelines for planning authorities on sustainable rural housing and draft guidelines on strategic environmental assessment on certain plans and programmes. The guidelines will be issued in due course as ministerial guidelines under section 28 of the Planning and Development Act 2000, having regard to the views expressed during the public consultation process.

Work is under way in my Department on the preparation of several guidelines which I propose to issue either in draft or final format during 2004. I propose to issue draft development plan and wind energy guidelines and finalised control of quarries guidelines in the summer of this year, and draft development management guidelines and finalised architectural heritage guidelines in the autumn. A review of the floorspace cap on retail warehouses, contained in the retail planning guidelines, is being completed and I expect to be able to make an announcement in that regard shortly.

### Election Management System.

530. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the measures he is taking to address the difficulties which will be faced by refugees and asylum seekers who are registered to vote but who will be unable to exercise their right to vote owing to the fact that, in many cases, their only identification, the Garda National Immigration Bureau photo card, is not among the designated list of acceptable forms of identification; and if he will make a statement on the matter. [8363/04]

558. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he will amend the electoral regulations to specify that the Department of Justice, Equality and Law Reform, asylum seekers identity cards may be accepted as proof of identity for voting purposes at the local and European elections in June 2004; and if he will make a statement on the matter. [8730/04]

564. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if Garda identification allocated to asylum seekers will be sufficient proof of identity to give to returning officers in polling stations, should asylum seekers wish to vote in the upcoming European and local elections, as they do not hold Irish passports or Irish drivers' licences; and if he will make a statement on the matter. [8834/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 530, 558 and 564 together.

The question of the identification available to asylum seekers and refugees for electoral purposes is under examination in my Department in consultation with the Department of Justice, Equality and Law Reform.

531. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the measures he is taking to encourage refugees and asylum seekers to register and exercise their right to vote at the elections in June 2004; and if he will make a statement on the matter. [8364/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The form used by registration authorities to compile the 2004-05 register of electors contained information for non-nationals regarding their eligibility to vote and to stand at the 2004 European and local elections. In addition, advertising will also be undertaken to alert non-nationals who may be entitled to vote at local elections to the possibility of applying for entry in the supplement to the register of electors.

532. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the comments of returning officers regarding difficulties in recruiting sufficient staff to conduct the local and European elections in June 2004; if his attention has been further drawn to the fact that the closure of polling stations makes it less attractive for members of the public to vote and, as a consequence, lessens the extent of democratic decision; if he will make sufficient resources available to all returning officers so that no polling station has to be closed without exceptional reason; and if he will make a statement on the matter. [8365/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Arrangements for the taking of polls at the European and local elections, including the recruitment of staff, are the responsibility for the appropriate European and local returning officer. Support and guidance is provided for those officers by my Department regarding the statutory requirements involved and the countrywide introduction of electronic voting and counting, and by the Department of Finance regarding the financing, from the Central Fund, of the expenses of elections.

The elected members of local authorities are responsible for making a polling scheme dividing a county or city council into polling districts. The number of polling stations to be used in any polling district is then a matter for each returning officer. Adequate funding will be provided to returning officers for the employment of staff and other electoral expenses arising at the June 2004 elections, including the costs of polling stations.

### Water and Sewerage Schemes.

533. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government when a sewerage scheme at Glin, County Limerick, will be upgraded. [8392/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Glin sewerage scheme is included in my Department's water services investment programme 2003 to 2005 as a scheme to advance through planning. My Department is awaiting Limerick County Council's proposals for the preparation of the preliminary report for the scheme which I understand may be undertaken in conjunction with other approved schemes as a grouped project.

534. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 412 of 20 May 2003, the position regarding the provision of the upgraded sewerage scheme at Athea, County Limerick. [8407/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Athea sewerage scheme is included in my Department's water services investment programme 2003 to 2005, to commence construction in 2005. My Department is awaiting the submission by Limerick County Council of the preliminary report for this and several other schemes in the county being advanced as a grouped project.

### Temple Bar Properties Limited.

535. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if, in view of the deteriorating state of Temple Bar, particularly regarding the situation in small enterprises and the increasingly difficult environment for residents in this area of the city, which has magnificent potential to become the showcase for contemporary Ireland, he will transfer the power to appoint the board of a company (details supplied) from the Dublin city manager to the city councillors, thereby making the process truly democratic. [8414/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** It is not proposed to amend existing legislation regarding the appointment of the board of Temple Bar Properties Limited, or TBPL. While I have no

function regarding the activities of TBPL, I understand that the Dublin city manager has undertaken for the city council to consider further appointments to the board, and to that end nominations have been invited from certain local interests.

### Water Quality.

536. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he has considered the recent Environment Protection Agency report on the quality of drinking water here which confirms that background levels of fluoride in water have not been examined since 1960; and if he will make a statement on the matter. [8437/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The 2002 EPA report on the quality of drinking water in Ireland notes that fluoride in drinking water arises almost exclusively from fluoridation of public water supplies and from industrial discharges, and that significant levels of naturally occurring fluoride in water arise only in rare instances. To ensure compliance with the prescribed quality standards for drinking water, however, my Department has drawn the specific attention of local authorities to the need for the collection of background data on fluoride levels in sources of drinking water and to the need to have regard to those background levels in the fluoridation of drinking water supplies.

Fluoride dosing levels and review of such levels, including the type, form, quality and purity of fluoride to be added to public water supplies, are matters for the Minister for Health and Children under the Health (Fluoridation of Water Supplies) Act 1960.

### Motor Taxation.

537. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the motor tax receipts allocated by Westmeath County Council in each of the past five years, the way in which those figures compare with the allocation to Westmeath County Council for non-national roads in each of those years, and the allocation to Westmeath County Council from the motor tax central fund in each of those years. [8472/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The information requested is set out in the table below.

Year	Motor Tax Receipts*	Non-National Roads Grant Payments	Local Government Fund General Purpose Grants
	€	€	€
1999	8,376,952	4,770,914	8,261,153
2000	8,427,224	5,442,224	8,803,388
2001	9,381,309	6,013,207	11,777,470
2002	10,412,085	6,856,446	12,428,512
2003	12,117,216	7,292,144	14,734,329

\*Net of collection costs.

### Water and Sewerage Schemes.

538. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if plans for a proposed water scheme for Glasson and Tubberclare, County Westmeath, have been received in his Department; the date of receipt of those documents; the status of the application; his plans to fund the scheme; and the envisaged timeframe. [8473/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Phase three of the south Westmeath regional water supply scheme, which will serve Glasson and Tubberclare, is included in my Department's water services investment programme 2003 to 2005 as a scheme to commence construction in 2005. Further consideration will be given to Westmeath County Council's preliminary report for phases one to three of the scheme on receipt of the additional information requested by my Department from the council in June 2003.

539. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the situation concerning funding for the proposed sewerage system for Gleeson and Ballykieran, County Westmeath. [8474/04]

540. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if an application for funding for a proposed sewerage system for Ballykieran and Gleeson, County Westmeath has been received in his Department; the date of the receipt of that application; if the application has received technical approval; if so the date of that approval; and if he will make a statement on the matter. [8475/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 539 and 540 together.

The Glasson-Ballykeeran-Coosan sewerage scheme has been approved for funding under the rural towns and villages initiative of my Department's water services investment programme 2003 to 2005. Additional information requested from Westmeath County Council regarding the preliminary report for scheme was received in my Department in February 2004. The preliminary report is now being examined in the Department and will be dealt with as quickly as possible.

### Disabled Drivers.

541. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government if he will provide additional funding to increase the number of parking spaces for disabled persons; and if he will make a statement on the matter. [8506/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Where a person is convicted in court of the offence of illegally

parking in a disabled person's parking bay, he or she is liable to a fine not exceeding €800 for a first offence, a fine not exceeding €1,500 for a second or subsequent offence, and if a third or subsequent such offence is committed within 12 months, the person is liable to a fine not exceeding €1,500 or, at the discretion of the court, to imprisonment for a term not exceeding three months, or both. The determination of the actual fine to be imposed in each case is a matter for the courts.

The offence in question comes within the scope of the on-the-spot fines system. The amount of the on-the-spot fine applicable to this offence is €19, which is the level that applies to the majority of parking offences. Where an on-the-spot fine notice is issued, it is open to the person to whom the notice is addressed to pay the relevant amount so as to avoid the matter proceeding to court.

The Road Traffic Act 2002 provides for the replacement of the current on-the-spot fines system by a fixed charge system. The new system, which already applies to the offences of exceeding a speed limit and breaching the requirements for the use of seat belts, brings greater certainty to the application of administrative charges regarding offences. It features, in particular, a provision through which the original amount of the fixed charge will automatically increase by 50% where payment is not made within 28 days of the date of the original notice.

The roll-out of the system to the majority of traffic and parking offences, including the offence of parking in a disabled person's parking bay, is being progressed in conjunction with the Department of Justice, Equality and Law Reform and the Garda authorities. I envisage that the process will feature the updating of the charges associated with parking offences generally, including that offence.

### Local Authority Funding.

542. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government if an application from a local authority (details supplied) has been made to his Department for loan approval in 2003 and 2004. [8525/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** An application was made to my Department in February, 2004 by Killarney Town Council for sanction to raise a loan of €4.5 million for the purchase of housing land. To enable the matter to be addressed, the council has been requested to forward to my Department the associated borrowing resolution of the council.

### Water and Sewerage Schemes.

543. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government,

[Mr. Perry.]

further to Question No. 1000 of 27 January 2004, if he will give a firm commitment that Enniscrone sewerage scheme in County Sligo will commence immediately as we head into the tourist season in view of the serious problems encountered last year; the reason it has not yet been sanctioned as Sligo County Council has submitted all reports and requested documentation to his Department and, despite constant promises, work has not commenced; and if he will make a statement on the matter. [8531/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I refer to the reply to Question No. 1000 of 27 January 2004. Further progress on the scheme awaits the submission by Sligo County Council of the information requested by my Department in November 2003.

544. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the criteria and funding available from his Department to bore for a well; and if he will make a statement on the matter. [8532/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** A grant of up to 75% of the approved cost, subject to a maximum grant of €2,031, is available from local authorities for the provision or necessary improvement of an individual water supply to a house that cannot be served by a public or group water scheme supply. It is a condition of eligibility that the house has not been constructed within the preceding seven years and that a grant for the erection of the house, or for the provision of a water supply to the house, has not been paid during that period.

#### Light Pollution.

545. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if there is legislation under his Department's remit that gives a household the right to be protected from extra-strong lights shining into the home from a neighbouring residence; and if he will make a statement on the matter. [8539/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** There is no legislation under my Department's remit concerning light pollution, and my stated view is that it would be premature to commit to new legislative or other systematic measures to address light pollution in view of the Government's ongoing priorities in the area of environmental legislation. I note that EU environmental policy is not as yet addressing the issue of light pollution.

#### Motor Taxation.

546. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government

the numbers who have renewed their motor tax via the new Internet service; [8545/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The motor tax on-line service went live nationwide for renewals due on 1 March 2004 and some 39,000 motorists had renewed their motor tax using the new service by 6 a.m. on 22 March 2004.

#### Serviced Land Initiative.

547. **Mr. Healy** asked the Minister for the Environment, Heritage and Local Government when he proposes to allow the scheme for service initiative for Glenconnor, Clonmel, County Tipperary, to go to tender. [8546/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The serviced land initiative scheme at Glenconnor, Clonmel, is included in my Department's water services investment programme 2003 to 2005. I have approved the contract documents for the scheme submitted by South Tipperary County Council.

#### Public Service Charges.

548. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the demand of Irish Rural Link that the development levy introduced by local councils should be waived for first-time buyers and for areas suffering depopulation; and if he will make a statement on the matter. [8548/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Under section 48 of the Planning and Development Act 2000, it is the responsibility of the planning authorities to determine the level of contributions for their functional areas, the classes of development to which the contributions will apply, and any waivers which should apply in their areas. By way of departmental circular letter, planning authorities were advised that a scheme can allow for a reduced contribution or no contribution in certain circumstances, for example, for particular types of community infrastructure, shops etc. in areas in need of regeneration, in brownfield areas or for charitable developments. All planning authorities have provided for waivers or reduced contributions in their development contribution schemes which were adopted by the statutory deadline of 10 March 2004 and are now in force.

#### Water and Sewerage Schemes.

549. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 241 of 29 May 2003, the position regarding an application for funding to upgrade a water supply (details supplied) in County Roscommon; and if he will make a statement on the matter. [8559/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Arigna water supply scheme is included in my

Department's water services investment programme 2003 to 2005 as a scheme to commence construction as soon as possible. My Department is awaiting the submission by Roscommon County Council of a design review report and contract documents for this and several other schemes being advanced as a grouped project. In autumn 2003, my Department approved the council's proposals to carry out surveys and to drill exploratory wells in connection with the Arigna scheme.

*Question No. 550 answered with Question No. 520.*

#### **Voting Age.**

551. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government the proposals he has to reduce the voting age as raised with Minister Síle de Valera on a recent visit to St. Mark's community school, Tallaght, Dublin 24; and if he will make a statement on the matter. [8572/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** There are no proposals at present to reduce the voting age.

#### **Election Management System.**

552. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government the proposals he has to ensure the control of impersonation in the June 2004 elections; the contacts he has had with local authorities in the matter; and if he will make a statement on the matter. [8573/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Existing controls regarding personation are set out in electoral law. The returning officer or the presiding officer may, of his own volition, or if so requested by a personation agent present in the polling station, request any person applying for a ballot paper to produce a specified identification document. If a person fails to produce such a document, or if the returning officer or the presiding officer is not satisfied that the person is the person to whom the document relates, he or she shall not be permitted to vote. Returning officers or presiding officers may also — or, if so requested by a personation agent, shall — put certain questions or administer an oath or affirmation to persons applying for a ballot paper. Electoral law also sets out a range of offences and penalties regarding personation.

The law and the administrative arrangements in place regarding this matter will continue to be monitored with a view to possible improvements, while remaining conscious of the need to maintain a proper balance between accessibility to the system and its security and integrity. As part of the preparations for the forthcoming polls, my Department will shortly provide guidance documentation to European local returning

officers for issue to presiding officers which will contain detailed advice on personation.

#### **Parks and Wildlife Service.**

553. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government when a vacancy (details supplied) in County Donegal will be filled; and if he will make a statement on the matter. [8578/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Civil Service and Local Appointments Commissioners were requested some months ago by my Department to hold a public competition to fill this and other conservation ranger vacancies in the National Parks and Wildlife Service. While the commissioners exercise this function independently, they have been asked to expedite the matter.

#### **Election Management System.**

554. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the bodies or individuals consulted by his Department regarding the access by persons with a disability to the electronic voting machines to be used in the forthcoming elections; if those machines will be fully accessible to persons with disabilities, the measures he has taken to ensure such accessibility; and if he will make a statement on the matter. [8612/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department has consulted with the National Disability Authority and the National Council for the Blind, which have provided constructive input into improvements made to the voting machine since the pilot polls. The new features, which include an increase in the size and legibility of candidate details, the use of larger preference numbers and brighter displays for better visibility and the use of a redesigned "cast vote" button, have improved its user-friendliness for the visually impaired and for other users.

At my Department's request, the equipment suppliers have undertaken initial work on developing a facility for the future whereby visually impaired voters, who would otherwise require assistance to vote, will be able to use the new voting system independently. The National Disability Authority and the National Council for the Blind will be consulted regarding the development of that further facility.

The voting machine is at present accessible to wheelchair users and returning officers will also be acquiring a specially designed voting table, with a tilt facility, which will provide for additional ease of use.

I refer also to the reply to Question No. 425 of 9 March 2004.

555. **Caomhghán Ó Caoláin** asked the Minister for the Environment, Heritage and Local

[Caoimhghín Ó Caoláin.]

Government if there is concern at either Department or local authority level regarding the need for trained staff to oversee electronic voting in all polling stations; if adequate trained staff have been or are being recruited for that purpose; if polling stations traditionally employed at election time will be in use on 11 June 2004 for e-voting, with no closure of polling stations or other disruption of the election process on polling day; and if he will make a statement on the matter. [8615/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The employment and training of polling station staff are matters for the European and local returning officers. To support that process regarding the forthcoming June elections at which electronic voting and counting will be introduced nationwide, my Department arranged with the Institute of Public Administration to provide a training course for staff nominated by those returning officers. That training is under way and covers procedures on polling day, including voting machine set-up, voting and close-of-poll arrangements. The staff instructed through that process will then provide training for polling station staff locally.

If additional assistance is required locally for the training of polling station staff, my Department has arranged that that will be provided by the IPA. The provision of polling stations within the polling districts established by local authorities is a matter for the European and local returning officers.

#### Services for People with Disabilities.

556. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the amount of money allocated by his Department in 2003 and 2004 to fund directly services for persons with disabilities and the amount of money allocated to enabling persons with disabilities to access more easily the services of his Department. [8648/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Spending by my Department which benefits people with disabilities cannot readily be disaggregated, as many of the relevant measures benefit other groups such as elderly persons or persons who are disadvantaged in different ways. Details of the different measures are set out below; provisional outturn figures are provided for 2003, and estimates for the current year.

Voluntary housing capital assistance scheme, B.1.4 — €95.864 million in 2003 and €99.123 million in 2004: This measure includes provision for grants to local authorities under section 15 of the Housing Act 1988 to enable them to advance loans to approved voluntary organisations providing housing for the elderly, homeless,

disabled and other disadvantaged persons under the voluntary housing capital assistance scheme.

Disabled persons-essential repairs grants, B.2.2 — €43.841 million in 2003 and €49.400 million in 2004. These schemes include provision for partial recoupment to local authorities regarding grants for adapting a dwelling house to cater for the needs of a disabled person; and prolonging the life of houses, mainly of elderly persons, which are in need of repair.

Communal facilities in voluntary housing schemes, B.4 — €2.063 million in 2003 and 2.070 million in 2004. Funding is provided towards the capital costs of providing communal facilities in both new and existing voluntary housing schemes, some of which benefit elderly and disabled persons.

Public library service, F.2.2 — €0.051 million in 2003 and €0.389 million in 2004. Funding totalling €440,000 is available to library authorities for the provision of PC-based optical scanning facilities for use by visually impaired persons. A grant of up to €4,400 is payable for the provision of the facilities in up to 100 library branches. Those facilities may also be used to assist persons with learning disabilities.

#### Harbours and Piers.

557. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government the position regarding the work to decontaminate a site (details supplied) in Cork harbour; and if he will make a statement on the matter. [8720/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department has been assigned the operational responsibilities associated with the former Irish ISPAT site, including the advancement of the site investigation and remediation processes.

Cork County Council has agreed to take a front-line role on my Department's behalf in advancing the site investigation exercise, which is designed to determine more precisely the nature and extent of contamination of the site and an appropriate remediation programme. The council is about to commence the process of engaging professional expertise which it requires to manage those processes. Following that, tenders for the site investigation exercise will be sought with the intention of commencing the process in autumn 2004.

In parallel, Cork County Council has taken steps to secure the site better and ensure that necessary maintenance continues to be carried out. Arrangements have also been made for the identification of potentially hazardous materials which can readily be removed from the site; removal of some materials has already taken place, and the removal of further materials is currently under consideration.

*Question No. 558 answered with Question No. 530.*

### National Spatial Strategy.

559. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the plans he has to establish an implementation group to deliver the national spatial strategy; and if he will make a statement on the matter. [8731/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** A wide range of measures have been put in place at national, regional and local level to implement the national spatial strategy, or NSS, which is a 20-year planning framework designed to enable every part of the country to achieve its potential. At national level, my Department is leading and overseeing the process of embedding the NSS into the policies, programmes and activities of Departments and agencies with a view to ensuring that all relevant activities support the NSS and that the strategy directs the spatial aspects of public sector programmes, including the determination of investment priorities. An interdepartmental steering group, similar to that which oversaw the preparation of the strategy, has been established and is now working to oversee its implementation.

At regional level, regional authorities, working in conjunction with their constituent local authorities, are making good progress on developing regional planning guidelines to roll out the NSS in more detail at regional level. Draft guidelines have been published in all the regions, and it is anticipated that regional planning guidelines will have been adopted by all regional authorities by the end of May 2004.

Regarding NSS implementation at local level, planning authorities are putting in place development frameworks and plans at the gateway and hub level, that will support the achievement of a critical mass of development at strategic locations. Those are already established in a number of locations, e.g. Cork area strategic plan and Galway transportation and planning strategy, and are well advanced in others.

### Animal Welfare Bodies.

560. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he will give assistance to the Cats Protection Association of Ireland so that it can discharge its responsibilities (details supplied). [8760/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department is not able to make a direct financial contribution to the association. However, where a local authority considers it appropriate, it may assist a body which is endeavouring to reduce, in a humane manner, the problems caused by feral cats. Several local authorities in the Dublin area have provided assistance to the Cats Protection Association of Ireland in recent years.

### Planning Issues.

561. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if it is possible to have section 23 commercial changed to section 23 residential (details supplied); the procedure required to do so; and if he will make a statement on the matter. [8761/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The designation of sites and related tax incentives for the purposes of the town renewal scheme was determined having regard to town renewal plans prepared by local authorities in accordance with the Town Renewal Act 2000 and relevant guidelines issued by my Department. Those plans contained, or were accompanied by, recommendations for such designations by the relevant county council. An independent expert advisory panel assessed each such plan, and in turn made recommendations to the Minister in this regard. The panel's recommendations were accepted in full and are the basis on which the town renewal scheme is now being implemented in all areas, including Gorey, County Wexford.

### Election Management System.

562. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 408 of 9 March 2004, if he can confirm that town council or town commission areas are considered local electoral areas under section 6 of the Electoral (Amendment) Act 2001. [8762/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** In all cases at present, with the exception of Bray and Dundalk, the total area of a town council — which term covers both former urban district councils and town commissioners — comprises a single local electoral area. Under section 23 of the Local Government Act 2001, the Minister for the Environment, Heritage and Local Government may by order divide a town council area into a number of electoral areas, following, *inter alia*, a report from the local government commission. That provision will become operable only when the commission is established, as intended, following the June 2004 local elections.

563. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government his proposals to grant voting rights in future Seanad elections to graduates of the Institute of Technology in Tallaght; if his attention has been drawn to the particular interest in that issue; and if he will make a statement on the matter. [8763/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** This matter will be kept under review, particularly in the light of



[Mr. Cullen.]  
any recommendations made by the Seanad Éireann Sub-Committee on Seanad Reform or proposals arising from such recommendations.

*Question No. 564 answered with Question No. 530.*

#### **Waste Disposal.**

565. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the legislation or regulations concerning the controlled and uncontrolled burning of domestic or builders waste; and the measures he intends to introduce to control the same. [8860/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Waste Management Acts 1996 to 2003 place a general duty of care on holders of waste to ensure that the waste they hold is disposed of in a manner which does not cause environmental pollution. In addition, under the Air Pollution Act 1987, the occupier of a premises is prohibiting from causing or permitting an emission in such a quantity or manner as to be a nuisance. The enforcement of waste and air pollution legislation is primarily a matter for the relevant local authority, and my Department has no direct function in the matter. However, as part of the race against waste campaign, I am considering ways in which better awareness about the issues surrounding the uncontrolled burning of waste can be created.

#### **Mayo Landslides.**

566. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the assistance which is being given in regard to persons (details supplied) in County Mayo, who lost their home in the landslides of September 2003 in north Mayo, to assist them rebuild. [8861/04]

567. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the assistance which is being given regarding persons (details supplied) in County Mayo, who lost their home in the landslides of September 2003 in north Mayo, to assist them rebuild. [8862/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 566 and 567 together.

My Department, under the Housing Act 1988, has been recouping to Mayo County Council 90% of the cost of providing emergency accommodation to households affected by the landslides in north Mayo in September 2003. In addition, some households may be eligible for assistance under the social housing measures operated by Mayo County Council. It is, however, a matter for the council to determine possible

eligibility under those measures in individual cases.

Details of the humanitarian aid scheme available in certain circumstances from the Office of Public Works may appropriately be sought from the Minister for Finance.

#### **Social and Affordable Housing.**

568. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the plans his Department has to remove the conditions on rental subsidy housing that prevent the tenants purchasing such houses after a period of residency; and if he will make a statement on the matter. [8898/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** There are no plans to make provision in my Department's capital loan and subsidy scheme — formerly known as the rental subsidy scheme — for voluntary housing projects for the purchase of individual houses by tenants. A tenant purchase scheme is not desirable at this stage of the development of the voluntary housing sector in this country, as the sale of individual housing units would undermine the capacity and resources of voluntary housing bodies to manage and maintain their estates and continue to provide further housing projects to meet pressing needs.

However, residents of more than one year's duration of houses provided under the scheme who wish to become owner-occupiers may, on surrendering their house to the approved voluntary housing body, qualify for some of the following benefits: special mortgage allowance of €11,450 over five years for mortgages created on or after 1 January 2002 to assist with mortgage repayments; the shared ownership scheme without having to satisfy the income eligibility criteria; improvement works in lieu scheme in respect of the dwelling they are acquiring; and low-cost housing sites scheme and exemption from the income limits for local authority loans.

Full details of those options are available from local authorities.

#### **Service Charges.**

569. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government his plans to permit the use of development levies by local authorities to permit public private partnerships in regard to much-needed infrastructure in the local authority areas such as the provision of inland marinas, public parks and so on; and if he will make a statement on the matter. [8899/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The types of public infrastructure and facilities that can be funded through development contributions are listed under sections 48 and 49 of the Planning and Development Act 2000. General

contributions under section 48 may be applied towards, among others, the provision of open spaces, recreational and community facilities and amenities and landscaping works, provided by or on behalf of the authority, including by way of public private partnership.

Section 49 of the Act provides for the drawing up of a supplementary development contribution scheme to facilitate a particular public infrastructure service or project which is provided by a local authority or a private developer on behalf of and pursuant to an agreement with a local authority, including through public private partnership, and which will directly benefit the development on which the levy is imposed. The types of infrastructure which may be funded by such means include the provision of rail, light rail or other public transport infrastructure, particular new roads or particular water or waste water infrastructure.

### Local Authority Staff.

570. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of employees involved with local Government in each local authority area for each of the past three years; the number involved with outdoor programmes; and if he will make a statement on the matter. [8900/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The total numbers of employees, expressed in whole-time equivalents, returned for each county and city council at the 31 December 2001 are set out in the following table, together with the numbers of outdoor workers — craftworkers, general operatives and related grades — in each case. The table also gives provisional information regarding 2002 and 2003; the end-of-2002 returns are currently being validated, while the information for 2003 is based on interim returns.

	2001		2002 Provisional		2003 Provisional	
	Total Employees	Outdoor Workers	Total Employees	Outdoor Workers	Total Employees	Outdoor Workers
<i>County Councils (including Town Councils)</i>						
Carlow	327.25	125	305	216	305	144
Cavan	527.83	296	409.9	330	432.1	215.5
Clare	874.20	547	839	487	837.5	428
Cork	2,482.89	1,502	2,442	1,282	2,239.65	1,172.91
Donegal	858.35	514	1,142.5	706	987.5	492.5
Dún Laoghaire/ Rathdown	1,147.50	606	1,312	670	1,309	584
Fingal	1,363.89	698	1,506.57	711	1,495	640
Galway	1,029.20	618	923.68	758	912.17	471.55
Kerry	1,265.88	660	1,207	660	1,065.9	533
Kildare	847.85	420	898.4	530	812	361
Kilkenny	614.00	331	521.2	346	564	312
Laois	371.00	228	414.5	255	393.5	153
Leitrim	282.00	202	328	208	287	126.5
Limerick	862.00	537	753	545	737	366
Longford	283.03	175	277.25	137	328.1	142.2
Louth	627.10	146	714.871	380	628.54	305.57
Mayo	1,106.10	768	1,066	916	1,009.5	613.5
Meath	740.90	302	652.2	339	589.5	269
Monaghan	356.57	182	304.46	121	402.63	179.63
Offaly	427.20	226	427.63	223	441.5	221
Roscommon	576.00	395	346.5	276	496	281
Sligo	539.60	211	621	278	496.69	218.03
South Dublin	1,255.00	617	1,310.2	619	1,287.7	522
Tipperary (NR)	507.35	322	389.87	239	423	219
Tipperary (SR)	653.30	301	717	459	677	372
Waterford	550.00	309	542.5	397.5	524	289
Westmeath	498.50	210	466	280	469.5	227
Wexford	727.03	353	720.88	357	750.45	363.45
Wicklow	671.95	388	925	523	749	373.5
County Total	22,373.02	12,189	22,484.111	13,248.5	21,650.43	10,595.84

	2001		2002 Provisional		2003 Provisional	
	Total Employees	Outdoor Workers	Total Employees	Outdoor Workers	Total Employees	Outdoor Workers
<i>City Councils</i>						
Cork	1337.00	989	1392	914	1417	907
Dublin	6447.00	4137	6658	3906	6334.7	3866.5
Galway	408.00	264	457	269	422.5	244
Limerick	610.50	406	542.5	324	546.1	316
Waterford	319.00	168	453	256	382	201
City Total	9,121.5	5,964	9,502.5	5,669	9,102.3	5,534.5
Overall Total	31,494.52	18,153	31,986.611	18,917.5	30,752.73	16,130.34

### Water and Sewerage Schemes.

571. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if he has received an application for funding for the provision of a new sewerage treatment system for Ballitore, County Kildare; if so, the position of the application; and if he will make a statement on the matter. [8902/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department has received an application from Kildare County Council for funding under the serviced land initiative regarding the provision of sewerage facilities to service 135 residential sites at Ballitore. The application is under consideration in my Department and will be dealt with as quickly as possible.

A proposed sewerage scheme for Ballitore, Moone and Timolin was also included in the list of schemes submitted by Kildare County Council earlier this year in response to my Department's request to local authorities in 2003 to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. That assessment will be taken into account in the framing of the next phase of the water services investment programme.

572. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of the new sewerage scheme for Castledermot, County Kildare; the time scale of the proposal; and if he will make a statement on the matter. [8903/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Castledermot sewerage scheme is being funded under the rural towns and villages initiative of my Department's water services investment programme 2003 to 2005.

I understand that construction of the new treatment plant is substantially complete. I approved Kildare County Council's tender recommendation regarding an archaeological survey relevant to the proposed sewerage network renewal in September 2003. Work on the

network renewal element of the scheme will commence as soon as possible after the archaeological survey has been completed.

### Local Authority Housing.

573. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the funding provided by his Department through rental subsidy to housing co-operative groups in 2003; and if he will make a statement on the matter. [8904/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department provided €23,786,161 through its capital loan and subsidy scheme to approved housing co-operatives for the provision of housing projects in 2003. The scheme was formerly known as the rental subsidy scheme.

### Hunting Licence.

574. **Mr. J. Higgins** asked the Minister for the Environment, Heritage and Local Government the legal basis upon which his Department issues licences to the Ward Union Stag Hunt to hunt deer farmed and raised in captivity when the 1911 Protection of Animals Act prohibits the hunting of tame or domestic animals; and if he will make a statement on the matter. [8905/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Attorney General's advice was sought by the then Department of Arts, Heritage, Gaeltacht and the Islands regarding the application of section 26 of the Wildlife Act 1976 to the hunting of deer by stag hounds. Advice was furnished in February 1999 and confirmed the long-standing interpretation of the above section. The Minister for the Environment, Heritage and Local Government may grant to the master or other person in charge of a pack of stag hounds a licence authorising the hunting of deer by that pack during such period or periods as is or are specified in the licence. Applications from the club continue to be determined on their merits in accordance with legal advice.

### Housing Grants.

575. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government further to Question No. 187 of 6 November 2003, the position regarding the application by a person (details supplied) in County Kildare, for the first-time buyer's grant; and if he will make a statement on the matter. [8992/04]

576. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government further to Question No. 185 of 6 November 2003, the position of an application by a person (details supplied) in County Kildare for the first-time buyer's grant; and if he will make a statement on the matter. [8993/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Question Nos. 575 and 576 together.

A review is being finalised and the applicants will be notified of the outcome shortly.

### Water and Sewerage Schemes.

577. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government about contract documents for a group water scheme (details supplied) in County Donegal; and if he will make a statement on the matter. [8994/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Stage one of the Desertegney water scheme was approved for construction under my Department's water services investment programme for the years 2003 to 2005. My Department is examining the Donegal County Council's design review report and contract documents for the third contract of the scheme and will be dealt with as quickly as possible.

### Planning Appeals.

578. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government if he has considered making funding available to support both sides of planning appeals to enable them to make a reasoned argument for the common good; and if he will make a statement on the matter. [9020/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Under section 145 and 219 of the Planning and Development Act 2000, An Bord Pleanála, at its absolute discretion, may direct that a payment be made towards the costs of a party involved in a planning appeal or who appeared at an oral hearing into a proposed local authority compulsory purchase order. There are no proposals to extend the provision or to make

funding available to persons or bodies undertaking planning appeals.

*Question No. 579 answered with Question No. 521.*

### Local Authority Housing.

580. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he expects all local authorities to observe and implement the Housing Acts; if he received confirmation to this effect; and if he will make a statement on the matter. [9022/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Local authorities are mandated under the Housing Acts 1966 to 2002, inclusive, to carry out a range of housing functions, including the carrying out of assessments of social housing need and the development of housing strategies. As well as the provision of local authority housing, a range of additional schemes and grants are operated by local authorities under the Acts to improve existing dwellings and facilitate the provision of private dwellings.

While local authorities are responsible and accountable for the performance of their housing functions, my Department administers great support across a range of housing programmes. It also collates information from local authorities on progress. Key elements of the information are regularly published in my Department's quarterly bulletin on housing statistics.

Responsibility for allocating housing to applicants is assigned to a local authority acting in accordance with the statutory scheme of letting priorities made by it. While the Minister exercises the function of approving overall schemes he is legally precluded from involvement in the administration of individual cases. Issues regarding them may be raised with the local authority concerned.

### Local Authority Loans.

581. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the reason the maximum shared ownership loan available through Dublin City Council is €200,000, South Dublin County Council is €170,000 and Kildare County Council €130,000 when house prices in County Kildare are on a par with those in either of the other local authority areas mentioned; if he intends to take initiatives in this regard; and if he will make a statement on the matter. [9023/04]

586. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if he plans to increase the income limits for the affordable housing scheme; and if he will make a statement on the matter. [9150/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 581 and 586 together.

The shared ownership scheme offers home ownership in a number of steps to purchasers who cannot afford full ownership in the traditional way. Initially, ownership is shared between the purchaser who buys at least 40% of the value of the house and the local authority from whom the purchaser rents the remaining share. The present maximum loan, in all areas, that a local authority may advance in respect of the purchased equity in a house is €130,000. Under the terms of the scheme, a loan of this amount can facilitate the purchase of houses at the level of average house prices nationally or above. It is a matter for local authorities, in operating the scheme, to determine the maximum house price limits having regard, *inter alia*, to the ability of applicants to meet the mortgage and rent commitments involved.

My Department is keeping the terms of the income and loan limits for the shared ownership and the 1999 affordable housing schemes under review. Account shall be taken of a movement in house prices, the effectiveness of various schemes to meet the needs of the relevant target group and the availability of mortgage finance in the private sector. Work is continuing with representatives of the Irish Mortgage Council and the Irish Financial Services Regulatory Authority on the provision of finance by the lending institutions for affordable housing and other initiatives.

#### **Planning Issues.**

582. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if a planning appeal to An Bord Pleanála has ever been withdrawn on foot of a payment to an objector. [9024/04]

583. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if the statutory bodies that receive planning applications have ever withdrawn objections on foot of a payment; and if he will make a statement on the matter. [9025/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 582 and 583 together.

Allegations are sometimes made of payments being provided to or demanded by persons to withdraw objections to planning applications or appeals. Under section 138 of the Planning and Development Act 2000, An Bord Pleanála has the power to dismiss an appeal that is, in its opinion, made with the intention of securing the payment of money, gifts, consideration or other inducements by any person.

Prescribed bodies must be notified by planning authorities of the receipt of certain planning

applications. My Department is not responsible for their actions. It is not aware of an instance where a prescribed body withdrew from a planning application or appeal on foot of a payment. The same applies to planning cases that my Department has been involved as a prescribed body.

#### **End-of-Life Vehicles.**

584. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the progress that his Department may have made regarding negotiations for implementation of EU Directive 2000/53/EC (details supplied). [9129/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Enabling provisions to facilitate implementation of European Parliament and Council Directive 2000/53/EC on end-of-life vehicles were incorporated in the Protection of the Environment Act 2003. My Department discussed the directive's producer responsibility requirement with the Society of the Irish Motor Industry. Discussions also took place with the Irish Motor Vehicle Recyclers Association and the Metal Recyclers Association of Ireland. I intend to conclude implementation arrangements and to make regulations that transpose the provisions and facilitate its implementation as soon as possible.

#### **Library Projects.**

585. **Mr. Connolly** asked the Minister for the Environment, Heritage and Local Government if funding will be provided for the construction in Clones of the new Monaghan county library headquarters; the level of funding; the timescale involved; and if he will make a statement on the matter. [9130/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** On 7 October 2003 my Department issued approval in principle to Monaghan County Council for the construction of a new library headquarters and a branch library at Clones at an estimated cost of €4.963 million. My Department now awaits the submission of a detailed design and cost plan for the project from the council. Grant aid for public libraries is normally 75% of the cost. At this stage it is not possible to indicate the likely timescale for the project as it depends on the council's priorities and available funding.

*Question No. 586 answered with Question No. 581.*

#### **National Parks.**

587. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government if he is denying the National Association of

Regional Game Councils or its members to have shooting rights on State lands; his views on whether private landowners would agree to grant shooting rights, walking rights and so on; his further views on whether it would have serious repercussions for the tourism industry; if he is denying such rights, the reason therefor; and if he will make a statement on the matter. [9152/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I refer to my reply to Question No. 4 of 4 March. I set out the specific considerations underlying the prohibition of hunting on lands managed by my Department's National Parks and Wildlife Service for nature conservation purposes.

These considerations would not necessarily apply to Coillte lands, or lands privately owned, on which hunting facilities remain extensively available.

#### EU Presidency.

588. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the total cost to the Exchequer or EU of events to date; and if he will make a statement on the matter. [9189/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Since the beginning of the year my Department has organised four functions related to Ireland's Presidency of the EU. Three functions took place in Dublin and one in Kuala Lumpur, Malaysia. Details are as follows:

1. In February 130 delegates from the European Trade Union Confederation, the Social Platform of European Social Non-governmental Organisations and the European Environmental Bureau attended a conference in Dublin on investing in sustainable development. They were invited to a reception hosted by my Minister of State, Deputy Noel Ahern. Invitations were issued by e-mail.

2 In February 100 national experts on climate change attended a conference in Dublin on European emissions trading. I hosted a reception for them and their invitations were issued by e-mail.

3 I hosted a reception during the 7th Conference of the Parties to the Convention on Biological Diversity in Kuala Lumpur in February. Some 300 invitations were issued to EU delegates and Irish members of the business community in Kuala Lumpur. Some invitations

were issued by post but the vast majority were distributed to EU delegates at the conference.

4 Earlier this month the Minister of State, Deputy Gallagher, hosted a reception and dinner for delegates attending an extraordinary meeting of the Bureau of the Committee of the Regions and its consultative commission in Dublin. As many as 240 invitations were issued, including an invitation to the Lord Mayor of Dublin. Invitations were either posted or delivered by hand.

Garda motorcycle escorts were not required for any of these functions. The final invoices for all four functions have not been received but the total cost for my Department is estimated in the region of €48,000. I do not know if the EU incurred any costs for these functions.

#### Inland Waterways.

589. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs if he is satisfied with the development of inland waterways and the workings of Waterways Ireland since the amalgamation of the bodies under the Good Friday Agreement; the number of meetings the Minister has had with Waterways Ireland; if he is concerned that inland marines have not been developed and the loss of a major tourist initiative through the development of boating holidays; and if he will make a statement on the matter. [8894/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Waterways Ireland is one of the six North-South implementation bodies established under the British-Irish Agreement Act 1999. I have met the company once since my Department was established in June 2002 during a meeting of the North-South Ministerial Council. It has not been possible to hold such meetings since the suspension of the institutions in the North. My officials, together with officials from the Department of Culture, Arts and Leisure in the North, meet the organisation on a monthly basis. The development of inland marinas is not a problem for Waterways Ireland. It would be happy to discuss any case the Deputy has in mind.

#### Departmental Staff.

590. **Ms Enright** asked the Minister for Community, Rural and Gaeltacht Affairs the number of staff appointed by him, from outside the Civil Service, since the general election in 2002; their job descriptions; their salaries and expenses; and if he will make a statement on the matter. [8338/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I appointed four staff since my appointment in June 2002. They are as follows:

Title of post	Salary Scale	Salary at March 2004	Date of appointment	Expenses <sup>1</sup>
Media Adviser	PO (Standard)	€ 72,128	24 June 2002	€ 23,935.65
Special Adviser	PO (Standard)	69,194	12 January 2004	None
Personal Secretary	Personal secretary plus 10% attraction allowance	39,121	24 June 2002	271.83
Personal Assistant	HEO (Standard)	44,328	24 June 2002	None

<sup>1</sup>Expenses are those paid to staff from their date of appointment to the end of January 2004.

The staff concerned are entitled to claim travel and subsistence and other relevant expenses under the same terms and conditions applicable to civil servants.

### Calaidh agus Céibheanna.

591. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é an deontas a ceadaíodh do Ché Theilinn, Dún na nGall, cad é an obair atá déanta, cé hé an conraitheoir agus cad é méid an deontais atá íoctha go dáta. [8471/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Cheadaigh mo Roinnse deontas iomlán de €867,417 do Chomhairle Chontae Dhún na nGall chun an chéibh seo a dheisiú agus chun casadh 15 méadar ar fhad a chur ar a ceann. Ba iad na conraitheoirí Seamus Gillan a rinne an obair agus tá an deontas íoctha amach ina iomláine anois.

### Údarás na Gaeltachta.

592. D'fhiafraigh **Mr. O'Dowd** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta i dtaca le forthairiscintí poiblí i leith thithe saoire Eanách Mheáin, cén méid iarratas a fuair an tÚdarás agus cén méid díobh a cuireadh faoi bhráid an bhoird; sna cáipéisí a eisíodh don chomórtas ar leagadh béim ar phlean gnó chun na tithe a reáchtáil mar thithe saoire ar mhaithe leis an nGaeltacht; ar cuireadh na pleananna gnó seo faoi bhráid bhord an Údaráis; cén luacháil a rinneadh ar na hiarratais maidir lena gcuid pleananna leis na tithe a reáchtáil chun leasa na Gaeltachta agus na Gaeilge agus cén tionchar a bhí aige sin ar na moltaí a rinneadh; ar glacadh leis an tairiscint ab ísle; ar dhiúltaigh an tÚdarás do €500,000 sa bhreis a bhí á thairiscint ag grúpa amháin nó don tairiscint ón bhfondúireacht naisiúnta aitheanta a bhí €55,000 níos airde agus plean forbartha acu a chosnódh na céadta mílte eile. [8524/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Dírim aird an Teachta ar an bhfreagra a thug mé ar Cheist Uimh. 146 ar 9 Márta. Tuigim go mbeidh an t-ábhar seo á phlé tuilleadh ag Údarás na Gaeltachta ag cruinniú boird ar 26 Márta agus, ag an bpointe seo, nach

bhfuil aon chonradh déanta i leith na maoinne seo a dhíol.

Maidir leis an tuairisc a d'iarr mo Roinn ar an Údarás faoin gcás seo, is féidir liom a chur in iúl don Teachta go bhfuil eolas áirithe curtha ar fáil dom ach tuigtear dom go mbéidh eolas breise á chur chugam tar éis an chruinnithe réamhluaite. I gcúinsí an cháis, creidim nach mbeadh sé cuí domsa tuilleadh a rá ag an tráth seo.

### Calaidh agus Céibheanna.

593. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil iarratas ina Roinn le haghaidh deontais feabhsúcháin ar Ché Inis Oirthear, Dún na nGall; an bhfuil meastachán costais déanta amach agus an gceadóidh sé deontas don obair. [8604/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tá iarratas ar dheontas faighte ag mo Roinnse ó Chomhairle Chontae Dhún na nGall chun oibreacha a chur i gcrích ar an gcéibh seo ar chostas iomlán de €100,000. Tá an t-iarratas seo á mheas faoi láthair agus cuirfear san áireamh é nuair a bheidh clár céibheanna beaga á roghnú amach anseo.

### Services for People with Disabilities.

594. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money allocated by his Department in 2003 and 2004 to directly fund services for persons with disabilities and the amount of money allocated to enabling persons with disabilities to more easily access his Department's services. [8649/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The following organisations focus on disability and are core funded by my Department's community development programme.

#### Interaction

This is a community participation project for people with disabilities organised under the auspices of the Irish Wheelchair Association. It targets people with disabilities who, because of personal circumstances, have the most difficulty in accessing social, educational and

developmental opportunities and experience exclusion from their local community. At present the project is in pilot phase and initially will operate from centres in Kilkenny and Navan. Funding of €87,500 was allocated in 2003.

#### Kerry Network of People with Disabilities

The network is one of 30 networks of people with disabilities nationwide that collectively form the national organisation, People with Disabilities in Ireland Limited. The network employs five staff, one of which is a community development worker, funded through the CDP programme. Its aim are to create awareness about disability issues in Kerry, to provide a structure in the county through where people with disabilities can participate and influence decision-making and to empower and enable local people with disabilities to participate in their communities. A sum of €40,000 was allocated in 2003.

#### Disability and Equality Specialist Support Agency

DESSA is an agency that works with projects funded by the community development programme to develop strategies that will facilitate and support the full involvement and inclusion of people with disabilities within the CDP. The agency was established in 2002 and is based in Dublin. It is one of six specialist agencies operating within the CDP and each one has a specific issue based focus. The 2003 allocation was €161,500.

I expect that these organisations will continue to be funded under the programme throughout 2004. Contracts and budgets have yet to be finalised in respect of the current year.

There is no specific funding allocated for persons with disabilities under the local development social inclusion programme. However, this is one of the target groups supported by the programme.

Only a limited range of services are directly provided by my Department to the public. Therefore, no funds have been specifically allocated to enable persons with disabilities to more easily access its services. As part of my Department's customer service action plan, it is proposed to undertake research with a view to identifying persons or groups that have difficulty accessing our services and to seek to eliminate such barriers.

#### Harbours and Piers.

595. **Mr. Healy-Rae** asked the Minister for Community, Rural and Gaeltacht Affairs if funding will be made available for Brandon Bay pier, Tralee, County Kerry; and if he will make a statement on the matter. [8745/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The pier has been recognised as a strategic Gaeltacht pier under my

Department's programme for development that is projected to operate for the period of the National Development Plan 2000-06. Funding has already been provided under the programme for improvement works carried out at Baile na nGall pier. My Department is in ongoing discussions with Kerry County Council with regard to further development of strategic piers in the Kerry Gaeltacht. No decision has as yet been made with regard to the development of Brandon Bay pier.

#### Community Development.

596. **Dr. Upton** asked the Minister for Community, Rural and Gaeltacht Affairs the position on important community development applications for lower Crumlin and Drimnagh; and if he will make a statement on the matter. [8853/04]

#### Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):

The Deputy will be aware of the commitment under Partnership 2000 to identify 30 priority areas for inclusion in the community development programme, thereby continuing the development of a nationwide network of projects. In 2003 as many as 15 priority areas were funded and the remainder, including lower Crumlin and Drimnagh, are proposed for inclusion before the end of the year.

Recently my Department received work plans from both areas. They are being assessed and officials from my Department will contact the groups concerned. My Department has contracted the Draíocht Regional Support Agency to continue supporting the management committees in these areas in the intervening period.

#### Road Network.

597. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the reason road repairs in County Mayo (details supplied) were estimated at €62,000. [8854/04]

#### Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):

Normally the relevant local authority provides my Department with an estimate for road repairs under Scéim na mBóithre. Mayo County Council provided the estimate referred to by the Deputy. To date the road has not been approved for funding.

#### Security of the Elderly.

598. **Dr. Upton** asked the Minister for Community, Rural and Gaeltacht Affairs if a person (details supplied) in Dublin 8 is entitled to avail of the security scheme for the elderly. [8989/04]



**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The purpose of the scheme of community support for older people is to improve the security and social support of vulnerable people aged 65 years or over. Voluntary groups and organisations that have undertaken to identify such older people receive a grant. Under the terms of the scheme the grant goes towards

the once-off costs of purchase and/or installation of small scale physical security equipment and socially monitored alarm systems.

Later this year the 2004 scheme will be advertised and the person referred to may apply through one of the participating organisations. A list of organisations funded under the scheme in the south Dublin region in 2003 is as follows:

File No.	Group Name	Address	Name	Tel No.	Amount Approved	No. Approved
11	Neighbourhood Watch Greystones	Ashgrove, Kindlestown, Greystones, Co Wicklow	Mrs. Jackie Quinn	01 2876014	€ 129,798.00	320
21	Society of St Vincent de Paul (Conference of St Cecilia)	47 Dangan Park, Kimmage Road West, Dublin 12	Mr. Brendan Dunne	01 4555637	486.00	2
40	Castletown Community Alert	Arklow, Co Wicklow	Mr. Charlie Clonough	0402 37563	630.00	2
45	Lower Kimmage Road Residents Association	4 St Martins Park, Lower Kimmage Road, Dublin 6w	Ms Una Moriarty	01 4908630	172.00	1
110	Aughrim Community Alert	The Avenue, Aughrim, Co Wicklow	Ms Kay Leeson	0404 20100 or 0402 36334	700.00	2
123	Dún Laoghaire — Neighbourhood Watch	c/o Dun Laoghaire Garda station, Corrig Avenue, Dun Laoghaire, Co Dublin	Ms Mary O'Keefe		10,200.00	28
135	Templeogue and District Active Retirement Association	30 College Drive, Terenure, Dublin 6w	Mr. Vivian Rynne	01 - 4906491	4,000.00	11
148	Carnew Community Care	Gorey Road, Carnew, Wicklow	Sr. Anne Killeen	055-26371/055-26510	7,600.00	21
184	Corbawn & Area Neighbourhood Watch	10 Corbawn Court, Shankill, Dublin 18	Ms Deirdre Cox	01 - 2821817	300,000.00	935
238	Society of St Vincent de Paul St Peter's Conference	Fred's Fashions, Upper Main Street, Arklow, Co Wicklow	Mr. Liam Walker	0402 - 31186	4,850.00	14
309	Hollywood Community Carers Association	Hollywood, Co Wicklow	Ms Marie Tutty	045 - 864289	1,400.00	4
333	Laragh & Glendalough Community Alert	Glenmacnass, Glendalough, Co Wicklow	Ms Denise Nolan	0404 45272	8,700.00	25
336	Slievemore Road Neighbourhood Watch	68 Slievemore Road, Drimmagh, Dublin 12	Ms Teresa Balfie	01- 4651166	203,521.00	531
353	Glencree & Adjoining Areas Community Alert	Cloon, Glencree, Enniskerry, Co Wicklow	Mr. John Burgess	086 2549417	430.00	1
420	Churchtown West Neighbourhood Watch	4 Oakdown Road, Churchtown, Dublin 14	Ms Mary McInerney	01 2951546 / 086 - 8329156	350.00	1
458	Avoca Community Alert	Cherrybrook, Kilmagig Upper, Avoca, Co Wicklow	Ms Bernie Ivers	0402/35179	1,600.00	4
					674,437.00	1,902

**Rural Social Scheme.**

599. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if the guidelines for the rural social scheme for farmers have been drawn up and released; and the position regarding the scheme. [9006/04]

600. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if persons currently participating in a community employment scheme who qualify for the rural social scheme will be automatically remain on the CE scheme. [9007/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Question Nos. 599 and 600 together.

At present I am preparing detailed proposals for the Government's consideration on the rural social scheme in consultation with other public bodies. My proposals will include draft guidelines on how it will operate and eligible measures.

I envisage that persons who are currently on a CE scheme and who meet the criteria for the RSS may, if they so wish, transfer to the latter scheme.

This may be done if there is a suitable RSS place available in their area.

**Security of the Elderly.**

601. **Dr. Upton** asked the Minister for Community, Rural and Gaeltacht Affairs if a person (details supplied) in Dublin 12 will be considered for the security scheme for the elderly. [9008/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):**

The purpose of the scheme of community support for older people is to improve the security and social support of vulnerable people aged 65 years or over. A grant is given to voluntary groups and organisations that have undertaken to identify such older people. It goes towards the once-off costs of purchase and — or installation of small scale physical security equipment and socially monitored alarm systems.

Later this year the 2004 scheme will be advertised and the person referred to may apply through one of the participating organisations. A list of organisations funded under the scheme in the south Dublin region in 2003 is as follows:

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### Youth Services.

602. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs, further to Question No 169 of 9 March, the programmes operated by his Department that provide funding to youth groups for capital development and refurbishment of building and facilities for youth activities; and if he will make a statement on the matter. [9009/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department operates a number of programmes that provide youth groups with financial assistance for capital development. They are as follows:

Young Peoples Facilities and Services Fund was established by the Government in 1998. Its aim is to attract at risk young people in disadvantaged areas into facilities, programmes and activities that will divert them away from the dangers of substance abuse. The areas being targeted under the fund are the 14 local task force areas of Dublin, Bray and Cork where a significant drug problem exists or has the potential to develop. Recently I announced grants of approximately €13 million under the second round of the fund's allocations. Half of the allocations are for capital developments.

Leader, Gaeltacht and Islands schemes — the Leader programmes do not specifically provide capital funding for youth services. However, capital expenditure includes facilities that will benefit youth.

Once-off funding — my Department also provides once-off funding by way of a programme of grants to voluntary and community groups that focus on tackling poverty and disadvantage and enhancing community development.

Funding is available for training, education or research initiatives and for refurbishment of premises, or the purchase of equipment and a number of the groups funded under the scheme have a youth focus. It does not provide for the purchase or building of premises.

CLÁR and RAPID programmes — At present the CLÁR programme provides top-up funding of up to 20% to projects in its areas that are selected under the sports capital programme run by the Department of Arts, Sport and Tourism. This is subject to overall public funding not exceeding 80%. In 2004 I intend to run a similar RAPID scheme.

### EU Presidency.

603. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any or all instances; if

invitations were issued using the postal service or by other means in every case; if not, the nature of the exception; the total cost to the Exchequer or EU of events to date; and if he will make a statement on the matter. [9190/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** To date my Department has not held functions or receptions in connection with Ireland's Presidency of the EU. As I informed the House on a number of occasions, most recently in my reply to Question No. 155 on 9 March, my Department will organise three Presidency-related events. They are scheduled to take place in May and June.

The EU Presidency corner on my Department's website, [www.pobail.ie](http://www.pobail.ie), provides information about the three events. Detailed logistical arrangements are being finalised.

### Social Welfare Benefits.

604. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs if there are no proposals to do away with the free telephone rental allowance. [9363/04]

605. **Dr. Upton** asked the Minister for Social and Family Affairs if she will immediately increase the telephone allowance provided to pensioners so that it covers the full cost of the line rental charge imposed by Eircom; and if she will make a statement on the matter. [9390/04]

618. **Mr. Haughey** asked the Minister for Social and Family Affairs the details of changes to the free telephone rental allowance introduced on 4 February; the reason Eircom broke the link between its social benefit scheme and the allowance paid by her Department; if she will restore the previous regime in the context of the budgetary situation; and if she will make a statement on the matter. [8592/04]

623. **Mr. Kirk** asked the Minister for Social and Family Affairs if there are plans to change the telephone rental allowance for those in receipt of an invalidity pension and widow's pension; and if she will make a statement on the matter. [8710/04]

632. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if senior citizens will no longer receive free telephone rental or unit allowances as of 4 February; and if he will make a statement on the matter. [9002/04]

636. **Ms Shortall** asked the Minister for Social and Family Affairs her policy of negotiating with Eircom or other telecommunications providers for the contract for free line rental for pensioners and others in view of the precedent set in 2004 of not covering the whole of the rental charge; if it is her intention to ensure that her Department pay all of the rental charge in the future; and the steps she is taking to ensure that the precedent

set in 2004 is not repeated; and if she will make a statement on the matter. [9077/04]

**Minister for Social and Family Affairs (Mary Coughlan):** I propose to take Questions Nos. 604, 605, 618, 623, 632 and 636 together.

I am happy to confirm that the telephone allowance remains in place. It is payable at the rate of €40.62 per monthly bill, equivalent to €49.39 per bill including VAT. I have no plans to abolish it. The allowance is an important element in the overall social welfare support package for pensioners, the disabled and carers.

I am committed to the development of the telephone allowance scheme to respond to the expanding telecommunications market and to facilitate greater client choice of telephone services. My Department had extensive discussions with the Commission for Telecommunications Regulation and the industry with a view to enabling telephone allowance customers to select a participating telephone service provider that suit their circumstances.

As soon as the ComReg wholesale line rental agreement is operational telephone allowance customers will be entitled to switch between participating provider companies within a reasonable period. They will receive one periodic bill from their provider, including the rental element and the telephone allowance credit.

It will be up to the provider companies concerned to design suitable marketing packages to attract and retain these clients like any other group. It is likely that participating service providers will offer different cost packages to telephone allowance customers.

To ensure that the costs to my Department are predictable and that the telephone allowance does not become a distorting factor in the market, its structure was changed last October to make it a standard cash credit on bills and not attributable to a component charge. The change makes it easier for additional service providers to participate in the scheme by applying a standardised allowance amount to bills irrespective of the tariff components.

At the same time as the change, a special social benefits scheme was negotiated with Eircom. It provides telephone allowance customers with line and equipment rental plus an enhanced call credit of up to €5.35 worth of free calls per bimonthly billing period. The cost of the scheme, €40.82 plus VAT per bi-monthly bill, was at a substantial discount to the previous cost to my Department for these services, as well as giving increased value to social welfare customers.

ComReg subsequently approved a price increase application from Eircom of 7.5% in line rental and a lesser percentage increase in instrument rental, effective from 4 February. I understand that Eircom will offset these increases by rebalancing call costs in order to limit the

average private customer bill increase to the level of the consumer price index.

Following detailed discussions with officials of my Department, Eircom agreed that the increase in the cost of its social benefits scheme would be limited to the prevailing rate of CPI at 1.9%. Eircom also agreed to change its scheme and removed some of the additional call unit value. To offset this it offered to give low use customers up to €10 worth of calls free per bi-monthly bill by promoting its separate vulnerable users scheme in addition to its social benefit scheme.

The revised Eircom package resulted in a small increased cost to the social welfare customer of 94 cent, including VAT per bimonthly bill, or about 72 cent per week. This is in comparison to an increase for non-social welfare customers of €3.78 per bill. The further rebalancing of call costs by Eircom should be broadly beneficial to social welfare customers, especially those that make a lower amount of calls.

Any future changes to the telephone allowance will be considered in a budgetary context, in light of available resources and other priorities.

606. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 188 of 26 February, if she will review the maximum earnings disregard because these limits have remained static since 1997 and have not kept pace with rates paid by FÁS, as in the case of a person (details supplied) in Dublin 8, and is only reached by those with more than eight children. [8277/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The policy of the one-parent family payment is to encourage and facilitate them in moving into the paid labour force and avoid long-term welfare dependency. The main element of the policy is an earnings disregard of €146.50 per week. It is designed to help towards expenses incurred from taking up employment such as travel and childminding. Only half of any earnings above the threshold are assessed as means, up to a maximum of €293 per week. In the case of the person concerned, her weekly earnings exceeded the statutory limit of €293 and, consequently, the one-parent family payment was stopped.

Family income supplement may be payable above this level of income depending on family size and average weekly family income. The special earnings disregard arrangements in place for lone parents remain generally appropriate for the group. This position is being kept under review.

Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. They are statutorily appointed and I have no role in making such decisions.

### Decentralisation Programme.

607. **Cecilia Keaveney** asked the Minister for Social and Family Affairs the timescale envisaged in the decentralisation of part of her Department to Buncrana, County Donegal; and if she will make a statement on the matter. [8285/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The transfer will be undertaken as part of the Government's decentralisation programme announced last December. There will be a major change in my Department. The move will be planned with due regard to the effects on staff and maintaining a high standard of service.

My Department established a project management structure to manage the decentralisation programme. It will support the two phases, the development of an overall departmental strategy and the development and implementation of plans for decentralising sections. A detailed project plan covering all aspects of the process involved is being prepared. It will state the following: the sequence of business activities to be decentralised, the arrangements for staff recruitment, placement and training, the estimated resources required to complete the project and the risks associated and the contingency plans to deal with them.

In addition to internal departmental planning, the Office of Public Works is trying to secure suitable accommodation in Buncrana and the other locations for my Department. The final date for the completion of moves will not be known until all accommodation and staff recruitment issues are concluded. It is expected that the programme will be substantially completed by the end of 2006.

Plans for all of the Departments involved will be considered by the decentralisation implementation group. It is due to submit an initial report by the end of the month. My Department will report progress to the group and it will report to the special Cabinet sub-committee that is overseeing the programme.

### Ministerial Appointments.

608. **Ms Enright** asked the Minister for Social and Family Affairs the number of staff appointed by her, from outside the Civil Service, since the general election 2002; the job descriptions for these staff; the salaries and expenses paid to these staff; and if she will make a statement on the matter. [8339/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Since I took up office in June 2002 I retained the services of one special adviser, Mr. Mel Cousins, until he resigned on 30 April 2003. He was appointed by my predecessor, the Minister, Deputy Dermot Ahern. He was employed on a contract basis for the period 6 June 2002 to 30 April 2003. The salary for the

position in 2003 was the maximum point of the higher principal scale at €83,465. A total of €3,029.01 was paid in respect of his travel and subsistence expenses.

I appointed Mr. Tom Reddy as press advisor on a contract basis for my term of office since 31 July 2002. The current salary for his position is the maximum point of the standard principal scale at €80,457. During 2003 the total salary cost including salary, pension contribution and employers PRSI for the position amounted to €93,661.27. From his appointment to date a total of €10,097.06 has been paid for his travel and subsistence expenses.

There are three non-established civil servants in my constituency office, a personal assistant, a personal secretary and a clerical officer. They were appointed on 6 June 2002 on a contract basis for my term of office. The clerical officer resigned on 3 October 2002 and a replacement was appointed on 21 October 2002 for my term of office.

During 2003 the total salary cost, including employers PRSI for my personal assistant, was €42,001.90. The total salary cost for 2003, including employers' PRSI for my personal secretary, was €29,388.63. A total of €19,712.43 was the salary cost for the clerical officer position in 2003. From 6 June 2002 to date €30,299.90 has been paid in respect of overtime in my constituency office. Expenditure on travel and subsistence from 6 June 2002 to date amounts to €1,286.43.

### Departmental Funding.

609. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if the best advice and support will be given to the Kerry Deaf Resource Centre (details supplied) to meet the family support needs of its members and funding for its worthwhile efforts. [8362/04]

611. **Mr. Ring** asked the Minister for Social and Family Affairs if she plans to provide funding for an organisation (details supplied) in County Kerry. [8421/04]

**Minister for Social and Family Affairs (Mary Coughlan):** I propose to take Questions Nos. 609 and 611 together.

The Deaf Resource Centre provides services to deaf adults and children with a particular emphasis on sign language users. Its co-ordinator made representations to me on 13 February and 8 March to provide a grant or funding to engage a family support worker with sign language skills or a community development worker. My Department has no money to provide such a service. I passed the matter over to the chief executive officer of the Family Support Agency to see if it could support the centre.

Last year I established the agency. Its aims are as follows: to provide a family mediation service; to support, promote and develop the provision of marriage and relationship counselling and other family support services; and to support, promote and develop the family and community services resource centre programme.

The agency issued a letter to the centre's co-ordinator advising that the funding requested does not come within the remit of any of its support schemes. It was suggested that the centre should contact the Department of Community, Rural and Gaeltacht Affairs who may be in a position to help.

### Social Welfare Benefits.

610. **Mr. Kenny** asked the Minister for Social and Family Affairs the situation pertaining to widowers who seek disability benefit; if, to have disability benefit restored, a further 13 weeks of insurable employment is necessary; and if she will make a statement on the matter. [8387/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The social welfare system is primarily a contingency based system, with entitlement based on pre-defined contingencies such as sickness or unemployment. A person may experience more than one contingency at the same time. For example, an unemployed person may become sick. However, a general principle usually applies whereby even if a person experiences more than one of the contingencies at a time, they only receive one payment. This principle is common to social security systems across the world.

Under the Irish social welfare system there have been a limited number of exceptions to this general principle. In the past these included recipients of widow's or widower's pension who could, at the same time, receive short-term social insurance benefits such as disability benefit or unemployment benefit, at half rate if the contingency arose. However, entitlement to such half rate disability benefit was limited in duration to 15 months. Where a widow or widower subsequently paid a further 13 PRSI contributions payment of half rate disability benefit could be made for a further 15 months.

In the context of preparation of the spending Estimates for 2004, this entitlement to concurrent half rate payment of a number of benefits was discontinued for new claimants with effect from 19 January. Existing recipients were not affected by this measure for the duration of their claim. In the circumstances, the question of requalification for half rate disability benefit does not arise in the case of recipients of widow or widowers pensions.

The measure to discontinue entitlement to concurrent half rate benefits was introduced in response to the pressure on Government spending and in order to provide scope for other

improvements in social welfare provision in the budget. I intend to keep the operation of this and other measures under review and any necessary adjustments will be made in the light of it.

*Question No. 611 answered with Question No. 609.*

612. **Mr. Andrews** asked the Minister for Social and Family Affairs her views on whether those in receipt of a widow's pension at a young age, for example, those under 50, should be entitled to avail of unemployment assistance or unemployment benefits. [8484/04]

**Minister for Social and Family Affairs (Mary Coughlan):** In general, a person cannot receive two primary social welfare payments simultaneously. For example, a person on retirement pension cannot claim disability benefit as well if they become ill.

Social welfare legislation provides that a person, irrespective of age, in receipt of the full rate of widow's pension cannot receive unemployment benefit or assistance at the same time. Where a person is on a reduced rate of widow's pension she is entitled to unemployment benefit at a top-up rate of the difference between the rate of widow's pension she receives and the full rate of pension subject to satisfying the qualifying conditions for receipt of unemployment benefit. There are no provisions whereby a person who continues to be in receipt of a reduced rate of widow's pension can receive unemployment assistance at the same time.

A widow may, at any time, have her entitlement to unemployment benefit or assistance assessed. She can relinquish her entitlement to widow's pension and claim unemployment benefit or assistance instead if her family would benefit financially.

613. **Mr. Ring** asked the Minister for Social and Family Affairs the number of single persons in receipt of supplementary welfare allowance; and the cost of this to the State. [8498/04]

614. **Mr. Ring** asked the Minister for Social and Family Affairs the number of persons under 27 years of age in receipt of supplementary welfare allowance; and the cost of this to the State. [8499/04]

615. **Mr. Ring** asked the Minister for Social and Family Affairs the number of persons under 27 years of age in receipt of rent supplement; and the cost to the State. [8500/04]

616. **Mr. Ring** asked the Minister for Social and Family Affairs the number of lone parents under 27 years of age who receive rent supplement; and the cost to the State. [8501/04]



**Minister for Social and Family Affairs (Mary Coughlan):** I propose to take Questions Nos. 613 to 616, inclusive, together.

The supplementary welfare allowance scheme is administered on behalf of my Department by the health boards. Its objective is to provide assistance to eligible people in the State whose means are insufficient to meet their basic needs.

In addition to a basic weekly allowance, assistance may be provided in the form of supplements that may be paid in respect of such needs as rent, mortgage interest, diet or heating. Payments may also be made in respect of exceptional or urgent needs where, in the opinion of the health board, the circumstances of a case so warrant.

The number of recipients in the following tabular statement refers to the position at 19 March. Some recipients may be in receipt of a combination of payments such as basic payment and various supplements.

As many as 1,669 payments of an exceptional or urgent need were made to single persons during the week ending 19 March at a cost of €386,644. As many as 818 payments of an exceptional or urgent need were made to persons under 27 years during the week ending 19 March at a cost of €178,657

Details of the current numbers of recipients and the estimated annual cost of categories identified by the Deputy are as follows:

	Recipients	Estimated Annual Cost
		€ million
<i>Recipients of SWA who are single</i>		
Basic SWA	16,225	101.72
Rent Supplement	14,363	89.45
Mortgage Interest Supplements	849	1.68
Diet Supplement	3,716	2.13
Heat Supplement	820	0.45
Other Supplements *	2,965	3.93
<i>Recipients of SWA who are Under 27</i>		
Basic SWA	10,223	66.96
Rent Supplement	16,497	106.99
Mortgage Interest Supplements	63	0.18
Diet Supplement	518	0.35
Heat Supplement	61	0.37
Other Supplements *	1,518	2.02
<i>Recipients of rent supplement who are under 27 and in receipt of One-parent family payment</i>	6,230	49.13

\*Includes crèche, MARS, travel, etc.

617. **Ms O'Sullivan** asked the Minister for Social and Family Affairs if she will consider introducing flexibility into the PRSI arrangements for persons who are self-employed to allow them to pay contributions that would qualify them for dental treatment; and if she will make a statement on the matter. [8538/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Workers are generally insurable under the Social Welfare Act either as employed or self-employed contributors. The nature of an employment determines the PRSI contribution due and the range of benefits and pensions contributors can receive.

The majority of insured workers pay PRSI class A contributions. Over a period they can build up an entitlement to a range of benefits and pensions, including dental benefit.

PRSI for the self-employed was introduced in 1988 and they are compulsorily insured since.

They are eligible for the following benefits and pensions: widow or widowers' contributory pension; orphans contributory pension; old age contributory pension; maternity benefit; adoptive benefit and bereavement grant.

To extend the range of benefits for self-employed contributors would necessitate an appropriate increase in the rate of PRSI class S contribution. At present there are no plans to extend any of the short-term benefits to the self-employed population of insured workers. Any such measures would have significant financial implications and would have to be considered in the wider budgetary context.

*Question No. 618 answered with Question No. 604.*

#### **Community Welfare Service.**

619. **Mr. Naughten** asked the Minister for Social and Family Affairs the changes that will

take place in the community welfare service; her plans to move the community welfare offices in the Department of Health and Children to her Department; and if she will make a statement on the matter. [8627/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The supplementary welfare allowance scheme is subject to my general direction and control. It is administered by the health boards' community welfare service on behalf of my Department. The service also has other functions within the health boards' community care programmes.

The supplementary welfare allowance scheme is being reviewed by an interdepartmental working group as part of my Department's series of expenditure reviews. It is a fundamental appraisal of the scheme aimed primarily at improving customer service and administrative efficiency.

An advisory group, comprising representatives of the regional health boards, has been established to consider various supplementary welfare allowance policy issues. It will also consider the implications of the health service reform programme for the supplementary welfare allowance scheme.

The desirability of transferring the community welfare service in part or wholly to my Department will be assessed in the light of the above evaluations. My primary objective is to enhance the service provided to those who avail of the supports in a manner that maximises their effectiveness and efficiency.

#### **Social Welfare Benefits.**

620. **Mr. Crowe** asked the Minister for Social and Family Affairs the implications of lump sum holiday payments with regard to entitlement for unemployment benefit for lollipop ladies. [8631/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Social welfare legislation provides for the payment of unemployment benefit in respect of days of unemployment. Any day on which a person either receives or has an entitlement to holiday pay is not regarded as a day of unemployment and a person has no entitlement to unemployment benefit in respect of that day. Unemployment benefit cannot be paid in respect of days on which there is an entitlement to holiday pay even where the payment is not made for some time following a period of lay-off.

People in seasonal, term or limited contract employment, including people in school related employment, who claim unemployment benefit must supply details of all holiday pay entitlements due during each temporary lay-off period. Full details of holiday pay entitlements must be

provided in respect of each school vacation period in the case of lollipop ladies. This means that the level of entitlement, if any, can be determined. When the required details are provided, payment of any unemployment benefit entitlements is arranged in respect of days not covered by holiday pay, subject to the standard conditions for entitlement to employment benefit. Holiday pay made in lump sums, in some cases, does not affect the way unemployment benefit is calculated.

A person can only have an entitlement to unemployment benefit for any day of unemployment that forms part of a period of interruption of employment. In other words, where he or she is fully unemployed for a period of at least three days in any period of six consecutive days. In addition, payment of unemployment benefit is not made for the first three days of unemployment that are known as waiting days. Where a person had a recent claim in respect of certain schemes payment may be made from the first day of the claim.

#### **Poverty Research.**

621. **Mr. Crowe** asked the Minister for Social and Family Affairs when her Department proposes to introduce new measures to deal with fuel poverty for the over 65 years of age category; the designated geographic areas of work proposed; the amount of persons that will be targeted; the timescale for the project and moneys she will make available to target this persistent problem. [8634/04]

**Minister for Social and Family Affairs (Mary Coughlan):** At present my Department is in discussions with Sustainable Energy Ireland with a view to carrying out a fuel poverty action research project. These discussions are still at an early stage and the exact details of the project, such as its geographic location, timescale and the number of persons to be targeted, have yet to be decided.

Until such time as the research project has been completed and evaluated it will not be possible to determine the nature and extent of the resources required to address the issue of fuel poverty. I hope that the first phase of the project will commence in the second quarter of this year.

#### **Services for People with Disabilities.**

622. **Mr. Stanton** asked the Minister for Social and Family Affairs the amount of money allocated by her Department in 2003 and 2004 to directly fund services for persons with disabilities and the amount of money allocated to enabling persons with disabilities to more easily access her Department's services. [8650/04]

**Minister for Social and Family Affairs (Mary Coughlan):** My Department administers a number of income support schemes that are specifically targeted at persons who are sick, disabled, or caring for a sick or disabled person. Total expenditure on these schemes in 2003 was

€1,619.9 million and the total allocated in 2004 is €1,776.37 million. These sums represent 15.4% and 15.7% of my Department's total expenditure in 2003 and estimates expenditure for 2004, respectively. The schemes are as follows:

Exchequer Financed	2003	2004
	€ million	€ million
Blind Pension	14.80	15.60
Carers Allowance	183.30	203.82
Disability Allowance	463.60	526.10
Social Insurance financed		
Disability Benefit	433.50	466.70
Invalidity Pension	439.10	472.10
Occupational Injuries Benefits	78.70	83.55
Carers Benefit	6.90	8.50
<b>Total</b>	<b>1,619.90</b>	<b>1,776.37</b>

My Department also administers a broad range of income support schemes to which both disabled and able-bodied persons have access on an equal basis. Such schemes would include payments to the elderly, unemployed, those trying to access the labour market and those on low income.

Substantial progress has been made in recent years in improving and upgrading the general standard and access facilities of my Department's buildings. Access issues are addressed as part of a comprehensive, ongoing office maintenance and refurbishment programme undertaken in conjunction with the Office of Public Works who ensure compliance with regard to access. It is not possible to identify specific expenditure on works to improve access for people with disabilities within overall expenditure on maintenance and refurbishment. In 2003 my Department spent €2.6 million on maintenance work generally and in 2004 the budget is €2.7 million.

In addition, there is a specific ongoing programme of work being carried out on my Department's existing buildings to provide access for people with disabilities such as the construction of ramps and installation of lifts. The work is being undertaken by the OPW under the disabled access programme administered by it. Any new premises occupied by my Department, such as the recently opened new local office in Navan, include measures to facilitate access for the disabled.

My Department produces a comprehensive range of information booklets covering each social welfare payment, including those for disability payments. These are widely available from social welfare local offices, citizens' information centres and many local organisations or on my Department's LoCall leaflet request line 1890 20 23 25.

In 2003 my Department spent in the region of €250,000 on information booklets for people with disabilities and their carers. This includes the guide to social welfare services. In addition, booklets on the full range of services from disability benefit to entitlements under the back to work allowance were revised and re-issued. These publications will continue to be updated during 2004 and now include the new SW 110 that is a directory of services for the ill and incapacitated.

Under the scheme of grants for the development and promotion of information and welfare rights operated by my Department, once-off grants of €15,000, €25,000 and €10,000 were paid to Kerry Deaf Resources, Irish Sign Link and the Forum Partnership in Letterfrack, respectively, in 2003. To date in 2004 a grant of €18,000 has been made to the Carers' Association.

My Department spent €3,000 in 2003 towards the conversion of the website [www.welfare.ie](http://www.welfare.ie) allowing better accessibility for people with disabilities.

Comhairle is the national information agency coming under the aegis of my Department. It supports the provision of independent information, advice and other supports to all citizens, including those with disabilities. Comhairle supports a network of 85 citizens' information centres whose role is to provide information to members of the public on all social services.

In 2003 a total of €1,210,964 was spent supporting or delivering specific activities and initiatives for marginalised groups, including people with disabilities. Within this figure regional Comhairle services spent €253,914 on information and advocacy projects.

Included in this figure are specific allocations for services for people with disabilities in 2003.

They are as follows: €211,242 provided through the Comhairle information grants scheme for disability organisations; €43,000 support grant for the National Association for the Deaf; €25,000 to Irish Sign Link; €39,399 for entitlements for people with disabilities booklet; €45,608 for disability information awareness week; €201,153 for access improvements for citizens' information centres; €83,717 for the development of an assistive technology database; and €38,292 for the disability resource centre.

In 2004 a total of €1,200,110 has been allocated to support or deliver specific activities and initiatives for marginalised groups, including people with disabilities. Within this figure regional Comhairle services will spend €275,000 on information and advocacy projects.

Within this figure also specific allocations for services for people with disabilities in 2004 include: €48,610 support grant for the National Association for the Deaf; €35,000 to Irish Sign Link; €40,000 for entitlements for people with disabilities booklet; €150,000 for access improvements for citizens' information centres; €90,000 for the development of an assistive technology database; and €20,000 for the disability resource centre.

*Question No. 623 answered with Question No. 604.*

#### **Social Welfare Benefits.**

624. **Mr. Durkan** asked the Minister for Social and Family Affairs when a person (details supplied) in County Kildare will qualify for one-parent family payment; if the long form birth certificate can be returned to her, as a matter of urgency; and if she will make a statement on the matter. [8712/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Last August the person concerned applied for the one-parent family payment. Based on the information obtained from its examination of her circumstances, the Department wrote to her seeking clarification of certain aspects. When she replies a decision will be made on her claim and she will be informed of the outcome. The certificates forwarded in support of her claim have been returned to her.

Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. They are statutorily appointed and I have no role in making such decisions.

625. **Mr. Penrose** asked the Minister for Social and Family Affairs if she will amend the position whereby a person must have five years PRSI contributions before they are entitled to dental benefit; and if she will make a statement on the matter. [8835/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The treatment benefit scheme provides a range of benefits in the areas of dental,

optical and aural treatment for qualified PRSI contributors and their dependent spouses. The PRSI contribution conditions for these benefits vary depending on the age of the insured person.

At present I have no plans to change the qualifying conditions of the treatment benefit scheme. Changes would have financial implications. They would also be a matter for consideration within the constraints of budgetary policy and the best targeting of available resources.

626. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if an application for sick pay will be expedited for a person (details supplied) in Dublin 5; and if she will ensure that all widows in similar situations are treated fairly and with dignity. [8839/04]

**Minister for Social and Family Affairs (Mary Coughlan):** My Department has no record of a recent application for disability benefit from the person concerned.

In the context of preparation of the spending Estimates for 2004, entitlement to the concurrent payment of a number of benefits, including the payment of disability benefit concurrently with widow or widower's pensions, was discontinued for new claimants with effect from 19 January. Existing recipients were not affected by the measure for the duration of their claim.

As the person concerned is in receipt of a widow's contributory pension at the maximum rate she is no longer entitled to claim disability benefit concurrently. The measure was introduced in response to the pressure on Government spending and to provide scope for other improvements in social welfare provision in the budget. The operation of this and other measures will be kept under review and any necessary adjustments will be made in the light of this.

In the event of the person concerned becoming unfit for work in the future she should submit medical certificates to my Department. She will then be awarded credited contributions during the period.

#### **Community Welfare Officers.**

627. **Mr. Ring** asked the Minister for Social and Family Affairs the number of community welfare officers; the plans that are in place to increase their numbers; and how she intends to deal with the matter. [8881/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The supplementary welfare allowance scheme is subject to my general direction and control. It is administered on behalf of my Department by the health boards. The scheme operates under the community care programme and is delivered by community welfare officers and superintendent community welfare officers.

At present there are 53 SCWOs and 700 CWOs operating from approximately 1,050 locations

[Mary Coughlan.] throughout the country. Some of them also perform other duties apart from administering the supplementary welfare allowance scheme.

Health boards administer the supplementary welfare allowance scheme, including the assignment of staff. Therefore, it is up to each board to respond to variations in workloads arising from population movement.

### Social Welfare Benefits.

628. **Mr. Ring** asked the Minister for Social and Family Affairs the reason an overpayment of social welfare benefit was calculated for a person (details supplied) in County Mayo; if her Department will provide a full breakdown of how this overpayment was calculated. [8886/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The person concerned was in receipt of unemployment assistance at the maximum weekly rate from 11 March 1998 to 24 December 2002. He was also in receipt of a back to work enterprise allowance from 25 December 2002 to 28 February 2004.

In the context of a review of his entitlements, it came to light that the person concerned had a farm. He had not informed my Department of this at the time of his application. When interviewed regarding his farm he stated that he had no stock and no income from the farm in the period from 11 March 1998 to 24 December 2002. He also denied receiving any payments from the Department of Agriculture and Food. It was later established that he received annual payments from that Department, including cattle headage, suckler cow, REPS and area-based payments.

Consequently, a deciding officer disallowed the unemployment assistance claim of the person concerned for the period 11 March 1998 to 24 December 2002. He failed to show that his means did not exceed the statutory limits for receipt of unemployment assistance payments during the period in question. The statutory limits were as follows: €172 from 11 March 1998, €175.35 from 27 May 1998, €181.70 from 26 May 1999, €191.60 from 26 April 2000, €193.89 from 28 March 2001 and €214.40 from 26 December 2001.

As a result of the revised decision by the deciding officer an overpayment of €48,885.55 occurred and is recoverable from the person concerned. This is the total amount of unemployment assistance paid to him during the period in question.

If he considers the decision to be incorrect he can send further documentary evidence to his local social welfare office. He can also appeal the decision to the independent social welfare appeals office.

Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. They are statutorily appointed and I have no role in making such decisions.

629. **Mr. Wall** asked the Minister for Social and Family Affairs the position of a person in receipt of the widow's pension now seeking maternity leave from her employment, due to the major financial loss incurred by her; the alternatives available to overcome the financial implications for the maintenance and welfare of her family during the period of her pregnancy. [8914/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The social welfare system is primarily a contingency based system with entitlement based on pre-defined contingencies, such as sickness or unemployment. It can happen that a person may experience more than one contingency at the same time. For example, an unemployed person may become sick or pregnant. A general principle usually applies whereby even if a person experiences more than one of the contingencies at the same time they only receive one of those payments. This principle is common to social security systems across the world.

Under the Irish social welfare system there have been a limited number of exceptions to this general principle. In the past these included the situation whereby a widows pensioner could, at the same time, receive short-term social insurance benefits such as disability, unemployment or maternity benefit, at half rate if the contingency arose.

In the context of preparation of the spending Estimates for 2004, this entitlement to concurrent half-rate payment of a number of benefits was discontinued for new claimants with effect from 19 January. Existing recipients were not affected by this measure for the duration of their claim. The measure was introduced in response to the pressure on Government spending and in order to provide scope for other improvements in social welfare provision in the budget. It is my intention that the operation of this and other measures will be kept under review and any necessary adjustments will be made in the light of this.

With regard to the specific circumstances outlined by the Deputy, the maximum personal rate of widow's contributory pension is €140.30 a week, increased by €21.60 for each qualified child. Maternity benefit is an earnings related payment and is subject to a minimum weekly payment of €151.60 and a maximum payment of €232.40. Depending on the particular circumstances, such as the level of earnings from employment and the number of qualified children, it may be more financially beneficial for someone receiving a widow's pension to claim maternity benefit instead for the duration of the maternity leave period.

### Social Welfare Appeals.

630. **Mr. Wall** asked the Minister for Social and Family Affairs the mechanisms in place in her Department in regard to applicants seeking an unemployment allowance payment that is under

appeal; if there is an agreement with the CWO system that such applicants should be awarded a payment before the decision of the appeals board is completed, or if there is a disagreement as to how such a payment should be paid during the period; and if she will make a statement on the matter. [8915/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The supplementary welfare allowance scheme is administered on my behalf by the health boards. It provides for the payment of a basic weekly allowance to eligible people who have little or no income. An assessment of a person's means and needs is carried out. Where there is a shortfall in a person's income a payment may be made to bring it up to the appropriate supplementary welfare allowance rate.

Where a person's application for unemployment assistance is disallowed and an appeal is lodged it is open to the person concerned to apply for supplementary welfare allowance. There is no automatic entitlement to supplementary welfare allowance. There is also no automatic exclusion of people on the grounds that they were refused unemployment assistance or any other payment. The decision to pay supplementary welfare allowance is a matter for the health board and would normally have regard to all relevant factors involved in individual cases.

Where an appeal is upheld and a person is awarded unemployment assistance any arrears due would be reduced by the amount of supplementary welfare allowance paid in respect of the arrears period.

### Social Welfare Benefits.

631. **Mr. Wall** asked the Minister for Social and Family Affairs the number of applications received for the back to education grant for each of the past three years; and if she will make a statement on the matter. [8916/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The back to education allowance is a second chance education opportunities programme. It is designed to encourage and facilitate certain groups who are receiving social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active workforce.

Information on the number of new applications received for the back to education allowance is available only in respect of people pursuing third level courses. They must also be in receipt of either unemployment benefit, unemployment assistance, farm assist or disability benefit prior to participation in the scheme. The information requested is not available to people in receipt of other qualifying payments who account for about one-third of all new applications:

2001-02 academic year — 1,586 new applications received of which 1,096 were approved;

2002-03 academic year — 2,207 new applications received of which 1,581 were approved;

2003-04 academic year — 2,233 new applications received of which 1,515 were approved;

*Question No. 632 answered with Question No. 604.*

633. **Mr. Wall** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kildare was refused rent allowance; if her attention has been drawn to the fact that this person has no alternative accommodation because their parents are relocating 50 miles away and it is not possible, due to this person's circumstances, to relocate with the family; and if she will make a statement on the matter. [9046/04]

639. **Mr. Wall** asked the Minister for Social and Family Affairs the reasons a person (details supplied) in County Kildare was refused the rent allowance; if her attention has been drawn to the fact that the person has no alternative accommodation as their parents are relocating 50 miles away and it is not possible in view of the applicants circumstances to relocate with the family; and if she will make a statement on the matter. [9121/04]

**Minister for Social and Family Affairs (Mary Coughlan):** I propose to take Questions Nos. 633 and 639 together.

The South Western Area Health Board was contacted on behalf of the person concerned. It advised that on receipt of her application for rent supplement she was referred to her local housing authority for a housing assessment. The housing authority deemed her not to have an accommodation need at present and her application was refused. The board has further advised that the housing authority has indicated that, if the person's circumstances change, a reassessment of her accommodation needs will be made.

### Free Travel Scheme.

634. **Mr. Penrose** asked the Minister for Social and Family Affairs if her Department will address the problem whereby persons in rural areas, who are the holders of free travel passes, cannot access local scheduled or national bus or train services, by the immediate introduction of a travel voucher system that can be used for taxi services to reach access points for scheduled travel services; and if she will make a statement on the matter. [9047/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The free travel scheme is available to all people living in the State aged 66 years or over. It is also available to all carers in receipt of carer's allowance and to carers of people in receipt of constant attendance or prescribed

[Mary Coughlan.] relative's allowance. Certain people with disabilities and people who are in receipt of certain welfare type payments can also avail of it.

The scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann as well as services provided by over 80 private transport operators. The vast majority of private contractors providing services under the scheme operate in rural areas. The underlying feature of the scheme is the use of spare capacity on these transport services.

I am always willing to consider applications from licensed private transport operators who may wish to participate in the free travel scheme. While my Department pays transport providers to operate the free travel scheme, it is not in a position to provide transport services where none exist.

Various alternatives to the existing system, including the use of vouchers, have been examined. A study published in 2000 under the Department's programme of expenditure reviews concluded that a voucher type system, that would be open to a wide range of transport providers including taxis and hackneys, would be extremely difficult to administer. It would be open to abuse and unlikely to be sufficient to afford an acceptable amount of travel. The position remains unchanged.

At present the issue of access to public transport in rural areas is being addressed through the rural transport initiative. It is managed by Area Development Management on behalf of my colleague, the Minister for Transport.

Significant improvements have been made to the free schemes, including the free travel scheme, in recent budgets both in terms of the qualifying conditions and the coverage of the schemes. I will continue to review the operation of these schemes with a view to identifying the scope for further improvements as resources permit.

### **Bereavement Support Groups.**

635. **Mr. Stanton** asked the Minister for Social and Family Affairs the funding available to support families of suicide bereaved and to further support such families with funeral costs; and if she will make a statement on the matter. [9057/04]

**Minister for Social and Family Affairs (Mary Coughlan):** There are a number of schemes within the social welfare system to assist families in dealing with death and funeral expenses.

The bereavement grant is a payment based on PRSI contributions and is designed to assist families in dealing with death and funeral expenses. It amounts to €635 and is paid by cheque to the husband, wife, next of kin or

personal representative of the deceased or to the person responsible for the payment of the funeral bill.

The widowed parent's grant is designed to assist with the income support needs of widows and widowers with dependent children in the immediate aftermath of a bereavement. It is payable to widows and widowers with dependent children who qualify for a widow or widower's contributory pension, a one-parent family payment or a bereavement grant payable on the death of their spouse.

A qualified child for the purpose of the grant is a child under 18 years or a child between the ages of 18 and 22 years who is in full-time education. The rate of the widowed parent's grant increased to €2,700 from December 2003.

In most cases the scheme of six weeks after death payments is payable to the qualified adult of claimants of contributory and non-contributory payments. The payment is generally made in a lump sum by cheque when the bereaved person produces a death certificate and funeral bill or funeral notice.

Support for bereaved families is also available in the form of specialist counselling provided by voluntary organisations. In turn they are funded through a scheme of grants administered by the Family Support Agency.

The scheme of grants funds bereavement counselling and support services on the death of a family member. They also fund voluntary organisations that provide marriage counselling, marriage preparation courses and counselling for children of separated parents.

In 2003 the sum of €7.009 million was allocated under the scheme. Over €1 million of it was allocated to organisations providing bereavement counselling and support services and 370 organisations nationwide received grants. This included six organisations specifically dealing with bereavement following suicide. They were as follows:

	Amount Allocated
	€
National Suicide Support Network, Cork	4,000
Facing up to Suicide, Dublin	6,000
Kildare Suicide Bereavement Support Group	7,000
Midlands Suicide Bereavement Support Group, Laois	1,500
Wexford Suicide Bereavement Support Group	700
Bray Suicide Bereavement Support Group, Wicklow	3,000.

Application forms for the 2004 scheme of grants was issued to all organisations that received funding last year. The closing date for receipt of applications was Friday, 27 February. Applications have been received from five of the above listed organisations and from a new

applicant, the Kerry Suicide Support Group deals specifically with suicide. The Wexford Suicide Bereavement Support Group has not applied for funding this year. The applications will be considered having regard to available resources and overall demand for funding.

*Question No. 636 answered with Question No. 604.*

### **Social Welfare Benefits.**

637. **Mr. Ferris** asked the Minister for Social and Family Affairs if she will make a statement on the status of fishermen employed on a share basis and their social welfare benefits; if they are categorised as self-employed or employees; the criteria for classification; and if not self-employed, their entitlements to benefits. [9078/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The employment status of sharefishermen for social insurance purposes was considered by the High Court hearing two appeals on a question of law under section 271 of the Social Welfare (Consolidation) Act 1993. A judgement confirmed earlier judgements of the court in the matter and was delivered in October 2001.

The High Court held that sharefishermen who offer their services to boat owners and skippers in the manner that is customary in the industry, that is with payment based on a share of the catch, do so as self-employed co-venturers or partners and are not employed under a contract of service. Therefore, they are not employees. Accordingly, they are insurable at class S as self-employed persons.

Entitlement to benefit for persons insurable at class S comprises the following: widow and widower's contributory pension; orphan's contributory allowance; old age contributory pension; maternity benefit; adoptive benefit; and a bereavement grant.

Sharefishermen who are insurable at class S may also enhance their PRSI cover by availing of an optional scheme of social insurance, class P, that was introduced in 1994. It gives them the option, on payment of an additional contribution, of enhancing their social insurance cover over and above that available to other self-employed persons. Payment of the additional contribution provides limited cover for disability benefit and unemployment benefit as well as full cover for treatment benefits.

Fishermen who are not self-employed or those who are employees working under a contract of service are insurable at class A. It provides cover for all social welfare benefits and pensions.

Determination of a person's insurable status is carried out by deciding officers under the provisions of section 247 of the Social Welfare (Consolidation) Act 1993. A deciding officer has regard to the relevant statute law, case law and

the facts and circumstances of each case when making a determination.

As regards the criteria employed, the High Court has held that fishermen are partners in a "joint adventure" in circumstances where: each weekly voyage is a separate venture and no crew member has a contract that entitles him to take part in any subsequent voyage; crew members do not receive payment of wages for participating in a fishing expedition but become entitled to a share in the net profits, if any; and, most importantly, although the boat owner or skipper engages each crew member, he does not decide what the rate of remuneration will be and is determined by custom and agreement between the parties.

Fishermen who work in circumstances where the three factors mentioned above apply, and are paid solely by a share of the value of the catch, are likely to be self-employed and insurable at class S. Those who are paid by fixed basic wage or salary are more likely to be employees of the boat owner or skipper and insurable at class A.

Where there is doubt as to a fisherman's status, my Department's scope section may be requested to provide a formal determination.

638. **Mr. Ardagh** asked the Minister for Social and Family Affairs her views on the qualifying criteria for receipt of payment under the family income supplement, particularly for a person (details supplied) in Dublin 12; and if she can change it so that people in these circumstances benefit in the future. [9079/04]

**Minister for Social and Family Affairs (Mary Coughlan):** Family income supplement is designed to provide cash support for employees on low earnings with families. It preserves the incentive to remain in employment in circumstances where the employee might only be marginally better off than if they claimed other social welfare payments.

As an employment support, it is important that qualification for FIS requires a significant attachment to the workforce. The current minimum level is 19 hours per week or 38 hours per fortnight. A combination of hours worked by both spouses or partners may be taken into account for this purpose.

As a reduction in the minimum number of hours required would run counter to the principal aim of the scheme I have no plans to introduce any changes in this regard.

*Question No. 639 answered with Question No. 633.*

### **EU Presidency.**

640. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of locations and status of functions or receptions held in connection with Ireland's Presidency of the EU; the number and status of those invited to attend; if Garda motorcycle escorts were provided in any



[Mr. Durkan.]

or all instances; if invitations were issued by way of postal service or by other means in every case; if not, the nature of the exception; the total cost to the exchequer or EU of events to date; and if she will make a statement on the matter.

[9191/04]

**Minister for Social and Family Affairs (Mary Coughlan):** To date my Department have jointly hosted one Presidency event. It was an informal Council meeting involving employment and social policy Ministers and it was held in Galway from 16 to 17 January. As many as 200 delegates,

including Ministers and their accompanying officials and representatives from the Commission, the European Parliament and the Council secretariat, attended the meeting and 370 attended the gala dinner. Garda escorts were provided for Ministers. Invitations were generally issued by post and e-mail but a courier was used in some cases. The cost of the event is being shared between my Department and the Department of Enterprise, Trade and Employment. All invoices for the event have not yet been received. The cost to my Department was initially estimated at €335,000. It now appears that the cost will be less than that.