

DÁIL ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Requests to move Adjournment of Dáil under Standing Order 31	...	...	...	...	...	...	...	...
Order of Business	...	...	...	...	...	...	...	...
Customs and Excise (Mutual Assistance) Act 2001: Motion ...	...	...	...	...	...	...	...	...
Public Service Management (Recruitment and Appointments) Bill 2003:								
Second Stage (<i>resumed</i>)	...	...	...	...	...	...	...	...
Referral to Select Committee	...	...	...	...	...	...	...	...
Equality Bill 2004 [<i>Seanad</i>]: Second Stage	...	...	...	...	...	...	...	...
Ceisteanna—Questions								
Minister for Defence								
Priority Questions	...	...	...	...	...	...	...	...
Other Questions	...	...	...	...	...	...	...	...
Adjournment Debate Matters	...	...	...	...	...	...	...	...
Adjournment Debate								
Job Creation	...	...	...	...	...	...	...	...
Mayo Landslide	...	...	...	...	...	...	...	...
Schools Building Projects	...	...	...	...	...	...	...	...
Questions: Written Answers	...	...	...	...	...	...	...	...

DÁIL ÉIREANN

*Déardaoín, 25 Márta 2004.
Thursday, 25 March 2004.*

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

*Paidir.
Prayer.*

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Gogarty: I seek the adjournment of the Dáil under Standing Order 31 to discuss an issue of national importance, namely, the proposed visit by President Bush to the Italian Ambassador's Residence in Lucan this June as first revealed in the new *Lucan Gazette* newspaper which quotes as its source the US Ambassador to Ireland, Mr. Jim Kenny, and verified also, according to *Lucan Gazette* staff, by the Italian Ambassador; and to discuss the security and public relations ramifications which will arise from such a visit, including the impact on residents of Lucan who will face significant disruption to their business and personal lives, not to mention an influx of international media, a large number of protesters against the unjust war in Iraq and a heavy US security presence who will have a huge job on their hands.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent national importance and concern, namely, the spiralling costs of tribunals and public inquiries which have cost in excess of €138 million to date and which have been estimated to ultimately exceed €500 million at a time when the benefits of widows, widowers and lone parents are being cut by €5.8 million; the apparently limitless system of *per diem* rates and brief fees applicable to barristers and the feasibility or otherwise of introducing a contract system of remuneration which would have the effect of streamlining and expediting the deliberations of the various tribunals and public inquiries.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to allow a debate on a matter of major importance, namely, the failure

of the Minister for Health and Children, Deputy Martin, to remedy the disgraceful situation at Mayo General Hospital where 21 people spent last Tuesday night and yesterday on trolleys in the casualty department. These are people who were assessed by the casualty unit staff as needing urgent admission to Mayo General Hospital but because of lack of hospital beds the 21 people had to spend the night on trolleys, which is not fair to the patients involved or to the dedicated and overworked staff of Mayo General Hospital.

Mr. Cuffe: I seek the adjournment of the Dáil under Standing Order 31 to debate a specific and important matter of public interest requiring urgent consideration. In the light of the extraordinary decision by Dún Laoghaire-Rathdown County Council early yesterday morning to rezone Dún Laoghaire Golf Club for development, could the Minister for the Environment, Heritage and Local Government explain to the House his reasons for directing the council in this matter and disregarding the views of the people of Dún Laoghaire, and will he make available all correspondence that he received in regard to this matter?

An Ceann Comhairle: I have considered the matters raised and they are not in accordance with Standing Order 31.

Order of Business.

The Tánaiste: It is proposed to take No. 10, motion re proposed approval by Dáil Éireann of Customs and Excise (Mutual Assistance) Act 2001 (Section 8) (Protection of Manual Data) Regulations 2004 (back from committee); No. 15, Public Service Management (Recruitment and Appointments) Bill 2003 — Second Stage (resumed); and No. 2, Equality Bill 2004 [*Seanad*] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 10 shall be decided without debate.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with No. 10, motion re proposed approval by Dáil Éireann of Customs and Excise (Mutual Assistance) Act 2001 (Section 8) (Protection of Manual Data) Regulations 2004 agreed? Agreed.

Mr. R. Bruton: I would like to raise two issues on the Order of Business. At this stage deliveries of post have virtually ground to a total standstill and the Labour Relations Commission has expressed exasperation that without movement on one or both sides there can be no progress made in resolving this dispute. Does the Tánaiste plan to implement the agreements under the National Implementation Body of the social partnership—

An Ceann Comhairle: That does not arise on the Order of Business. We had a Private Notice Question on that matter.

Mr. R. Bruton: There has been a development since then.

An Ceann Comhairle: It does not arise on the Order of Business. I would prefer the Deputy to find another way of raising it.

Mr. R. Bruton: I will seek to, but it arises for the business community and for many people outside of this House.

Another issue is that yesterday both the Tánaiste and the Minister for Social and Family Affairs indicated they would deal with hardship and unfairness in respect of the treatment of widows. They stated that they were considering changes and that the matter was under review. Is there promised legislation? Can the Tánaiste indicate to the House that on the issue of the treatment of widows who are being denied sickness benefit and unemployment benefit and being airbrushed out, there is a promise to resolve this issue, or is this just an effort to deflect debate about an important issue affecting some of the vulnerable people in this community?

The Tánaiste: This matter will not require legislation but, as I said yesterday and as the Minister reiterated, the Government is always concerned to rectify the problem when hardship is caused or there is unfairness. That continues to be the position regarding this matter.

Mr. R. Bruton: Is there a promise or is this just an attempt to deflect attention from the issue?

An Ceann Comhairle: We cannot have a debate. The matter has been debated this week on a number of occasions.

Ms McManus: I am sure everybody wishes the Taoiseach well at the important European summit which is opening today in Brussels. We all recognise that if a new constitution to meet the needs of the enlarged Community can be agreed during the Irish Presidency it will be a major achievement. If that is successful, will the Tánaiste confirm that a new constitutional referendum will be held, presumably within the year? If that is the case, will she not agree it would be more appropriate to hold the referendum on citizenship with that other constitutional referendum and to decouple the referendum from the local and European elections to be held on 11 June? May I also ask the Tánaiste, because it was unclear in her reply yesterday, if the wording of the referendum on citizenship has been agreed by the Cabinet?

The Tánaiste: I thank Deputy McManus for her good wishes to the Taoiseach and the Irish Government in the spring Council which will start today. I know the views she expressed are shared by all sides in the House. During the Irish Presidency, on this occasion as in the past there has always been support from parties in opposition. If we achieve a successful outcome to

the IGC negotiations it will be a major achievement, not just for the Irish Presidency, as Deputy McManus acknowledged, but also for the European Union. A referendum will be necessary but it is not clear when that referendum will have to be held. No decision has been made on when to hold the referendum on citizenship and no final wording has been agreed by the Cabinet.

Ms McManus: Will the Tánaiste not consider that it makes sense to hold the two referenda together.

An Ceann Comhairle: That does not arise on the Order of Business. The Tánaiste has answered the question.

Ms McManus: It does. It is tied in with legislation, and already the Tánaiste has promised that legislation will be published with the wording.

The Tánaiste: We should learn from the experience of the first Nice treaty referendum that the less confusion surrounding the issues at stake in regard to matters European, the better.

Mr. Stagg: It would be confusing.

The Tánaiste: No, it does not relate to developments in the European Union. It is a completely separate matter.

Mr. Gormley: In regard to a referendum on the new constitution, is it the intention of the Government to be the last country to ratify the new EU constitution, as was the case with the second Nice treaty referendum?

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

Mr. Gormley: I would like to know the exact date of publication of the legislation for the referendum. Will the Tánaiste agree it makes much more sense, as proposed at the convention, to have a Europe-wide referendum on this important new EU constitution?

The Tánaiste: The manner in which different countries ratify treaties of this kind is a matter entirely for themselves. As the Deputy is aware, in virtually every country it is done by their national Parliaments. We are unique in putting a referendum to our citizens. It would be premature to announce when that referendum will be held since the IGC process has not yet been concluded.

Mr. Ring: The Government deregulated pharmacies last year or the year before. When will the pharmacies Bill come before the Dáil?

The Tánaiste: The Minister recently published the outcome of the review group deliberations and work is now progressing on the pharmacy

Bill. It is actually separate from the issues raised by the Deputy. I understand it will be published this year.

Mr. Stagg: The Government promised the following Bills will be published this session: the land Bill; the veterinary medicine Bill; the maritime safety Bill; the maritime security Bill; the Grangegorman Development Agency Bill; the employment permits Bill; the safety, health and welfare at work Bill; the building societies Bill; the Civil Service regulation Bill; the pensions (miscellaneous provisions) Bill; the health and social welfare professionals Bill; the health (amendment) Bill; the adoptive leave (amendment) Bill; the civil liabilities and courts Bill; the criminal justice Bill; the disability Bill; the Comhairle (Amendment) Bill; the driver testing and standards authority Bill; and the State airports Bill. There were five other Bills which have been published. What has gone wrong, given that we have only two weeks left in this session? Will we have a rush of print for the next two weeks and see the 20 other Bills published? What has gone wrong that this long list of Bills, which were promised this session, have not seen the light of day?

An Ceann Comhairle: Most of the Bills you mentioned, Deputy, were dealt with on the Order of Business this week by the Tánaiste.

Mr. Stagg: Which ones? We could deal with them again now in a different context.

An Ceann Comhairle: On the general question, Tánaiste.

The Tánaiste: Deputy Stagg's question confirms how active and reforming the Government is with such a widespread legislative programme.

Mr. Stagg: These Bills have been promised for the past two years. You have good ideas but you do not put them into practice.

An Ceann Comhairle: The Tánaiste, without interruption.

The Tánaiste: If the Deputy looks at the top of the page he read from he will see it refers to before the start of the next session. He did not read that out so there is more than two weeks left, there is four weeks——

Mr. Stagg: Will they be done on Good Friday?

The Tánaiste: ——and I assure the Deputy many Bills will be published in those four weeks. I hope we will have the Deputy's co-operation in having them enacted.

Mr. Stagg: We will criticise them as we are supposed to do in opposition.

The Tánaiste: Only if they need to be criticised.

Caoimhghín Ó Caoláin: The modernisation of the coroner's service is contained in the recommendations of the review of the coroner's service report which is to be given effect through the Coroners (Amendment) Bill. Will the Tánaiste indicate when that Bill will be brought before the House?

The Tánaiste: It is due for publication later this year.

Ms O. Mitchell: I want to ask the Tánaiste about emergency legislation promised by the Minister for the Environment, Heritage and Local Government to resolve the problem holding up the south-eastern motorway at Carrickmines. When will that legislation be published? There is a sense of urgency in that every day's delay is costing money.

The Tánaiste: I accept what the Deputy said. The Minister is urgently working on that legislation but, unfortunately, I am not in a position to say when it will be published, although I think it will be very soon.

Mr. Sherlock: May I ask the Tánaiste if it is the intention of Government to have a debate in the House on SI 90 2004 dealing with the changes in the health services, which appears to supersede what will be contained in the health Bill? Will she indicate if the statutory instrument will be brought before the House for debate——

An Ceann Comhairle: Deputy, that question was raised by you yesterday and answered by the Tánaiste.

Mr. Sherlock: The issue was not made clear as to whether SI 90 would be brought before the House for debate.

Mr. Stagg: It is in that context.

An Ceann Comhairle: We would not discuss the content of a debate on the Order of Business. The Tánaiste, on the Bill.

The Tánaiste: The statutory instrument has already taken effect. I know there is a good deal of resistance to the change the Government intends to introduce in the health areas as far as restructuring is concerned——

Mr. Stagg: It is called Hanly.

The Tánaiste: Yes, it is called Hanly. I would like to see Deputy Stagg's reform package.

Mr. Stagg: We have a very specific reform package.

The Tánaiste: In the context of the health reform agenda, as the legislation is produced it will be discussed in this House.

Mr. Sherlock: Will the statutory instrument be brought before the House for debate?

The Tánaiste: The Deputy can put down a motion if he wishes.

Dr. Cowley: On forthcoming legislation, which the Taoiseach promised last year, if somebody has a heart attack in an ambulance the emergency medical technician is not allowed to give life-saving injections to save that person's life. Many lives have been lost because we are still waiting on the Bill to allow the paramedic service to be legalised.

An Ceann Comhairle: Is legislation promised?

The Tánaiste: I will have to inquire on behalf of the Deputy. I am not aware of the legislation he is talking about.

Ms O. Mitchell: The medical practitioners Bill.

The Tánaiste: That applies to——

Dr. Cowley: It is to give paramedic status to emergency medical technicians.

The Tánaiste: Are we talking about the medical practitioners Bill?

Dr. Cowley: The emergency services Bill.

The Tánaiste: If it is the medical practitioners Bill——

Ms McManus: No, it is not that Bill.

The Tánaiste: If somebody could tell me what legislation we are talking about I might be able to answer the question but the medical practitioners Bill will be published later this year.

Ms McManus: The Minister for Health and Children undertook to bring in legislation to implement the Hanly report which would ensure, as Deputy Cowley said, that ambulance staff would be able to treat on site. That legislation was promised by the Minister for Health and Children. The Tánaiste is lecturing us about health reform but she does not know basic information about her own Government's policy.

An Ceann Comhairle: The Deputy has made her point.

Mr. R. Bruton: Deputy Hogan published some very interesting proposals on consumer protection. Is it the Tánaiste's view that the last word on consumer protection here was 25 years ago with the——

An Ceann Comhairle: The Deputy should know that does not arise on the Order of Business. The Deputy may submit a question.

Mr. R. Bruton: The Minister announced this morning on the radio to the populace that she would change the fines in respect of consumer protection but I have searched in vain for promised legislation to say that is on the Government's programme. I am perfectly entitled to ask whether the Minister's promise on the public airwaves is reflected in the Government's intention.

An Ceann Comhairle: The Deputy is absolutely entitled to ask that question but the question he had asked was whether the Minister agreed with him about something that happened 25 years ago.

Mr. R. Bruton: No it was not. I was making the point, had I not been interrupted, that it appears that the Tánaiste takes the view that the last word on consumer protection was given 25 years ago——

An Ceann Comhairle: The Chair intervenes when it is necessary to do so.

Mr. R. Bruton: ——while every other country in Europe has been introducing new modernised codes of consumer protection that have overtaken the Minister.

An Ceann Comhairle: That was in order.

Mr. Ring: Deputy Richard Bruton has a better memory than some for events 25 years ago.

The Tánaiste: It is terrible to be old enough to say that I was in this Parliament 25 years ago. What I said this morning was that in conjunction with two European directives on consumer protection, which I hope will be finalised during the Irish Presidency, we are amending the legislation which will include updating the fines. It is not true to say we have not introduced any consumer legislation. Very recently we established a statutory officer for consumer protection in financial services so there is an ongoing——

Mr. R. Bruton: That was not in the Minister's remit.

The Tánaiste: It was. These were issues I passed over. It made more sense to have financial services regulated by a single person rather than by the Director of Consumer Services in my Department, Carmel Foley. We now have an excellent Director of Consumer Protection in Financial Services.

Mr. R. Bruton: He is showing up the inadequacies in the Minister's Department.

An Ceann Comhairle: Allow the Tánaiste give a brief answer to a question on the Order of Business.

The Tánaiste: He is showing up the inadequacies in the market, the fact that there is competition and that when one creates a new statutory officer with powers that person can empower the public with information to allow it to make greater choices.

Mr. Gormley: I thought the market was infallible.

Mr. R. Bruton: Roll on Deputy Hogan's legislation.

Ms O'Sullivan: Ms Justice Laffoy resigned as chairperson of the Commission to Inquire into Child Abuse approximately six months ago because of obstruction and delays in her work caused by the Government and Departments. After her resignation we were promised there would be a sense of urgency about bringing in amending legislation and improving the situation. Why have we been waiting so long for the Commission to Inquire into Child Abuse (Amendment) Bill when people who have been abused in the past have been told it will take 11 years to carry out the work if it continues without amendment?

An Ceann Comhairle: The Deputy has made her point and does not need to embellish it.

The Tánaiste: The Minister awaited the outcome of the Ryan report which he now has and the legislation is being advanced. I do not know the precise date on which it will be available but it is intended to have it as quickly as possible.

Ms O'Sullivan: This is an unacceptable delay.

The Tánaiste: We have to get it right. We have tried legislation before.

Mr. Boyle: Section C of the Government's legislation programme lists Bills the heads of which have not yet been approved by Government. One such Bill relates to the functions of Údarás na Gaeltachta. Given that the current functions of Údarás na Gaeltachta should be subject to review given ongoing information about its current activities, will the Government give the proposed Údarás na Gaeltachta (Amendment) Bill an added sense of urgency?

The Tánaiste: Yes, that legislation is due this year.

Mr. Allen: Will the Tánaiste confirm that the Electoral (Amendment) Bill, published today, will not be guillotined in this House next week and that every Member who wishes to speak on it will be allowed to do so? Will she clarify the

conflicting reports emerging from the Government Whip's office? On the one hand, there is an attempt to guillotine it, while on the other hand the Minister denies that there is a guillotine in place. Why were the heads of the Bill not published prior to publication of the Bill as set out in the Department's better regulations document?

Mr. Durkan: It is a headless Bill.

Mr. O'Dowd: The Minister is headless.

The Tánaiste: The Government Chief Whip will publish the schedule later today. I understand that an attempt to agree a schedule yesterday failed. It will not be completed next week.

Mr. Gilmore: With regard to the Residential Tenancies Bill about which I asked yesterday, will the Tánaiste explain how the Government intends to give priority to the Bill on electronic voting for next week over the Bill to give rights to tenants for which we have waited for four years?

When I asked the Taoiseach about the Electoral (Amendment) Bill which was published this morning, approximately two weeks ago he said that the Bill would re-enact the 11 o'clock Electoral Act 1997 and that was necessary for legal reasons. On reading the Bill this morning I find that is not what it proposes to do. It proposes to amend the Electoral Act. Given that this Bill is being published and introduced by the Fianna Fáil Director of Elections and that it will change the procedures used in polling stations, with regard to who is entitled to vote and whose vote may be cancelled, does the Tánaiste agree that it is not appropriate that a Bill of this kind introduced by the Director of Elections for the main Government party to change the way people vote in polling stations, and those changes extend beyond the electronic—

An Ceann Comhairle: Will the Deputy please be brief.

Mr. Gilmore: This is a very important issue.

An Ceann Comhairle: It is, but it might be more appropriate for the Deputy to submit a question to the Minister responsible.

Mr. Gilmore: There is not sufficient time between now and next Wednesday when it is proposed to take this Bill on Second Stage for it to be examined by those of us who will have the responsibility of coming in here to respond to it.

Mr. Stagg: There will be a guillotine.

Mr. Gilmore: It is unusual, to say the least, that the Director of Elections for one party should introduce a Bill about the procedures to be used in the election for which he is responsible and that it is to be rushed through the House.

An Ceann Comhairle: The Deputy is repetitive.

The Tánaiste: It demeans the Deputy to put out scare stories about what will happen as a result of this legislation. I am satisfied they do not reflect the case. The Government is introducing the Bill, on whose behalf the Minister is acting. It is not intended to guillotine the Bill next Wednesday.

Mr. Howlin: The Taoiseach misled the House.

Mr. Gilmore: On this point I first asked the Tánaiste why this Bill is being given precedence over the Bill for tenants. Will the Government agree not to take this Bill on Second Stage next week because there is not enough time to examine it between now and then?

An Ceann Comhairle: The Deputy has asked his question and made his point and he cannot monopolise the whole morning on an issue that should be raised directly with the Minister.

The Tánaiste: I am satisfied there will be plenty of time for this Bill.

An Ceann Comhairle: I call on Deputy Lynch to speak.

Mr. Gilmore: We will not have enough time.

Mr. Howlin: We need two weeks.

The Tánaiste: How does Deputy Howlin know it will take two weeks? He does not know.

Mr. Howlin: Two weeks is normally guaranteed to us to discuss a Bill.

The Tánaiste: There is enough time.

Mr. Gilmore: No there is not.

Mr. Howlin: How does the Tánaiste know?

An Ceann Comhairle: Deputy Howlin should allow Deputy Lynch to speak so that we may move on directly to the next business.

Mr. Gilmore: The Progressive Democrats are letting Fianna Fáil turn this country into a banana republic.

The Tánaiste: Our army is half the size of that which the Labour Party had when it was in Government.

An Ceann Comhairle: Would the Tánaiste please allow Deputy Lynch speak without interruption.

Mr. M. Ahern: The Deputies should check the record.

Mr. Howlin: The Progressive Democrats allow Fianna Fáil to manage the Government.

Mr. M. Ahern: The Labour Party also had a cabal in the Department of Social Welfare and advertised positions in its newsletter.

Mr. Allen: The Progressive Democrats are working with the private sector but will not give information on that.

The Tánaiste: Our army is half the size the Opposition had in Government.

Mr. R. Bruton: The Government has increased the civil service by 90,000, by its own account.

Mr. M. Ahern: Deputy Howlin was in Government with Proinsias de Rossa.

An Ceann Comhairle: Deputies on both sides should allow Deputy Lynch to speak.

(Interruptions).

Ms Burton: It is coming from the Government side. The Ceann Comhairle should cast his eye that way.

An Ceann Comhairle: It is coming from all sides. I have already asked that side to allow Deputy Lynch to speak.

Ms Lynch: Given the reaction to the Labour Party Private Member's business this week and to the budget in regard to the social welfare cutbacks for widows and widowers——

An Ceann Comhairle: The Deputy must ask a question appropriate to legislation.

Ms Lynch: On promised legislation——

An Ceann Comhairle: To what legislation is the Deputy referring?

Ms Lynch: If the Minister is to be believed that she will review the measures introduced in the budget it will be necessary to introduce legislation.

An Ceann Comhairle: That question has already been raised and answered.

Ms Lynch: This one has not. I may not have been here long but I know this question has not been raised.

An Ceann Comhairle: To what legislation is the Deputy referring?

Ms Lynch: I refer to the social welfare (consolidation) Bill through which I hope the cut will be reversed. If it is to be reversed it will have to be done within that promised legislation. I urge the Tánaiste to reverse the cuts which have been

imposed by this Government on widows and widowers.

The Tánaiste: A change with regard to widows will not require legislation.

Mr. Howlin: Will it happen?

Mr. Stagg: This section hopes it will.

Mr. M. Higgins: I am anxious to establish a simple fact with regard to the Electoral (Amendment) Bill 2004 which was published this morning. Is it proposed to introduce separate legislation to reduce the anomaly whereby, for example, the identification used by people to register on the supplementary register will be insufficient to enable a voter to vote at a polling station? Specifically, the identification carried by refugees and immigrants will mean they are able to register but not able to vote at a polling station in accordance with the Bill as published. Will there be separate legislation or a ministerial order to reverse this discrimination against those who have gone to the trouble of registering as voters in this country?

Mr. Howlin: It would be unlawful in view of the Act.

The Tánaiste: Those residing in the State will be entitled to vote in the European and local elections and if there is a difficulty it can be amended. I was not aware of any difficulty.

Mr. M. Higgins: There is a difficulty.

The Tánaiste: If there is, I have no doubt the Government will be anxious to correct it, and should do so.

Mr. Stagg: The Tánaiste must be sure to inform Fianna Fáil of it?

Mr. Gormley: Why has the Government proceeded with a television advertising campaign on electronic voting despite the matter not having been agreed in the House?

An Ceann Comhairle: That matter is not relevant to the Order of Business.

Customs and Excise (Mutual Assistance) Act 2001: Motion.

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

That Dáil Éireann approves the following regulations in draft:

Customs and Excise (Mutual Assistance) Act 2001 (Section 8) (Protection of Manual Data) Regulations 2004

copies of which were laid in draft form before Dáil Éireann on 10 March 2004.

Question put and agreed to.

Public Service Management (Recruitment and Appointments) Bill 2003: Second Stage (Resumed).

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

Mr. Durkan: A few weeks ago when I first spoke on this legislation I pointed out some issues arising from it which do not benefit the country, the public service or the consumer. Ireland has long prided itself on its excellent Civil Service which has been the backbone of the country and has kept the country going since we achieved self-government. The nation can be proud of the Civil Service. The golden rule has always been that the Civil Service is above and beyond political persuasion or influence. I pay tribute to the Civil Service and the public service of this country.

This legislation will change this and will put a political *imprimatur* on recruitment to the public and Civil Service. It remains to be seen whether there is merit in this but I believe there is not. This is a serious departure from the established norm in the country since the foundation of the State. Following this legislation Departments will screen people in a manner which ensures they are amenable to what the Departments have in mind. It should not matter what each Department has in mind. The independence of the Civil Service is sacrosanct and this should not change.

I am amazed that this legislation has come before the House. What is its purpose? I submitted a number of parliamentary questions to find out the full extent of the civil and public service and discovered an amazing growth in the number of consultancies called upon daily by Departments, at enormous public expense. The public does not fully realise the cost to the taxpayer of this new development for virtually every decision made by a Department. No longer is a departmental decision made as a result of a scoping report which is followed up by recommendations from people at various levels and given the *imprimatur* of the Secretary General. Instead, a consultant's report is required, the consultant engages a wide group of people outside of the public service and the resultant report is brought to the Department. The established Civil Service is being sidelined or brought into a cul-de-sac. It no longer has the same job it had in the past and will, after a while, become very annoyed at being bypassed in this fashion.

Previously, decisions were made as a result of consultation within and between Departments and various interested outside parties, at no cost to the Exchequer other than the existing cost to the Civil Service. However, consultants are now in the ascendancy. They produce reports, dictate

[Mr. Durkan.]

the pace and drive policy. The theory behind this was to make things happen more quickly, to make Governments respond sooner and to make the system work better. However, this is not happening and never was something further from the truth. Decisions which used to take minutes now take years and the situation is worsening daily.

An example of this is the nonsense with regard to the Carrickmines-M50 debacle. It should be a fairly simple matter for somebody to ask a simple question within the public service as to who decided that a road should go a particular way and on the basis of what information. We should be able to ask who made the decision, why that route was selected and why the obstacles were not foreseen. Why does this not happen? In the old days it would have happened and those who made bad decisions would have been recognised quickly and a bypass prepared for them.

This Bill constitutes a further takeover of the public service by Government-appointed consultants. The Minister of State may think that is good and it may seem a way of perpetuating the lifespan of the present administration.

Mr. Parlon: What the Deputy is saying is a total fallacy and has nothing to do with what is in the Bill.

Mr. Durkan: Fallacies are quite common on the Government side of the House. From my experience of dealing with the public service and local and national administrations, I know this legislation will result in us finding ourselves isolated with a politicised public service. Following on from this we will have to deal with the question of accountability. I noticed this morning that two more questions in the House were disallowed because somebody decided they were not the responsibility of a particular Minister. This is a common occurrence. Under this proposed legislation for revised public service recruitment, the lack of accountability will increase dramatically. The Minister of State, Deputy Parlon, may think it is good, but I think it is bad. There should be clearly defined lines between the public service and Government.

Mr. F. McGrath: We need accountability.

Mr. Durkan: They are not too happy about accountability. They have become worried about it.

Mr. Parlon: The Ceann Comhairle made the decision this morning. I regard him as being accountable to the House and to the Whips, including Deputy Durkan, in regard to the rules of the House.

Mr. Durkan: One thing about novices is that they proceed to give advice before they have learned.

Mr. Howlin: It is called arrogance.

Mr. Durkan: That is the word I was looking for.

An Ceann Comhairle: Each Member present has in turn interrupted Deputy Durkan. Members should allow him to make his contribution.

Mr. Durkan: That is correct. I am sure the Ceann Comhairle was surprised to learn he is subject to the Whips. I assure him that I did not know it.

I am a Member of the House for almost as long as the Ceann Comhairle. I am not sure whether that is a good or bad thing. At this stage I have a good knowledge of what should be accounted for, who should be accountable and to whom in the House. That means almost everything.

I do not know who asked for this proposed legislation. Where did the demand for it come from? Nobody who came to my clinic in the past 20 years asked to change the system of public service recruitment because they thought it was not working properly. Did the demand for change come from Fianna Fáil backbenchers? The Minister of State said it did not come from them. Did it come from the Progressive Democrats backbenchers? It must have come from them. Could it be possible? What did they find wrong with the existing recruitment system? Did they think it needed to be modernised or politicised and that it would be better for the country to have it that way? Since there is no denial from the Minister of State, I presume that the pressure for this came from Progressive Democrats backbenchers.

We all know about the tail wagging the dog. However, I am surprised that great august body of people, the Fianna Fáil backbenchers, have not risen up in rebellion and told the right wing of the Government where to go on this issue. They may do so at a later stage, but I do not think they have the guts to do it. They see it as being part of a self-fulfilling prophecy whereby—

An Ceann Comhairle: The Deputy's time is concluded.

Mr. Durkan: I am sorry that is the case, as I had another item I wished to raise. However, I will do so at a later stage.

This legislation is bad, ill-advised and represents a politicisation of the civil and public service which have served us well since the foundation of the State. It is not something that was called for by anybody. Messing around with it has nothing to do with the provision of a better public service but all to do with its politicisation and bringing into operation a service that will be at the beck and call of the Government of the day.

An Ceann Comhairle: Deputy Durkan sailed close to the wind in terms of casting aspersions on public servants. While the Deputy is entitled to

make political charges, he should not include public servants in that.

Mr. Durkan: I want to clarify that. The Ceann Comhairle must have been listening selectively to what I said. I lauded the public service and the Civil Service for their operation to date.

An Ceann Comhairle: I accept that.

Mr. Durkan: I have nothing but admiration for them.

An Ceann Comhairle: I appreciate that.

Mr. Durkan: What I said was that this proposal will change that.

An Ceann Comhairle: It is important that the Deputy's remarks do not reflect badly on the public service.

Mr. Durkan: I made it clear that was not the case.

Mr. Howlin: I am glad to have the opportunity to briefly speak on the legislation. The Bill has not received much media attention despite its potential to have a remarkable impact on the way public business is done.

There is an old adage, "if it ain't broke, don't fix it". Why do we have this legislation? On the Order of Business this morning we heard that there are enough demands for time in the House to deal with important legislative business, some of which has been pending for years, for example, giving tenants rights or reforming the health service, yet the Government has prioritised the Public Service Management (Recruitment and Appointments) Bill for which I can see no demand or necessity. Neither do I see it falling into the criteria set by the Government in all its utterances on public service reform.

I carefully read the Minister of State's speech. He characterised this Bill as a reforming one and stated it was necessary to have it enacted to bring about public sector reform. Having stated that, he did not provide any justification for it. It is supposed to be a simplifying measure, yet it is twice as long as the original Civil Service Commission Bill. It is many times more complicated and introduces uncertainty in an area where we had certainty for decades.

I wish to pick up where the previous speaker ended by giving my personal experience of the Civil Service as a Member of the House dealing with Departments for 20 years. I had the privilege of working closely with senior and junior civil servants in two significant Departments: the Department of Health and Children and the Department of the Environment, Heritage and Local Government. They were, and remain, people of the highest calibre. We have been fortunate to attract to the public service people of great ability, not only as civil servants but also as teachers and in other professions. Historically,

the calibre of people we have attracted to the teaching profession has been significantly higher than those usually recruited in other EU member states. That is not something we should take for granted, nor is it something with which we should in any way tamper without the best of reasons. No coherent reason or purpose has been put to the House for this legislation.

The Minister of State, Deputy Parlon, referred to the public service. I do not know the extent of his experience of the Civil Service. Perhaps as a farm leader he had both supportive and antagonistic interaction with one Department. We have a competent and able Civil Service that is capable of responding to leadership in Government and reversing engines in regard to policy when a new Administration presents new policy. I have first-hand experience of that. The Civil Service can argue and lay out its case coherently and carry through with expedition policy directives from an Administration that wants policy change or that has a view on reform. That has been my experience.

In a period when we hold the Presidency of the European Union, it is also appropriate to say that, in terms of ability to perform above our weight, our public service is second to none. I recall attending a conference on climate change when I was Minister for the Environment, Heritage and Local Government. Seven officials accompanied me. This international conference involved Ministers in hard negotiations and bargaining, all of which had impacts on their own states. My colleagues from Italy and France had 100 civil servants with them. The Japanese delegation had 120 civil servants. Although we had only seven civil servants, we made as big an impact as any other country.

During my time in the Department of Health, I recall going to the UN Conference on Population in Cairo with a tiny crew of six or seven public servants. These people were so competent that we ended up being the key brokers between conflicting views within some of the Nordic countries who had views on population and the developing and Islamic world. Ireland, largely through the skill of the people who represented the country at professional level, was able to perform a role remarkably greater than the numerical strength or political clout that would normally accrue to a country of our economic size and population. I say that as a backdrop to saying we have done remarkably well, which should be acknowledged by anyone who wants to bring about change.

I agree with Deputy Durkan, there is a tinge of arrogance about the Minister of State, Deputy Parlon, coming in as the new broom, with limited experience in the public service from either a ministerial or parliamentary perspective, believing that all that has gone before can be swept away, and that he somehow comes in with this font of wisdom that will effectively change what is a good-working competent system that of itself has been in no small way responsible for

[Mr. Howlin.]

some of the economic and social reforms which have taken place in this country.

My compelling question to the Minister of State is why, if the system patently works — I have not heard a shred of evidence to the contrary — would he want to fundamentally alter it now? He is altering it in a way that causes the gravest concern. I have read through the Minister's speech to see what justification he has laid out. One of his justifications is that it is necessary to successfully bring about decentralisation. If I read the Minister's speech accurately, that is basically the main reasoning behind this legislation. In other words, the Minister of State, Deputy Parlon, was able to announce the decentralisation programme, to which he is personally wedded, literally with corrieboard and fanfare, and personalise a Government decision in a way I have not seen in 20 years — perhaps it is the spill-over from his agricultural days——

Mr. Durkan: Part of the new recruitment system.

Mr. Howlin: ——or the notion of a Parlon-led Government or a component thereof. I have seen that level of arrogance previously in this House — these people have come and gone — but I have not seen it develop to the Minister of State, Deputy Parlon's, level of maturity as quickly. One learns all the time.

It amplifies my fears if the main reasoning behind this measure is to bring about decentralisation. If the Minister of State is saying that a Department is moving lock, stock and barrel to a certain location, all the polls that have been taken indicate that he cannot get a significant tranche of civil servants to move to the assigned designations. I suppose the naval division of the Department of Communications, Marine and Natural Resources can navigate comprehensively its way to Cavan.

Mr. Durkan: With difficulty.

Mr. Howlin: The Minister of State's response is that he will bring about local recruitment. Coming from Wexford, I am very much in favour of decentralisation. I think I am the only person here who introduced specific legislation to allow for decentralisation, namely, the Johnstown Castle Act, to allow the lands at Johnstown to be used for decentralisation. There are several Departments located in the area, including the Department of Agriculture and Food, and the EPA.

Mr. Parlon: The Deputy got credit for it.

Mr. Howlin: I did, but I did not resort to the vulgarity of corrieboards at the time.

Mr. Parlon: The Deputy took full charge of it.

Mr. Howlin: I appreciate the Minister of State's help but the Ceann Comhairle might ensure that I am allowed to speak uninterrupted.

I hold a positive view towards decentralisation. However, we must ensure effectiveness. A critical element of previous decentralisation programmes was ensuring it would not affect the effectiveness of Government services. If the Minister of State is saying that he is abandoning the notion of bringing the core of any Department to a decentralised location, and that for it to be successful he must rely on local recruitment, a real issue arises in regard to the effectiveness of the Department. This is something which must be addressed because one cannot argue from both perspectives. If the bulk of civil servants in a decentralised location are recruited locally, the Minister of State must ensure that the critical effectiveness of that departmental function is not compromised or diminished in any way. I have not heard this from the Minister to date.

The old system of the Civil Service Commission is to be replaced by two bodies, the Public Appointments Service and the Commission for Public Service Appointments. The new commission is to be the regulator. That is the new buzzword. No one is responsible for everything — it is a free for all and one appoints a referee. One hopes that the referee will be fair and there will be no off-side rules. The commission will regulate set guidelines and standards. We have not yet seen them because the Minister has said we cannot have them until the commission is established. This means we are buying a pig in a poke. We do not know the standards that will apply to these licensed recruitment agents who will recruit public servants across the country for local employment. The proposal is too vague for such an important issue. It is too much to accept such an incredible change in an effective, positive and important administration of State business. The Minister of State must explain further what will happen. It is not good enough for this to be bulldozed through. I am amazed there has not been better focus by the media on all these matters which are so critical to the effective running of our business.

Many speakers raised the underlying concern, that is, the politicisation of the public service. The great hallmark and most important element in public service and Civil Service effectiveness, with very few exceptions, is that it has been non-political. I cannot recall any blatant politicising of the public service. This is so precious that we should go a long way to protect it, but I am afraid these proposals will compromise it. When I began canvassing for the Labour Party in my native Wexford, I met a woman outside a polling station and what she said has always impacted upon me: "Brendan, I have to vote for Fianna Fáil because Fianna Fáil pays my old age pension, and if I do not vote for them they might stop the payment." She believed that. Within elements of the public service in some parts of the country, if one wanted to work for Telecom or the Post Office,

one needed the nod from the appropriate political person. We thought we had left that culture behind. It is crucially important that we do not allow that culture to seep back into the system.

The Minister of State may nod his head. I am not suggesting that he would politicise any decision but he would claim credit for anything, even those decisions that have nothing to do with him. It is not good enough for him to say this will not happen, he must ensure it does not. We have come a long way from the Tammany Hall situation but there are developed democracies where such a system still exists and we must be certain that does not happen in the systems we put in place. Does this Administration inspire confidence that such safeguards are in place? No.

The Administration of which I was a member introduced three key reforms that were critical to transparency and ethical standards. The first was the Ethics in Public Office Act, which is being amended by this Bill and the second was the Freedom of Information Act, which has been emasculated by the present Government. The bulwark put in place by the rainbow Government to ensure the public and the media had access to information has been greatly diminished by the actions of the current Administration in taking the heart of the Freedom of Information Act.

The third element was the Electoral (Amendment) Act 1996, which it was my pleasure to introduce. The Minister of State was not around at that time and the then Progressive Democrats spokesman, who went on to be Attorney General and is now Minister for Justice, Equality and Law Reform, described the Act as disastrous legislation that it would be impossible to amend and he fought it tooth and nail on Committee Stage. This was the legislation that capped expenditure at elections and set disclosable thresholds for political donations, the major reforms in electoral law. It was with a wry smile that, having seen the opposition to that legislation from the Progressive Democrats and Fianna Fáil, subsequently, when I looked at the Fianna Fáil website, it laid claim to it. Those three elements led to significant reform in public administration and all three have been attacked by the Fianna Fáil-Progressive Democrats Government. Is that not remarkable?

The Ethics in Public Office Act 1995 is being amended by this Bill. It will now be possible to appoint special advisers to the Civil Service, something that is specifically prohibited by section 19(5) of the Ethics in Public Office Act. I support special advisers for Ministers because they are a necessary sounding board for political opinion. It was always understood, however, that once a political regime left office, its political advisers would go with it. The notion that they should be subsumed into the Civil Service is corrosive and has not been properly thought out by the Government. It has happened in the past — Mr. Frank Dunlop, who served as press secretary to the Government, was appointed to

the Department of Education at assistant secretary level, bypassing many within the Department. That is a salient example.

This is damaging in two ways. We will damage the political adviser system, which should be preserved, and we will corrode the independence of the Civil Service because people will see those of a political bent being placed at a high level in key Departments. That is genuinely worrying.

On such critical issues for the standards and quality of public administration, the economy, social development and the proper functioning of democratic politics, the Minister should take a step back. If reforms are needed, he should make the case for them and we will listen and agree because, like voting systems, Civil Service recruitment should enjoy political consensus. The Minister should engage with the political system to achieve consensus on how civil servants are recruited in future.

Mr. F. McGrath: I welcome any opportunity to take a close look at the public service to see if we can make it more effective, accountable and relevant to the people. I speak as someone who worked in the public service for over 20 years as a national school teacher. I wish to state my total support for all public servants, particularly those in Marino, Drumcondra, Artane, Coolock, Clontarf, Killester, Beaumont and Donnycarney. I thank and commend these people for their dedicated work in the public service and their efforts over the years.

It is easy to make cheap comments about civil servants but the vast majority of them do a great job. This does not mean that we are against change and reform, a constant line spun by the privatisation brigade that receives major coverage in the media. I hope the Government does not use this legislation to undermine our public servants and their loyalty to the public service.

We must look closely at the words “public servant”. They mean serving the public while being accountable to citizens and the taxpayers of the State. We want to create a republic that has a quality Civil Service that looks after the needs of all people. There are thousands who look after those needs every day and it is essential that not only do we thank them but support them actively. These public servants look after our children, our elderly, our sick and disabled. They make a major contribution to society and we should acknowledge that.

The purpose of the Bill is to provide a modern, efficient framework for public service recruitment, allowing for increased flexibility while maintaining current high standards of probity. The Bill empowers Departments and other Civil Service bodies to recruit staff directly as well as through a centralised system and the flexibility being introduced in the Bill will support the Government decentralisation programme.

As an urban Deputy representing Dublin North Central, one of the best constituencies in the country, I support the idea of

[Mr. F. McGrath.]

decentralisation. It is a sensible project, good for the economy, rural Ireland and the strategic development of services throughout the State. It must, however, be done with the consent and support of the public service. I do not want to see people feeling coerced into moving, worried that they will not be promoted if they do not move. There are many excellent locations for decentralisation. I urge the Minister to consider areas such as Tuam, County Galway, for the development of public services.

Section 4 provides for the dissolution of the Civil Service Commissioners and Local Appointments Commissioners on the establishment day appointed by the Minister for Finance. Section 5 sets out the appointments to which the legislation will apply. The recruitment framework established by the Bill will apply to appointments to all established positions and a number of unestablished positions in the Civil Service, Garda Síochána and certain managerial posts.

In light of recent events, particularly the terrible outbreaks of serious violence and binge drinking in Dublin and elsewhere on St. Patrick's day, it is appropriate to address the role of the Garda Síochána. Senior Garda management must wake up to the reality that a response to these problems is necessary. I do not blame one sector of society for the problems we have as regards our attitude to alcohol and with young people. We also have a problem with the effective use of gardaí on the streets. We cannot walk away from these issues which require serious consideration.

Discussion of the public service and policing offers us an opportunity to learn from our colleagues in the rest of the European Union. We should learn from examples of good practice in policing in countries such as France and Spain which have a visible police presence. Street crime and anti-social behaviour is reduced by 60% where policing is visible and police interact with the community. Our serious problem requires more effective management of Garda resources, but we must also develop respect and a positive attitude towards alcohol, which is sadly absent. Everybody must play a part in solving this problem before it gets out of control.

When I was elected to the Houses two years ago, I was very impressed with the quality of public service provided by the staff here, who are efficient and do great work. I was a teacher in my previous profession. Many people are not aware of the work teachers do with children in disadvantaged areas. Teachers must look after the children of approximately 71,000 families who went to school at 9 a.m. this morning without a proper breakfast and they have developed all sorts of strategies, including breakfast clubs, to assist them.

It is important that the smart Alecs who attack teachers and public servants realise that these professionals do a valuable service. I commend teachers and postal workers who are experiencing

difficult days. The manner in which they have been locked out of their jobs is a disgrace reminiscent of the 1913 lockout. I appeal to the Minister and senior management in An Post to get their act together.

An Leas-Cheann Comhairle: The matter is not relevant to the debate.

Mr. F. McGrath: We are discussing public servants.

An Leas-Cheann Comhairle: Postal workers are not covered by the Bill.

Mr. F. McGrath: I will stick to the legislation but since we are discussing the public service, I will point out that postal workers provide an excellent, quality public service and deserve our support. Nurses and doctors have also made a major contribution to society with many of them doing wonderful work with seriously ill people. These issues should form part of the broader debate on the public service and this legislation.

As regards public service in the disability sector, the possibility of disabled people making decisions on their own behalf is often little more than a pipe dream. Decisions about their welfare are frequently taken by people who have no direct experience of disability. While the balance is slowly shifting in this regard, which is a welcome development, the reality is that the active participation of disabled people in making plans for their future is still far on the horizon. They are frustrated that the requirement to be consulted and express an opinion on the quality of the services available to them does not appear to be fully appreciated. It is important to make this point in the context of this debate.

The task of obtaining a new deal for disabled people must be complemented by the establishment of adequate support systems for their families. Many surveys have suggested that the families of disabled people, particularly children, experience considerable stress. I urge our public servants to open up and work closely with disabled people as many have already started to do.

Much of the lip service paid to disabled people fails to yield any practical benefits. Many medical and technical advances have presented new and exciting options. For example, art and music therapy is being used to help people cope with mental illness or disability and assist children living in a dysfunctional environment. In this regard, I commend the public servants in the Department of Education and Science who were involved in projects in the 33 most disadvantaged areas. The funding and resources allocated to the Breaking the Cycle project, which helps violent and dysfunctional children from a young age and offers counselling and programmes such as art therapy, are an example of quality expenditure of taxpayers' money. These commendable and progressive steps in our public services should be

further developed and applauded. The sad reality is that while programmes such as this are available in the 33 poorest areas, approximately 71,000 families are completely excluded. We need to adapt our services to assist these families.

While I welcome the debate on this important legislation, I have concerns about the Bill, particularly with regard to the integrity and independence of the Civil Service, which must be retained. If they are lost, we will move down a dangerous road. I do not agree with the view that privatisation always delivers efficiency. I worked on a project in the inner city of Dublin which was given funding of £5,000 towards its work with children. By 13 June each year, we had accounted for every single penny of the funding to the Department of Education and Science. Many other people want to use public money in a positive and efficient manner.

I support change and reform and agree that accountability is required, not only with regard to civil servants but throughout the public service. At times, for example, Deputies are unable to hold Ministers accountable in the House. Yesterday, the Minister for Justice, Equality and Law Reform refused to answer a question I had tabled on ministerial cars breaking the speed limit. This approach is not acceptable and the Minister should have answered the question in an open and democratic manner.

It is important, therefore, when discussing civil servants and public servants that we draw attention to the fact that the 166 Members of the Dáil are also public servants who must serve the public. It is a great honour and privilege to be elected by the people, particularly the people of Dublin North Central. At times being an elected representative is difficult, however, especially when the rules are changed and one ends up in a three-seater, but that is another debate to which I will return on another day.

We are all public servants with a duty to serve the public and work on behalf of taxpayers and citizens. Deputies may recall that 20 or 30 years ago, it was a big deal if one was called to enter teacher training college. People used to say it was a great honour to get called up to St. Patrick's College of Education to become a primary school teacher. This perception is being lost. Now that we have the points system, teacher training colleges accept people with good academic qualifications, but this does not mean they are suitable for educating children. In the past, as well as taking into account leaving certificate results, applicants also had to do a broad interview with a team that included psychologists and counsellors who assessed whether the applicant was suitable to work with young children.

Thousands of young people are crying out to get into the public service. Therefore, we should make it easy for them. I know of teenage girls in fifth year studying for the leaving certificate who would love to go into that career. We do not have a proper speech and language therapy service nor

we do not have enough services for children with disabilities, yet students must obtain a very high number of points to take such courses. There are excellent young people who would love the opportunity to work in the service. We must consider new and creative ideas regarding recruitment to the public service. I am open to constructive ideas in regard to the public service. It is important we constantly consider, review and change.

I am reminded of the words of Karl Marx, of whom the Minister of State, Deputy Parlon, would not be a big fan.

Mr. Parlon: His views are strong in Dublin North Central

Mr. F. McGrath: It is worthwhile remembering some of his advice. I am reminded of it when I hear some Ministers spouting their views on issues and policies. Karl Marx once said that philosophers have only interpreted the world; the point, however, is to change it. We have many philosophers in this House but, fortunately, on the Opposition benches we have people who want to change society. I commend the Opposition Members in particular who constantly try to change society.

Deputy Higgins reminded me of this last week at the anti-war march where he said that, even if there had only been six people present, he would have been there. That proves the point that, if the issue is right and even if only five or six people turn up, one goes for it and shows leadership, especially if one is a Deputy, Senator or public servant. It is important we consider such issues.

We are talking about radical change. I do not want there to be any undermining or politicising of our public service. These are the concerns I raise regarding the legislation. I constantly warn people regarding the independence of civil servants. Civil servants have a duty and a role to serve and work with the public on issues, whether they be in health, education or An Post. There should be no political interference with that because, at all times, the Civil Service and the public service should be non-political.

It is essential to recruit people who have a vision and want to do something for the public good. There are people who want to work for the public good and are happy to do that. They are not seeking to make millions in the private sector. They enjoy serving, whether working with children, in our health services, in the Civil Service or in the legal profession within it. I have met many competent, professional people whose only agenda is to serve their State. These people should be rewarded adequately. I would have the opposite view to those who were critical about the benchmarking awards. Non-payment of those awards is not acceptable. Civil servants are prepared to reform, change and examine new options. Society is changing every day.

Those are my general views on this legislation. I welcome this debate. I recorded my concerns

[Mr. F. McGrath.]

about the Bill. I sound a word of warning to the Minister of State, Deputy Parlon, regarding the independence and integrity of civil servants. Our public service must be kept non-political. I strongly support reform, change and accountability, the types of issues which are essential in this debate.

Mr. M. Higgins: I welcome the opportunity to saying a few words on this issue. We have so few opportunities to debate the public service that it is most encouraging to hear people stress the value of public service. I agree with Deputy Finian McGrath's comments. We have lost our appreciation for the valuable work done by civil servants.

I want to say a few words about the background to the appointment of the local appointments commissioners. It is interesting that, before the foundation of this State, George Russell, AE, writing about how local appointments were made at that time in the *Galway Express* of 7 September 1910, had this to say:

All the local appointments are in their gift, and hence you get drunken doctors, drunken rate collectors, drunken J.P.'s, drunker inspectors, — in fact, round the gombeen system reels the whole drunken congested world, and underneath this revelry and jobbery the unfortunately peasant labours and gets no return for his labour. Another enters and takes his cattle, his eggs, his oats, his potatoes, his pigs, and gives what he will for them, and the peasant toils on from year to year, being doled out Indian meal, flour, tea, and sugar, enough to keep him alive. He is a slave almost as much as if he were an indentured native and had been sold in the slave markets.

The Minister of State is taking notes already, which is good because I will return to this as it is relevant. John Millington Synge writing, I think, in the year 1908 had the following to say:

There are many sides of all that Western eye, the groggy — patriot — publican — general shopman who is married to the priest's half-sister and is second cousin one-removed of the dispensary doctor that are horrible and awful. This is the type that is running the present United Irish League anti-grazier campaign, while they're swindling the people themselves in a dozen ways and then buying out their holdings and packing off whole families to America. The subject is too big to go into here, but at best it's beastly. All that side of the matter of course I left untouched in my stuff. I sometimes wish to God I hadn't a soul and then I could give myself up to putting those lads on the stage. God, wouldn't they hop! In a way it is all heart-rending, in one place the people are starving but wonderfully attractive and charming, and in another place where things are going well, one has a rampant, double-

chinned vulgarity I haven't seen the life of. As you know ... [and it goes on].

This raises an interesting question that has often been a matter of debate, including among authors such as Dr. Mary Daly and others who wrote on the background to the Irish Government Departments and what happened when the new State was formed.

Those two quotations are from before the State was founded, 1908 and 1910. That is important because there was a twist in colonial scholarship for a long time. It continued into the 1960s in Africa and elsewhere with suggestions that the natives were not able to run themselves and that, therefore, corrupt practices somehow or another were an aspect of underdevelopment. This assertion was made about Africa, Asia and Ireland. The reality is set out in K. Theodore Hoppen's book about electoral practices in the 19th century in which there are quotations about the amount of whiskey required, the amount of lemons that had to be bought for polling day and so forth in counties like the western counties. Corrupt practices in electoral practices and in appointments were there before the State was founded. They are not essentially nativistic.

After the State was founded, my colleague, Deputy Burton, quoted from the Mulcahy papers about how people were approached for appointments. One of the most dramatic events possibly was the appointment of a town clerk who was illiterate. He told the local barber as he was being shaved what had happened at the meetings and the barber wrote it down for him. This was one of the cases that was quoted in the papers that led to the establishment originally of the Local Appointments Commission. There were several associated with the appointment of dispensary doctors where, depending on the amount of money on offer and the amount of drink consumed, the rumour would come out that one person had it and there would be another rumour that someone else had it and that the first person's position had weakened and so forth. There was a necessity to lift appointments to public office positions into an accountable structure. That was the origin of the Local Appointments Commission.

I want to be clear about what I am saying. What is being suggested is that we should reform that system, as Deputy Burton described it, of legal certainty into something that will be, as described in this legislation, a code of practice. A code of practice is not worth a tráithnín by comparison with legal certainty, but it represents a kind of influence of alleged business efficiency thinking into the public sector for which there is very little evidence. Rather, there is considerable evidence to the contrary in that the intrusion of so-called "commercial ethics", which are harder and harder to discern these days, into the public service has been destructive.

It is astonishing that Secretaries General of Departments, within a year or two of their

retirement, can work in the commercial sector competing with other companies for work which is the subject of public decision making and contract. It should be admirable to work in the public service. One should walk off into the sunset, one's work done as a Secretary General of a Department. Why should one want to hang on forever to be on a string of boards or have an insatiable desire to go into the commercial sector because there is money in it? That is not a good example down through a Department.

I was a Minister and was shocked at the army of poorly-paid junior civil servants and the clear divisions between them and the middle and higher ranks. I do not argue against reform — I am in favour of it. In my time, people below the rank of principal officer would refer to the principal officer and anyone above as “Mister”. The file would be sent to Mr. so and so. One could not refer to them by their first name — they would have a heart attack if they read it on the file. One does not have to get an MBA from Trinity — either on one's own or in a group, as many did — to know that kind of crazy, archaic practice is daft.

If one wanted public service reform, one could achieve it by abolishing the rigid hierarchies that prevailed. There were numerous blocks to contact with the Minister and there were others in respect of who was entitled to generate a letter. There were people who can copy a letter but not write one and there were people who cannot initiate a proposal. These are flavours we have inherited that are more reminiscent of the Raj in India than of a modern state.

It would be better if people, instead of taking notions of incorporating unaccountable principles from the business sector, had looked at their Departments and decision making and decided to introduce genuine reforms that would allow flexibility and the application of the intelligence that exists at all ranks in the public service. Instead of that, an accountable principle of legitimacy in the Local Appointments Commission is being replaced with an alleged code of practice. In regard to the code of practice, what kind of questions will be asked of a person? I was a sociologist for 25 years and one of the biggest shifts have I noticed has been in language. People are being interviewed in terms of their commitment to individualism — not personal. The word “personal” is no longer used — it is about personal development. Individualism is an appeal to where one sees oneself in so many years and so forth. The idea that one would make a commitment to the public service and be interested in something that is beyond the self has been denigrated. That is an appalling development.

Friedrich von Hayek was the great theoretician whom Margaret Thatcher described coming into her office and saying, “Minister, do not worry — the market will do it for you”. How right he was. It was upon this old reactionary's book the whole thing was based — the destruction of the public

world. The idea was set aside that it was a wonderful thing to be a dentist who did not discriminate between private and public patients, or be a teacher who found it wonderful to be teaching children and did not have to go into cramming schools. This was a philosophical shift based on individualism and greed.

There is no certainty in this shift. I mention it to summarise where I was in this regard. I have said it is necessary to change the corrupt practices which were part of the detritus of a colonial world. I have also said that the pre-1940 system was associated with an early stage of development of a new state. When they came in, we wanted certainty and openness.

A shabby version in the explanatory memorandum to the Bill which I found states that the new authority will be entitled, when it has set itself up some kind of a licensed recruitment body, to charge fees to applicants. I do not defend the existing practices of the Local Appointments Commission, which I find deficient. For example, it has been writing back to applicants about a year and a half after they have been interviewed, even though it promised to give them the results of their evaluative interviews and so forth. It needs change. The idea that one would charge for an application is disastrous.

I was a Minister with a certain amount of responsibility for the Office of Public Works, which Deputy Parlon now has. It was one of those great gravy trains which are associated with political patronage. I recall the many letters I received from people who wanted to be appointed to summer jobs in museums and other institutions. It was one of the great apple trees of patronage for Fianna Fáil. People were quite shocked that any Minister who would replace another would not be able to do the same thing. That was corruption and it was disgraceful. We need more, not less, certainty, openness and transparency in all of these appointments.

I made comments about Secretaries General of Departments to which I wish to enter a caveat, namely, that there have been admirable and distinguished people, some of whom worked with me. Many took on politically difficult tasks such as the establishment of Teilifís na Gaeilge. My admiration for them is immense but it is wrong to move from the public to the private sector as rapidly as many have. There should be recognition within the service for the very talented people who achieve wonderful results. I remember when a staff of four was establishing the film industry but the promotional opportunities for a very distinguished and fine public servant were blocked because of the way in which the Department was structured.

If one wanted reform — and I can guarantee it will never happen — the one thing that is crying out to be done is the resolution of the unconstitutional nature of the hegemony of the Department of Finance in respect of appointments. There is no constitutional basis for it — it is a practice. If one reads Professor

[Mr. M. Higgins.]

Fanning's book on the history of the Department of Finance or looks at it in comparison to other systems, they got away with it early on, with good lessons from the British Treasury which stayed on for a full decade after independence to ensure we had the same colonial mentality in what they called the Treasury. The Department's veto over appointments has wrecked one good idea after another. I looked at it in some detail at one stage and noted its original opposition to the establishment of the ESB — when it stated that electricity would never catch on — right through to when I dealt with the Department in connection with the establishment of Teilifís na Gaeilge.

I recall when we bought buildings and established Carton House in connection with the museum in Mayo, how the Department refused permission to appoint even the staff at the door to block us from opening. That is the kind of practice that should be reformed. There is nothing in this Bill that will make the Department of Finance go back to the discipline of the Cabinet, the Constitution or this House, nor are there significant proposals for changing the managerial Act which gives county managers extraordinary power. In that context, I was part of teaching courses that lead to the original establishment of the Act on a trial basis in 1940, the Act was revised in 1955 and changed again with the planning Acts of the 1960s.

Those circumstances, which gave such absolute power to managers, no longer exist. We should be taking the functions of local decision making and giving them back to elected and accountable representatives rather than, as we did last November with disastrous consequences, giving further power to county managers in a totally unaccountable way. Thus, in regard to waste management and a range of issues, local representatives can be overruled, the democratic decision need not be observed and the manager can implement a diktat from the Minister. That is what is happening. There will be no reform of finance, internal decision making in Departments or of the City and County Management Acts and no genuine reform of local government.

There seems to be an extraordinary fetish. As a former Minister I find it sad to hear people speak as though magic were being made in the private sector and wishing it could be brought into the public sector to make it more imaginative. In the private sector there are a significant number of individuals who do not reside in this country to avoid paying tax but are able to come back to purchase State assets and make vast speculative fortunes from them. Those people will not have their citizenship challenged in any proposed referendum. They are regarded as useful parasites, which is what they are. People will always justify their existence by saying that if they are spending their money ostentatiously, buying expensive wine for example, they must be paying secondary taxes such as VAT, which will

come back to us and are we not lucky to have their likes? The argument that was made about the landlords in the 19th century is now made about this new parasitic landlord class.

Yes, there are good business practices. I was a member of a commerce faculty and I recall discussing management practices 30 years ago. However, this Bill is not about management. It is about setting up little unaccountable structures as an alternative to an existing legally-established, accountable structure.

If this is a genuine republic, which it is not often described as these days, it should be open to any boy or girl to aspire to work in any part of the public service, not to be charged a fee for that and to know he or she will be treated as equal citizens and not have to dance to the whim of an interview body which has, in turn, a licence from another body which is not totally accountable.

Will appointments be made using the standards formerly used by the banks? Banks used to have honourable labour practices. However, bank officials have now been reduced to being yellow-pack workers. Customers are asked to have their dockets filled out before they get to the counter because counter staff are under great pressure. The banks were a disgrace. A candidate for a bank manager's post would be asked if his wife would be available to be treasurer of the tennis club and if he would be available to join the golf club, to infiltrate the local community and to turn up to present jerseys to the most impoverished sections of the parish. Will this kind of stuff be the basis of a public service interview? Will the interview assess a candidate for skills which would be more appropriate to a worker in McDonalds? Who will ask a candidate about his or her commitment to the public?

Before this disease infected our republic there were people working on the railways whose fathers and grandfathers worked there. People who worked on buses were proud of their fathers' and grandfathers' occupations. There were dockers who could remember generations of people who had worked on the docks. Such people talked about the dignity and value of their work. At that time there was respect for the public service. A person who was able to treat everyone equally was ethically a giant. Different people will now be able to set up little cliques to recruit unaccountably.

When the European Union applicant states look to reform their public service they will look to see that a person is not corrupt, is honest and can deal with people on an ethically-fair basis. Is it not interesting to see where corruption has arisen? It has arisen in the most speculative parts of what has been made private. Corruption relating to building land has been found among people who are not really in the building industry but form a land ownership corps within the building industry which has decided to rob young couples of the likelihood of ever owning a house. Corruption has also occurred in some parts of the financial sector. I do not hear people saying we

need urgent reform of corporate ethics so that the public can, once again, trust the people who take decisions on their behalf. One may say that is a matter for another day. We are dealing today with the Public Service Management (Recruitment and Appointments) Bill.

There are many things we can do to improve public service management and I have listed just a few. With regard to recruitment and appointments it is important that we build on existing certainties. The Labour Party spokesperson on finance, Deputy Burton, pointed out that much of the legislation relating to accountability and transparency and much of the reform of information, appointments and other areas introduced by the Government of which I was a member, is being rolled back. What has happened? Has there been an ethical revolution in the cumainn of which I did not know? Are they now more pure, pristine and accountable than the structures of the State itself? I like the idea that they are now so pure that a code of ethics rather than legal certainty will be sufficient to protect us from corruption.

I was once a spokesperson on education. I recall the number of letters I received about appointments within the VEC structure, the different and variable outcomes of those processes and the appointments that had little to do with qualification and appropriateness. Can we be guaranteed that the ethos which delivered so many corrupt appointments will not be extended into so many other areas at national, regional or local level?

I urge that we think again about what we are doing to the Local Appointments Commission. We should reform the commission and make it more efficient, flexible and modern institution. However, we must leave it its certainty, accountability and openness. We should then do a root and branch reform of Departments and introduce the necessary procedures. All of this can be done better than this legislation proposes.

In the future, I hope I will be able to say that many of my proposals were embraced and that this debate led to an all-party consensus on the kinds of reforms that are necessary. My party colleagues and I would be willing to commit ourselves to that.

As a trade unionist of 40 years, I am deeply disappointed that this measure appears to have come from a process involving senior trade union participation. However, as Deputy Burton has pointed out, it may well be that the trade unions expressed concerns which were not addressed in the drafting of the legislation.

Mr. P. Breen: This Bill empowers Departments and other public service bodies to recruit staff directly through a centralised system. Fine Gael has grave reservations about the Bill. It repeals the Civil Service Commissioners Act 1956 and introduces a new framework for recruitment to the Civil Service, the Garda Síochána and other public service organisations which use the Local

Appointments Commission to recruit their staff. The framework consists of an oversight body to be known as the Commission for Public Service Appointments, a centralised recruitment body to be known as the Public Appointments Service and a system of voluntary recruitment licensing.

The goal of the Bill is to enable Government and the public service to recruit staff directly through a centralised system with the ultimate aim of using this flexibility to promote the Government decentralisation programme. I welcome the Government's decentralisation programme which was announced by the Minister for Finance and the Minister of State, Deputy Parlon, last December. I particularly welcome the 50 jobs to be relocated to the new Revenue Commissioners office in Kilrush, an area of my constituency which has suffered depopulation over many years.

A decrease of 5% to 10% was recorded in certain parts of west Clare in the last census. We would prefer that more than 50 staff from the Revenue Commissioners relocated to Kilrush. However, I welcome the move and hope that it takes place as quickly as possible. The Office of Public Works is looking for accommodation for the Revenue Commissioners in Kilrush and this will represent a new industry in the area. I also welcome the decision to relocate Enterprise Ireland and 300 staff in the industrial area of Shannon. We already have a regional agency working with Shannon Development, which has done an excellent job promoting industry and tourism. While some business will overlap between these two agencies, the regional development agency of Shannon Development should continue to promote industry in the west. Enterprise Ireland should also create additional jobs in an area where it is badly needed.

Decentralisation is a great opportunity to open up public service to rural communities and to serve the public with more efficiency. However, the Government has lost an opportunity with this Bill, because as Deputy Michael Higgins stated, nobody called for change in the system. The old system worked well as there is a good Civil Service in Ireland with much experience. I am only a Deputy for two years but my experience with the Civil Service on a regular basis has been very good. They are also well respected when travelling abroad on European business.

The Government has already failed to improve waiting lists in hospitals. It was supposed to have reduced the waiting lists by now, according to pre-election promises. This has not happened and the decentralisation of 10,000 civil servants to 53 locations around the country will take many years, in spite of the Government's claim that it will take only three years. Transferring one third of the public service workforce will result in many changes to that service. This will have serious effects for individual organisations. We have a young workforce with graduates leaving our universities. We need a blend of experienced and not so experienced people to work together in the

[Mr. P. Breen.]

public service. The cohesion that has developed between civil servants working together will be destroyed with this new Bill. The shake-up that this Bill proposes in the Civil Service will have an adverse affect.

The problem with decentralisation is that there is a risk of appointments to the Civil Service being politicised. The proposed further decentralisation of Departments and the devolution of recruitment may introduce a culture of favouritism that we thought had been eliminated. If this Bill is passed that may occur again. The Government's new powers to make appointments to the CPSA, half of whose members will not have Civil Service experience, will weaken the excellent public service that Ireland has enjoyed. The Government's tendency to favour business interests over other concerns raises more questions about the balance of appointments to such a body. The possibility that recruitment agencies will play a role in public service recruitment is particularly worrying. Public servants serve the public, just like politicians serve the people. We do not want them to serve business. We do not want the public service to be staffed with businessmen or people who know someone in the Government. While it is important that decentralisation and modernisation occur, dissolving the office of the Local Appointments Commissioners will not accomplish this. It will damage the Civil Service and Fine Gael table amendments when this Bill reaches Committee Stage.

Dr. Fitzpatrick: I welcome this Bill. There has been a need for change in our recruitment and appointment system of civil servants. We are now in an open market and to run the country we need to compete with the best that is out there. A certain flexibility is required in appointing people to the managerial structure of local authorities, health boards and so on. It currently takes about one year to appoint a consultant to a health board. This is causing problems in the health service and this should be short-circuited, as there is no difficulty in assessing the qualifications of consultants. The qualifications that are required for jobs are open and can be seen by anyone.

This is a Bill that will complement the recent decentralisation programme announced in the last budget. It will do this by ensuring that the necessary human resource policies will be in place to support and assist the changes that are coming. The Bill's provisions and the overhaul of recruitment practices will support a highly regional public service in which the majority of civil servants are located outside Dublin. It is a significant reform of Civil Service recruitment procedures. Like much legislation published last year, it has its origins in the social partnership process. In particular, it meets one of the key undertakings for modernisation in Sustaining Progress. It is introducing genuine flexibility in the

recruitment process which will support the Government's decision on decentralisation.

The Bill changes the recruitment and appointment processes of the Civil Service, the Garda Síochána and posts under the remit of the Local Appointments Commissioners, senior and professional posts in local government, the health boards and the VECs. The Bill allows for orders to extend regulation to other public service bodies. The provisions of the Bill introduce an important new element of flexibility in the recruitment system. As a result of the changes introduced, public sector organisations will be able to recruit the staff when and where they need them. The Department of Finance will have the final say in this as it controls the purse.

If Departments and other public service bodies want to ensure a consistent supply of suitable recruits, they must be able to apply for licences to recruit directly. Reform of the recruitment process has been intended for some time. It is clear the recruitment system must change to meet current circumstances and future needs. However, it is also crucial that change should not lead to any diminution of public trust in the fairness of the system. That is a vital point which must be hammered home. Public trust in our public service is high. We should be slow to do anything which would damage that.

The level of decentralisation decided by the Government means that human resources policies relating to Civil Service recruitment, promotion and transfers must be applied on a countrywide basis. This Bill will enable a more locally focused approach to recruitment and promotion. That will be essential in ensuring that decentralisation happens smoothly and efficiently.

The Bill is part of a strategic approach to the management of human resources within the Civil Service and the other public service bodies to which it applies. It is not a stand alone measure, but a vital component of the programme of modernisation which was concluded with the public service unions in Sustaining Progress. As is only to be expected from a Government which sets such store by the partnership principle, the public service unions have been fully consulted about these measures and they agreed to the introduction of the Bill in Sustaining Progress. Furthermore, as regards the debate that took up much time in the latter part of 2003, the reforms being implemented are a further sign that the much maligned benchmarking agreement in Sustaining Progress has produced real and effective change in the way the public service operates. We must bear that in mind when considering the Bill.

Until now Departments were obliged to use the Civil Service Commission to recruit on their behalf. However, this legislation will allow licence holders to engage the assistance of private sector recruitment agencies, which have been approved by the commission, in recruiting staff. The Bill will provide Secretaries General and

Departments with the capacity to manage their Departments and offices in a more effective manner. One thing which has become apparent in recent years is that the public appointments system is too rigid and cumbersome to accommodate modern labour market conditions. At times the centralised recruitment system has meant too slow a response to recruitment requirements.

This Bill dissolves the Civil Service Commission and the Local Appointments Commission and creates the Commission for Public Service Appointments and the Public Appointments Service. The Public Appointments Service will carry out recruitment functions for Departments and other public service bodies within the remit of the legislation who choose not to recruit directly. The Commission for Public Service Appointments will set standards for recruitment to the civil and public service. These standards will serve to maintain the probity of the recruitment process. The commission will also scrutinise the level of compliance with these standards and in the event that possible compromises of the recruitment process are discovered, it will be empowered to issue instructions to licence holders. That is an important point which should be underscored.

The parts of the Bill dealing with standards are vital. The Government must be congratulated on its determination to maintain the fairness and probity of the recruitment system. The public has great confidence in the way the recruitment process is currently handled and that cannot and will not be lost. The modernisation programme in the current partnership agreement, Sustaining Progress, combined with decentralisation will ensure that the civil and public service is well placed to meet the new demands which will be placed on it. Public expectation of better and more efficient public services for people and communities is justified. It is under the auspices of that expectation that the Bill must be reviewed. The Bill serves to modernise a key aspect of our system and it is a sign that the Government is determined to secure change in line with the approach in Sustaining Progress. I welcome the Bill.

Mr. Hayes: I am pleased to have the opportunity to contribute to this important Bill. The Civil Service is a vital part of the functioning of the State. Without competent people to help run this country, it would fall apart. The economic success of recent years has led to a decrease in the number of qualified candidates for Civil Service jobs. That is inevitable in any country where the economy is doing well. The Celtic tiger has attracted people into the private sector rather than the public service. We must redouble our efforts to attract qualified people to work for the State. People often only consider the money involved and the fact that it is less than that which can be made in the private sector. We must emphasise the importance of public service

jobs in developing economic and social policies and try to make them as attractive as possible to the younger generation. Without a viable Civil Service, our country will not be run as efficiently as will be necessary in the future.

We are proud of our Civil Service. People, such as myself and the Minister of State, Deputy Parlon, who worked in the private sector, recognise the huge commitment of those who work in the public service. They are committed to our country and to working for the good of the people at all levels. We see it at local authority and national level, in the health boards, the education area, the Garda and the Army. There is a great interest in the well being of the nation. That should not go unnoticed or unsaid.

The Local Appointments Commission appointed people in the past. Many questions must be answered about the appointment of people to the public service. I was a member of the VEC and of the appointments committee. Deputy Michael Higgins said that when he was spokesman on education he received many letters from teachers around the country about the appointments committees. I remember a headmaster and teacher in one of the most successful schools in the country saying that one of the reasons the school was a success was the appointments committee. Those committees, which were set up to appoint teachers within the VEC, were criticised by everyone. However, that headmaster said that the work the committee did was above politics, despite the fact there were politicians on it.

I speak for every political party involved and without fear of contradiction when I say that during my seven years on the committee a decision was not made on political grounds. We were overly critical of that model, although it was something we should have built on. When people are asked to sit on such committees, they leave politics outside the door. It was a sad day when VECs decided to use other forms of recruitment. They changed because political accusations were made. However, my experience in my county is different and that is something that should be reconsidered.

When the local authority in Offaly, for example, has to fill the position of engineer, it will ask an engineer from Wexford and Leitrim to sit on an appointments commission. That means that when I want to speak to the engineer, I will be told he is away doing work on an appointments commission in another county. Our local authorities waste a great deal of time and effort sending people such as engineers around the country to sit on bodies to interview and appoint people. These people should not be asked to do this because they have too much to do already. This is happening too often and it needs to change. If the new Commission for Public Service Appointments or CPSA and the Public Appointments Service or PAS are to be established in tandem as proposed, many more

[Mr. Hayes.]

questions will have to be answered. I am not happy that this is the right way to go.

I must refer to decentralisation when discussing the public service. Undoubtedly, one of the most talked about issues in the last few months was the Government's decision, announced in the budget, to decentralise Departments and offices throughout the country. It was a brave, courageous step and I welcome it, regardless of what other Members of the House might think. It will be good for rural Ireland. The Minister of State, Deputy Parlon, is smiling but that brave decision will do great things for this country. It will move people out to the rural constituencies and to parts of the country that have never had civil servants.

My constituency is one of the few in the country that have never had a Government office. There was a fanfare of welcome in Tipperary town when it was announced that 200 staff from the Department of Justice, Equality and Law Reform would be relocated there. It was a great breath of fresh air and gave the town new confidence. The welcome the 200 civil servants will receive when they come to Tipperary will be nearly as good as the welcome a victorious Tipperary team would get after an all-Ireland final. Decentralisation is needed in that part of the country. The constituency was deprived of jobs in the past. Factories have closed in Tipperary town and Carrick-on-Suir. The areas have suffered and have felt neglected and this is a first step forward. I will welcome the decision at every opportunity.

I was a member of the Oireachtas team that lobbied for decentralisation. I was also a member of the local authority which chose Tipperary town as the preferred location. I will take this opportunity, however, to mention another town. Other offices are due to be decentralised but the locations have not yet been announced.

Mr. Naughten: It will be announced in time for the next general election.

Mr. Hayes: I wish to make a case for Carrick-on-Suir, a small town in the south of the constituency. It put up a huge fight for decentralisation and the people were devastated when the town was not chosen. When one considers what went to other constituencies, the Minister should have a soft ear for the people of Carrick-on-Suir. It is a lovely place to live and is in a good part of the country. It has good schools and is close to Waterford Airport. It has many advantages. If any town requires an argument to be put forward on its behalf, it is Carrick-on-Suir. I ask the Minister of State, Deputy Parlon, to consider Carrick-on-Suir for any further decentralisation. This is the first opportunity I have had to make a strong case for the town. The county council and the urban council in Carrick-on-Suir are as one in making a case for the decentralisation of some portion of a Department

to the town. Decentralisation will be good for the public service. It will be good to have the staff living within the community.

The two organisations being established are expected to be politically neutral. If any member is nominated to the Seanad or seeks election to the Dáil, he or she will immediately have to resign from his or her position on the CPSA or PAS. Perhaps that is the right decision. However, civil servants should be allowed to get involved in the political process. They should be encouraged to do so. We have a good political system; it is open and democratic. Civil servants could contribute a great deal and have a common sense effect on how political parties are run. We are starved of new people in the political system. It should be made more open to civil servants.

There is a view within the Civil Service that if a civil servant gets involved in a political party, it will not be good for his or her promotional prospects or career. That is unfair. These people have much to contribute and we need people who wish to be involved in organisations and communities. There is no better way to attract people with ideas to the political process. The political process must work in tandem with the Civil Service. We should open the gates and allow people to participate, not penalise them for involvement.

It must be open to everybody to become involved in the public service. Everybody who is interested in a job in the public service must be treated fairly and equally. That is the most important issue. If that can be made clear in the Bill, a good day's work will be done. However, I remain to be convinced.

Mr. Naughten: The Bill gives us the opportunity to raise the issue of public sector reform. The objective of this legislation is to commence the reform of the recruitment and appointment procedures in the public service and it is, allegedly, a first step in reforming the public service generally. The Minister has missed a golden opportunity, however, which I will outline later in my contribution.

There are difficulties in certain sectors of the public service. We have seen this in the last number of years with regard to planning and engineering staff in local authorities, where there has been great difficulty recruiting specialist staff. Local authorities, along with the Local Appointments Commission, have taken a proactive approach and have succeeded in recruiting staff from abroad. A considerable number of staff in Roscommon County Council come from South Africa. I prefer the planning staff from South Africa than the staff of other nationalities in the local authority because they come from the type of background we are used to and take a progressive attitude to development in County Roscommon, which needs the investment and development that have not been there in previous years.

This legislation provides for a promotions process. Serious concerns have been raised by some of my colleagues in the House regarding how successful the promotions process can be when recruitment of people into all strata of the public service is pigeonholed into particular sectors, facilitated by this legislation, and whether this will allow the flexibility that will be needed within the promotion process. This has been one of the main incentives for people who join the public service and work their way up through the ranks.

I want to focus on a comment which the late Deputy Todd Andrews made a number of years ago. I would not agree with many of the comments he made nor with some of the actions he took. However, I agree with his statement, which he made when Cumann na nGael left office and Fianna Fáil came into Government for the first time in the history of the State, that the one good thing the Cumann na nGael Government did was to establish an independent public service. All sides of the House would agree that we have an independent public service which is critically important to the proper functioning of Government and of the country, in particular in ensuring that when one Government leaves office and another takes over there will be continuity and follow-through regarding policy. It is important to have an independent public service to ensure that proper policies are implemented in all circumstances.

It is easy to produce legislation and have it passed by the Oireachtas. It is much more difficult to bring about serious public sector reform. The legislation before us today does not provide the type of public sector reform that is urgently required. The Minister has taken a lazy approach. He could have introduced radical legislation to overhaul the whole system and bring about a more efficient public sector. A golden opportunity was lost when the Government committed to spending €1.1 billion per annum on benchmarking pay awards without tying it into significant public sector reform. Fine Gael was never opposed to the introduction of benchmarking or the payment of awards. However, we believe it should be tied into public service reform and improving the quality of service provided to consumers who are the people paying for the awards and the alleged reform we have seen to date.

A study by Forfás found that Government was responsible for 30% to 40% of consumer price inflation up to the year ending January 2003. Some of the inflation was the result of tax changes but some also related to lack of reform and the day-to-day bureaucracy involved in dealing with regulations issued by Government. One example of this is that 50% of the time of one of the eight employees in a small business is dedicated solely to dealing with regulations set down by Government. This is choking small business. We must accept that in the future we will not attract major multinational investment,

especially to the regions, as we hoped to do. We have seen the difficulties the IDA has in attracting investment to the regions. The eBay decision in Athlone was a prime example. We can and should focus on companies in our indigenous sector which can be developed and not only supply our needs but evolve into major international companies in their own right. Microsoft started off in a garage in the United States. There is no reason such a company could not start in, say, Birr in County Offaly and become a major multinational player in some sector of the economy. However, for that to happen we must reform the way we manage Government and how it deals with business.

There has been a significant rise of 90% in public expenditure in the past five years. The numbers employed in the Civil Service have risen sharply from 222,000 in 1997 to 265,000 in 2001, an increase of 19%. We must examine this increase in staff to see whether it has brought about greater efficiency within the management of the public service and whether resources could be used in a better manner to ensure the provision of the type of quality service we should provide in the new millennium. The Taoiseach has spoken about that on numerous occasions. We are currently the world leaders in software technology but there seems to be little progression of that within the public sector although it would contribute to a reduction in paperwork and bureaucracy. We should use the Revenue Commissioners as a role model. Revenue has developed very efficient systems and a template that could be used throughout the public sector. It is critically important that we implement best practice within the public sector and also in public sector procurement. Best practice in procurement in the public health service would yield savings of €150 million per annum. The PricewaterhouseCoopers report on procurement for central government estimated savings of €177 million per annum. I believe this estimate is quite low, but it could mean significant savings on a daily, weekly and yearly basis and an efficient process that could also save money for the Exchequer.

I note that the Prospectus report on the health service pointed out that a shared services centre to provide backup, office and financial management services within the health sector could have a significant impact on the efficiencies of the health service. We should examine not only the possibility of establishing such shared services within the health sector but of rolling it out across central government Departments and agencies and local authority offices. It would have the effect of taking staff from administrative duties and putting them on frontline services to provide the type and quality of service that the general public demands on a day-to-day basis.

We need a proper manpower strategy within the Civil Service. There is nothing about that in this legislation. If anything this legislation goes in the opposite direction. We could centralise and

[Mr. Naughten.]

avoid some of the duplication that takes place at the moment. The irony is that Ireland is the shared services capital of Europe within the private sector — international companies such as Microsoft, Honeywell, GE Capital, Black & Decker and EMC all have shared services facilities in Ireland. The purpose of shared services facilities is to centralise administrative functions such as human resources, payroll, procurement and finance from multiple locations and organisations into one centre. The reason for having shared services is to free up resources to focus on consumers and citizens. That is what has happened within the private sector. We need to shadow that in the public sector.

There have been significant cost savings within the private sector where it has been shown that the implementation of a shared services strategy can result in impressive savings. For example, the cost of the finance functions can be reduced by 40% while savings of 60% are possible in the human resources function. This legislation backtracks on that, bringing recruitment within every agency rather than centralising it. In the private sector much of the cost savings relate to head count reduction. In the public sector the benefit is that civil servants are freed up from administrative functions such as pushing paper to actually facing people on a day-to-day basis and making a real difference to people's lives. Why must every Department, agency and county council have a finance function? There is no reason one agency could not do the administrative function for Government, thereby freeing up public servants to concentrate on serving the public. The main objective of the public service organisations is to serve members of the public and provide a sufficient service for them.

On the issue of efficiency of service, I refer to the Department's report in October 2001, *Strategy for the Implementation of e-Procurement in the Irish Public Sector*. According to the report, if

1 o'clock the recommendations of the report were implemented in full between 2002 and 2007, savings of €414 million could be achieved, with additional savings per annum of €170 million. The initial investment needed to achieve that over the five year period is €44 million, which is only a fraction of what can be saved. That is replicated throughout the health service.

The Government has reports which contain recommendations on bringing about efficiencies and improving the quality of service but, because the initial investment is not being put in place, we do not get the knock-on benefit of that, which is regrettable. We tend to consider the initial underlying cost rather than carry out a cost-benefit analysis to determine where the benefits are to be gained by putting proper targeted investment in place. We can use that example not only in the Department of Finance but in the Department of Education and Science in terms of

the school building programme. The amount of money being lost on a daily basis because of bureaucracy is scandalous when those funds could be used to put investment in areas where it is required, namely, school buildings. That would be of benefit not just to the pupils currently in schools but also future pupils. The same is happening in the health service in that duplication is leading to a major overburden of bureaucracy and lack of efficiency.

If the Minister for Finance wants an answer to the question of where the €11 million allocated to the health sector this year and similar types of funding over the past few years has gone, he should examine the lack of efficiency in the system, including the lack of use of technology and the fact that we are still operating systems established in the 1970s when the health boards were first established. Paper-based records are still being utilised from the general practitioner surgery and the pharmacy to the drugs payments board. It is crazy that everything is being done the same way as it was done in the past instead of examining how we can progress the system, make changes and improve efficiencies.

The e-procurement report produced by the Department of Finance referred to reductions of 2.5% that could be made in supplies and services, a 5% saving in procurement transaction costs, a 0.5% saving in purchases for capital projects and a 0.25% saving in the total expenditure of capital works purchases. If we adopted an e-payments system, the economy could benefit by an estimated €480 million per annum, but there is no mention of that in this legislation nor do we hear the Government talking about it. It employs experts and consultants but it pays through the nose for that expertise. The reports are produced, there is a nice launch but they are then left to gather dust on a shelf and nothing is implemented as a result of them except the mundane aspects. This legislation was one of the least controversial proposals compared with the others being brought forward, even though there is significant discontent in the public service and among the public service unions regarding the proposals being brought forward. The public service unions have expressed serious misgivings about this legislation, which is being used as a mechanism to provide for decentralisation.

With the use of modern technology such as e-mail, instant messaging and collaborative software, a wide variety of functions can be decentralised to the regions outside Dublin. The high cost of living in Dublin is hampering Civil Service recruitment. The major issue in regard to public and civil servants taking up positions in Dublin is the high cost of living and housing in Dublin. That is a huge challenge, especially at a time when IDA Ireland is finding it difficult to get multinational companies to locate outside the greater Dublin area. We need to take a proactive approach and provide for decentralisation to the regions because, on any calculation of cost, whether it is office space etc., there is a beneficial

trade-off but it must be structured in a proper manner.

Two words in the Minister's Budget Statement last year gave me cause for concern. He said that the civil servants would be transferred on a voluntary basis. That gives rise to significant concern because I believe it is to be an opt-out clause for the Government should it fail to deliver on decentralisation. The funding has not been provided. I understand €20 million has been provided to implement this round of decentralisation but, as one of my colleagues said, that would not even cover the cost of the furniture removals from Dublin.

There has been much debate on the fact that many public servants do not want to transfer from Dublin. I hope the transfer of the Land Registry to Roscommon town will not take ten or 15 years, which is the length of time it took to decentralise the General Register Office. That was announced in 1992 but still has not been completed.

For the Minister's information, there have been 197 applications from all grades of officers in the public service to transfer to the General Register Office in Roscommon town. In total, there are 553 applications in the public service to transfer to County Roscommon. Therefore, not only can we meet the demands laid down in terms of the Land Registry, we can provide additional decentralisation to the towns this Government has ignored, even though it blatantly promised them before the previous general election to the towns of Boyle, Ballaghaderreen and Castlerea. I ask the Government to re-examine that situation realistically. There is a demand in the public service to relocate to counties like Roscommon and the Government should promote and encourage that and then deal with the other challenges facing it. We must look at shared services. We can provide a more efficient, competent public service but, sadly, that issue has been ignored in this Bill, which is a major disappointment and a lost opportunity, just like the benchmarking proposals.

Minister of State at the Department of Finance (Mr. Parlon): I thank the House for the debate on Second Stage of the Bill. It will reform the legislative arrangements for public service recruitment, allowing public service managers to recruit quickly and effectively while maintaining the fairness and impartiality for which Civil Service recruitment is renowned.

Deputy Burton and Deputy Durkan asked why the current system is being replaced when it is not broken, although Deputy Naughten said we had not gone far enough. As the 1999 PricewaterhouseCoopers strategic review of the Office of the Civil Service and Local Appointments Commissioners pointed out, the regime operated under the 1956 legislation vests all significant recruitment functions in the legal personages of the commissioners. This was a suitable approach at a time when there was little difficulty in attracting candidates to public service

employment, the numbers to be employed were small in relative terms and generic recruitment to specific grade levels rather than to individual Departments or offices was the order of the day.

However, the generalist, service-wide recruitment regime established by the 1956 Act has not had the necessary flexibility to be responsive to organisational needs as they have evolved over time. In particular, competitions were run too infrequently to attract and retain quality candidates in a buoyant employment market and enable a targeted and timely response to the filling of vacancies and new posts.

The evaluation of the progress of the Strategic Management Initiative in the Civil Service carried out by PA Consulting in 2002 concluded that the Civil Service is a more effective organisation than it was a decade ago. However, the evaluation also concluded that implementation remained incomplete and that accelerated progress, particularly in human resource management, was required. In particular, PA Consulting recommended that the Civil Service should have discretion to recruit directly from the market place and it supported this Bill. It also noted the need to ensure that standards are maintained in the course of any delegation of authority and to balance this requirement with enhanced flexibility in local decision-making. This balance is achieved in the Bill.

Several Deputies expressed concerns that the probity and integrity of the recruitment system will be put at risk by the introduction of this legislation. The Government's priority is that the reputation for impartiality and independence in public service recruitment established by the Civil Service and Local Appointments Commissioners will continue to remain beyond reproach. Deputy Boyle asked why two bodies were needed to replace one. The roles of regulator and service provider are being separated largely in order to ensure the maintenance of standards. The Commission for Public Service Appointments, which will be independent of all licence holders, will regulate recruitment, while the Public Appointments Service will further enhance the level and quality of service to its clients throughout the public service.

The Commission for Public Service Appointments will not only strictly regulate recruitment under licence but will ensure that the highest standards of probity and integrity are applied to areas of the public service not now subject to independent regulation. The Commission will have the powers necessary to ensure compliance with those standards. It may investigate the recruitment functions of any licence holder or recruitment agency, by appointing an investigator who may enter and inspect business premises, request and copy relevant records and ask questions about those records of persons who are likely to have information relating to them. It will be an offence to obstruct an investigation, punishable by a fine

[Mr. Parlon.]

of up to €3,000 and, or imprisonment for up to two years. If the commission discovers a material infringement of a recruitment licence, or of a direction given to a licence holder, it shall report to the Government, publish that report or any part of it and cite the infringement in its annual report.

The commission may issue instructions to licence holders where a recruitment process has been, or is likely to be, compromised. Ultimately, where a licence holder fails to meet the terms and conditions of the licence, the commission may amend or revoke that licence. These powers far exceed what is now available to the Civil Service Commissioners. In addition to these executive powers, the Bill makes it an offence to provide false information, canvass, personate a candidate or interfere with a competition in any way. The offence will be punishable by a fine of up to €10,000 and, or imprisonment for up to two years. An offender who is a candidate at a competition will be disqualified. If the offender has been appointed to a job, he or she will forfeit that appointment. This system is designed to ensure that improper conduct will be prevented and, if it does occur, severely sanctioned.

Deputies Burton and Rabbitte raised the concern that licence holders or politicians, may be tempted to interfere in the recruitment process, in order to ensure that a pre-selected person is appointed to a job. Deputy Burton suggested that a statutory bar on such action should be provided for. Section 15 provides for fines of up to €3,000 and, or imprisonment for up to two years for any person attempting to interfere improperly in the manner the Deputies described. I assure Deputy Cuffe, who doubted the adequacy of this measure, that it will be an effective deterrent to any politician seeking to influence a recruitment competition.

A licence to recruit will not be a *carte blanche* to recruit as one wishes. The licence and the accompanying code of practice will set out the procedures and practices which must be followed to ensure that the recruitment process is fair and above board. Deputies can be assured that the politically independent commissioners will impose a regime that will ensure accountability and impartiality at all times; and the commission will lack nothing it needs to deter, detect and punish misconduct. Deputies Burton, Sean Ryan and Connolly, expressed concerns that the Bill will allow the appointment of special advisers to permanent posts in the Civil Service. These concerns are unfounded, the Bill will preclude the appointment of special advisers to established posts in the Civil Service.

While the legislative position is complex, its practical effect is clear. The Deputies' concerns stem from the fact that the Bill will repeal section 19(5) of the Ethics in Public Office Act 1995, which prohibits Ministers from using the power granted to them by section 13(3) of the Civil Service Commissioners Act 1956 to appoint

people to established positions in the Civil Service where the Government decides that such appointments are "in the public interest".

Section 19(5) of the Ethics Act referring to the Civil Service Commissioners Act which is to be repealed, no longer makes sense and accordingly must also be repealed and the substance of the section provided for in another way. The Bill does not replicate the provision set out in section 13(3) of the Civil Service Commissioners Act 1956. It will not be possible for a Minister to appoint anybody to an established position in the civil service in the way that it is possible under the 1956 Act. Appointments will be to unestablished positions only. Furthermore, section 19(2) of the Ethics Act is not being repealed and will continue to apply, thus special advisers must still leave office when the office holder to whom he or she is acting ceases to hold office.

Section 5(a) of the Bill requires that all appointments to established positions can take place only after a competitive process conducted under a code of practice issued by the independent regulator, the Commission for Public Service Appointments. Taken together, these provisions will legally preclude the discretionary appointment of special advisers to established positions. As the Minister for Finance said in his press statement of 19 January 2004 there is no intention to alter the current position to enable the appointment of special advisers to established posts in the Civil Service. In fact, the new procedures will strengthen the prohibition on the appointment of special advisers to established positions.

Several deputies mentioned decentralisation in the course of their contributions. Deputies Hayes and Paul McGrath were particularly complimentary about the decision. Deputy Naughten wants the movement of civil servants to be made compulsory, if I understood him correctly.

Mr. Naughten: No, that is not what I said.

Mr. Parlon: Well he was not very happy with a voluntary scheme.

Mr. Naughten: I said the Minister of State is using it as an opt-out clause.

Mr. Parlon: Not at all.

Mr. Naughten: We will see how many are welcome in Parlon country.

Mr. Parlon: It is difficult to envisage a decentralised Civil Service operating effectively unless departmental managers are able to select people taking account of where jobs will be located. It would not be sensible to expect candidates for a job as a clerical officer in a Civil Service office in Donegal to be selected for that position without taking account of the fact that the job will be in Donegal. Local recruitment must be a feature of future human resources

arrangements. Deputies Richard Bruton and Burton argued that localised recruitment will undermine the career-based Civil Service and pose a threat to the unified Civil Service. The devolution of the power to recruit will not affect the career structures of the Civil Service.

A clerical officer recruited under licence to an office based in Mayo will enjoy the same career opportunities as a clerical officer recruited last month by the Civil Service Commission. Sustaining Progress includes a commitment that regionalised promotion competitions will be established to provide civil servants in decentralised locations with enhanced promotional pathways. There is no threat to the unity of the Civil Service. Departments and offices will be licensed to recruit to existing grades. They will not be authorised to invent new grades or to vary pay scales. Accordingly, they will recruit clerical, executive and administrative officers, just as the Civil Service Commission now recruits those grades, and the officers they recruit will work under the same terms and conditions as other clerical, executive and administrative officers.

Deputy Richard Bruton said there was a need for increased transparency in promotion processes. Section 59 deals with promotion competitions run by the Public Appointments Service. The Bill requires that codes of practice approved by the Commission for Public Service Appointments will apply in such competitions, which will therefore be carried out to the same standards as recruitment competitions conducted by PAS.

Deputy Bruton mentioned that Sustaining Progress had recorded agreement that the civil service will shortly fill half its promotional vacancies by competition, rather than the one third which is now the case. The agreement to which the Deputy referred relates only to Civil Service-wide or interdepartmental promotion. These form less than half the total promotions available in the Civil Service. Sustaining Progress also requires that a greater proportion of the half

of promotion posts which may be filled within a Department or office must be open to competition.

Deputies Joe Higgins and Ó Caoláin raised the issue of the use of private sector recruitment agencies. Deputy Higgins expressed a concern that the private sector ethos of these agencies would be incompatible with the values of the public service. I assure the House that this concern is unfounded. Private sector recruitment agencies may be engaged to assist with the process of recruitment, but their role is limited to assistance. They will, in effect, be the tools of the Civil Service offices which engage their services. Deputy Ó Caoláin asked whether the private agencies will be held accountable for their actions. Accountability for recruitment will remain with the public service licence holder at all times, and this fact will ensure adequate supervision by that licence holder.

Deputies Ó Caoláin and Morgan asked about the employment of people with disabilities. Government policy is that people with disabilities should form no less than 3% of the Civil Service workforce. This target is in place and is working well. The Bill will not affect the Government's target in any way and it will continue to be a duty of Civil Service offices to implement that policy as part of their recruitment operations.

Deputy Ring raised a matter that is clearly one for the Minister for the Environment, Heritage and Local Government. Whatever the facts of the issue, I reiterate that recruitment under this Bill, when rolled out to the local authorities, will take place under strict codes of practice issued by the Commission for Public Service Appointments. Additionally, the Bill is fully supported by the existing Local Appointments Commissioners.

I thank Deputies Nolan, O'Connor, McGuinness, Moynihan, O'Keefe and Dennehy for their supportive comments. This Bill is a significant milestone on the road to a more efficient public service. I look forward to debating the Bill on Committee Stage and I thank Deputies again for their contributions.

Question put.

The Dáil divided: Tá, 58; Níl, 43.

Tá

Ahern, Dermot.
Andrews, Barry.
Ardagh, Seán.
Aylward, Liam.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Séamus.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Cregan, John.
Davern, Noel.
Dempsey, Tony.

Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hector, Máire.
Jacob, Joe.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Séamus.
Lenihan, Conor.
McEllistrim, Thomas.

Tá—*continued*

McGuinness, John.
Moynihan, Donal.
Moynihan, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Keefe, Batt.
O'Keefe, Ned.

O'Malley, Fiona.
Parlon, Tom.
Power, Peter.
Power, Seán.
Ryan, Eoin.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, Pat.
Broughan, Thomas P.
Burton, Joan.
Costello, Joe.
Cowley, Jerry.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Durkan, Bernard J.
English, Damien.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Harkin, Marian.
Hayes, Tom.
Healy, Séamus.
Higgins, Michael D.
Howlin, Brendan.
McCormack, Pádraic.
McGinley, Dinny.

McGrath, Finian.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Sullivan, Jan.
Pattison, Seamus.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Timmins, Billy.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Public Service Management (Recruitment and Appointments) Bill 2003: Referral to Select Committee.

Minister of State at the Department of Finance (Mr. Parlon): I move:

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

Question put and agreed to.

Equality Bill 2004 [Seanad]: Second Stage.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. O'Dea): I move:
“That the Bill be now read a Second Time.”

The measures which I bring before the Dáil are intended to meet Ireland's obligations as a member of the European Union to implement Community initiatives provided for under Council Directives 2000/43/EC and 2000/78/EC, adopted under Article 13 of the EC Treaty, and Council Directive 2002/73/EC adopted under

Article 141 of the treaty. The directives, commonly known as the equality directives, provide for equal treatment on the grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation. The race directive, 2000/43/EC, provides a flexible general framework for combating discrimination on the grounds of racial or ethnic origin in both the employment and non-employment areas. The framework employment directive, 2000/78/EC, provides a general framework for the prohibition of discrimination in regard to employment and occupation on the grounds of religion or belief, disability, age or sexual orientation. The gender equal treatment in employment directive, 2002/73/EC, updates and improves the 1975 equal pay and 1976 equal treatment directives.

The overall effect of these three directives is to require member states to prohibit direct discrimination, indirect discrimination and harassment on grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation in regard to employment, self-employment or occupational and vocational training. Sexual harassment and victimisation are also prohibited. The race directive also applies to discrimination in access to and the supply of goods and services.

As Members of the House are aware, Ireland is already to the fore in its promotion and protection of the principles of equality and freedom from discrimination as a result of the ground-breaking legislation enacted in this regard in 1998, with the Employment Equality Act, and in 2000, with the Equal Status Act. This legislation prohibits both direct and indirect discrimination in the areas of employment and access to goods and services on nine grounds; gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community. Thanks to the quality, effectiveness and far-sightedness of our existing equality legislation, many of the amendments required by the EU directives are relatively minor and mostly of a technical nature.

There are a number of new provisions in the directives which require transposition into national law for which it is both necessary and appropriate to make provision in primary legislation. I propose to provide for their transposition through amendments to the Employment Equality Act and the Equal Status Act, as provided for in the Bill. The Social Welfare (Miscellaneous Provisions) Bill 2004 provides for the transposition of the directives with respect to matters relating to occupational pensions.

It is important to ensure that a coherent and consistent approach is maintained in our legislative and administrative infrastructure for equality. This will facilitate ease of access for persons who claim they have been discriminated against, particularly where more than one ground for discrimination is cited. For this reason, amendments arising from the directives are being implemented at the same time in one Bill. In addition, with a view to preserving coherence across the nine grounds in the legislation, it is intended to implement the requirements of the directives in a way which applies their provisions to each of the nine grounds and to both employment and service provision where this is feasible and appropriate.

An opportunity arises in this process to align more closely the provisions of the Employment Equality Act and Equal Status Act. As already referred to, the general principle here would be to broaden the scope of any such provision, for example, extension of discrimination under the Employment Equality Act to include discrimination by association or imputation, as is the case under the Equal Status Act, and extension of sexual harassment under the 1998 Act to encompass same sex sexual harassment, as under the 2000 Act. It is also considered appropriate to avail of this opportunity to amend the Employment Equality Act to incorporate the provisions of the gender directive which reflect European Court of Justice case law in regard to discrimination on the grounds of pregnancy or maternity leave, within the meaning of the Maternity Protection Act, 1995.

A consolidated approach to the amendment process is also reflected in the decision to incorporate directly into the Employment Equality Act and Equal Status Act, the provisions of Statutory Instrument No. 337 of 2001 implementing Council Directive 97/80/EC, which deals with burden of proof in gender discrimination cases. The directive, which applies to gender discrimination only, provides for the transfer to a respondent of the evidential burden of proof where a complainant establishes a *prima facie* case of discrimination. Under the race and framework employment directives, this provision will extend to proceedings on the discriminatory grounds and in the circumstances covered by those directives. For the purposes of consistency and transparency of the legislation, I intend to amend both the Employment Equality Act and Equal Status Act in a way which applies the provision to all nine grounds, including the original ground of gender.

As a result of the framework employment directive, the obligation on employers under the Employment Equality Act to provide reasonable accommodation to meet the needs of people with disabilities is being broadened. As a result, employers will be required to take appropriate measures to make such accommodation, except where these would impose a disproportionate burden. The broader focus of the new provision will contribute to increased access to the workplace for people with disabilities. The constitutional limitation, which has confined the requirement in respect of reasonable accommodation under national law to a threshold of "nominal cost", will continue to apply in the case of the Equal Status Act, as there is as yet no similar EU provision in the area of goods and services. A significant extension to the scope of application of the Employment Equality Act is to be made in respect of the self-employed and partners in firms. As a result, persons who are or were employed under a contract personally to execute any work or labour, as well as partners and former partners in firms, will be protected from discrimination in the workplace. The Bill also provides for revision of some of the categories of exclusion which are allowed under the Employment Equality Act. As a result, there will no longer be blanket type exclusions in the case of employment in the Garda Síochána and Prison Service.

I also propose to deal with certain other exclusions currently provided for under sections 26 and 37 of the Employment Equality Act and section 6 of the Equal Status Act, which apply on a broad basis to private households. The current exclusions in this regard, applicable to employment and the provision of accommodation in small premises in which the owner also resides, are not being retained in the context of the race and framework employment directives, and will be replaced with new provisions which relate specifically to access to employment involving the provision of personal services and the provision

[Mr. O'Dea.]

of accommodation in a person's home, where the private or family life of those concerned is affected. This will balance the protections afforded to one person's right to privacy and another person's right to equal treatment.

The opportunity is also being taken to introduce a number of technical, procedural and other minor amendments to the Employment Equality Act and Equal Status Act, arising from experience gained in the operation of the Acts as well as consultations with relevant interests. These amendments include, among others, clarification of time limits for referral of cases, date of occurrence of discrimination, treatment of cases involving more than one discriminatory ground, enforcement of determinations, decisions and mediated settlements, award of expenses and rules in regard to parallel claims and awards of compensation or redress. I am also pleased to take this opportunity to amend the Equal Status Act in two further important aspects. The first of these will provide certainty in regard to the ability of a parent or representative of a person with an intellectual or psychological disability to act in place of the person concerned seeking redress. The second amendment will enable licensed drivers under the age of 18 to have recourse to the Equal Status Act in cases of unreasonable treatment in relation to motor insurance.

In preparing the legislation as proposed, I have attempted to take account to the fullest extent possible of the views of and proposals from interested parties and expert groups involved. In the area of employment, a wide-ranging consultation process involving Departments, the Equality Authority, the office of the Director of Equality Investigations — the Equality Tribunal, the Labour Court and the Social Partners — has served to elucidate the approach of the legislative proposals in both practical terms and on points of policy within the confines of the directives. This consensus approach to the regulation of employment and social partnership principles is an essential element of good law. A less formal consultation process was also undertaken in regard to the race directive as it affects the Equal Status Act. This included the use of information meetings on the directives organised by the National Consultative Committee on Racism and Interculturalism and other fora, public consultation on the forthcoming national action plan against racism, to disseminate interest and awareness among key interest groups. This approach will ensure that Ireland continues to have one of the most socially advanced equality codes in the world and maintains a high profile position in the international fight against discrimination. I acknowledge the valuable contributions made to the Bill in its passage through the Seanad as a result of which a number of substantive amendments have been taken on board.

I will now deal with the main provisions in the Bill. The Bill is divided into three parts as follows.

Part 1 contains preliminary and general technical provisions in regard to collective citations, construction and interpretation of the Bill. Part 2 deals with amendments to the Employment Equality Act 1998. Part 3 deals with amendments to the Equal Status Act 2000. Part 2 comprises sections 3 to 43 of the Bill, each of which provides for amendments to that Act, which for convenience I will hereafter refer to as the Act of 1998.

Section 3 amends section 2 of the Act of 1998. It is proposed to amend the definition of "contract of employment" for the purposes of the Act of 1998, to include contracts to personally execute work or services and to deem references under the Act to employees or employers to include the parties to such contracts. It is also proposed to amend the definition of "employee" to include, where the context admits, members or former members of a regulatory body and to exclude, only in so far as access to employment is concerned, persons employed in the provision of personal home services affecting the private or family life of those concerned. The definitions of "discrimination" and "the Director" are being amended to include, in the former case, the issue of an instruction to discriminate, and to replace, in the latter case, "Equality Tribunal" for "Equality Investigations". The scope of the definition of "proceedings" is being widened to include any proceedings, including subsequent proceedings, before a person, body or court dealing with a request or referral under the Act of 1998. For clarity, new definitions in respect of "personal services", "persons" in regard to sections 19, 22, 29 and 31, and "provision" are being inserted.

Section 4 amends section 6 of the Act of 1998. Paragraph (a) provides for the replacement of section 6(1) of the Act of 1998 to include less favourable treatment by imputation or association with another person. This parallels the provision under the Equal Status Act and is one of a number of amendments proposed for greater consistency between the two pieces of legislation. Paragraph (b) provides for a new section 6(2A) of the Act to provide that less favourable treatment on a ground related to pregnancy or maternity leave comes within discrimination on the gender ground. Paragraph (c) provides, in accordance with the framework employment directive, for a new section 6(3) to substantively amend the existing exclusion from discrimination on the age ground in respect of persons less than 18 years or 65 years or over. In the former case, a provision based on the statutory age for school leavers is proposed, and employers may continue to set minimum recruitment ages where these do not exceed 18 years. No upper age threshold is provided for but compulsory retirement ages may continue to be set. A consequential amendment to section 2(1)(b) of the Unfair Dismissals Act 1977 is also provided for.

Section 5 is a technical amendment to section 10(2) of the Act of 1998 which simplifies the text and refers to a characteristic mentioned in any of the discriminatory grounds rather than to a “relevant characteristic” which is no longer defined for the purposes of the Act. Section 6 is a further technical amendment to provide for the deletion of section 12(3) of the Act of 1998 as a result of the provision in section 4 of the Bill removing the age references in section 6(3) of the Act.

Section 7 inserts a new section 13A into the Act of 1998 to include partnerships in its scope. In extending the scope of the Act of 1998 to the self-employed, it is proposed to include in a new section 13A to the Act a specific provision in respect of partners within partnerships, including general partners within limited partnerships. The new provision deems references to employees to include reference to partners and references to employers to include reference to partnerships.

Section 8 inserts a new section 14A which deals with harassment and sexual harassment. Under the directives, a common approach is taken to the treatment of harassment and sexual harassment on any of the discriminatory grounds. It is proposed to reflect this approach by inserting a single new provision on harassment and sexual harassment and removing the present separate provisions in section 23 in respect of gender related sexual harassment and, in section 32, in respect of non-gender related harassment. As a consequence, sections 14 and 21 of the Bill propose the deletion of those sections of the Act.

Section 9 replaces the provision under section 16(3) of the Act of 1998 dealing with the duty of employers and persons engaged in vocational training to accommodate the needs of people with disabilities to enable them to access and participate in employment or training. At present, the requirement on employers is limited to the provision of special treatment or facilities where this gives rise to no more than a nominal cost. Arising from Article 5 of the framework employment directive, it is proposed to extend the requirement to make reasonable accommodation to include a range of “appropriate measures”, enumerated but not limited to the measures outlined in paragraph (b) of the section, which shall be taken into account in determining what constitutes a “disproportionate burden” on the employer. A similar amendment in respect of the provision for reasonable accommodation in the Equal Status Act is not proposed as the constitutional barrier remains in place as far as that Act is concerned.

Section 10 amends section 17(2) and (4) of the Act of 1998, under which compliance with specified statutory provisions is excluded from discriminatory action on the grounds of race and age. Having regard to the framework employment directive, it is proposed to replace these provisions. Paragraph (a) amending section 17(2) gives effect to Article 3.2 of the framework employment directive, which excludes from its

scope differences of treatment based on nationality, with particular reference to the provisions and conditions relating to the entry into and residence of third country nationals and stateless persons in the member states and to any treatment arising from their legal status. The exclusion will apply only to actions taken in accordance with a statutory condition or provision governing access to employment or occupation. Paragraph (b) takes account of the differences of treatment on the ground of age which are permitted in accordance with Article 6 of the framework employment directive.

Section 11 makes a technical amendment to section 18 of the Act of 1998, arising from the amendment, in section 4(b) of the Bill, to section 6 of the Act, allowing a comparator in the case of less favourable treatment on a ground related to pregnancy or maternity to be either male or female.

Section 12 amends section 19 of the 1998 Act on entitlement to equal remuneration. As a result of the new definition of “employee” in section 3 of the Bill, the separate definition of employee in section 19(2) of the Act of 1998 is no longer required and is deleted under paragraph (a). The definition of indirect discrimination on the gender ground in relation to equal remuneration in section 19(4) of the Act is amended under paragraph (b). The amendment takes account of the definition of indirect discrimination under the gender directive and will apply to provisions which are apparently neutral and may be claimed only where the person considers that he or she has experienced discrimination. An employee or trainee will not be required to evidence his or her claim by reference to the proportion of other employees of the same gender who are similarly affected. However, either party may use statistical evidence in relation to a claim. This provision is paralleled, in the non-gender area, in section 19 of the Bill, amending section 29 of the Act.

Section 13 amends section 22 of the Act of 1998, dealing with indirect discrimination on the gender ground other than in relation to remuneration. This amendment parallels the amendment to section 19 of the Act provided for under section 12 of the Bill. The separate reference to the grounds of marital and family status in section 22(4) of the Act is no longer required as a result of this amendment and is being deleted.

Section 15 brings the provision for positive action measures under section 24(1) of the Act of 1998, more closely in line with the provision in this regard under Article 2.8 of the gender directive. Section 16 replaces the provision in section 25 of the Act of 1998 permitting discrimination on the gender ground where a person’s gender is an occupational qualification with a more limited provision in respect of access to employment in line with Article 4 of the framework employment directive. The new provision takes account of genuine and

[Mr. O'Dea.]

determining occupational requirements, legitimate objective and the proportionate requirement. This will provide a higher level of protection from discrimination on the gender ground than heretofore by imposing strict tests on employers in each case where it is proposed to restrict recruitment to one or other gender. As a result of this provision, a technical amendment to section 27 of the Act is provided for in section 18 of the Bill.

Section 17 amends section 26 by deleting subsection (2), which is replaced by a more limited exclusion consequent on the definition of "employee" provided for in section 3. Section 19 replaces the provision in section 29(4) of the Act of 1998 dealing with indirect discrimination in regard to equal remuneration other than on the gender ground. The new subsection (4) applies section 19(4) of the Act to the non-gender grounds.

Section 20 replaces the provision in section 31(1) of the Act of 1998 in relation to indirect discrimination on a ground other than gender and other than in relation to remuneration. In addition, as a result of the amendment to the definition of "employee" which includes members of regulatory bodies, the specific provision in this regard in section 31(2) is being deleted.

Section 22 substitutes a new section for section 33 of the Act of 1998 to bring the provision for positive action measures more closely in line with the provision in this regard under Article 7.1 of the framework employment directive. Section 23 amends section 34 of the Act of 1998 which pertains to savings and exceptions related to family, age or disability. Article 6.2 of the framework employment directive permits discrimination on the age ground in respect of occupational benefits schemes. The amendment to section 34(3) of the Act of 1998 will reflect this principle and delete the exclusions currently permitted on the grounds of age or disability.

Section 24 amends section 35 of the Act of 1998 to clarify that the exemption from discrimination on the disability ground, in section 35(1) of the Act of 1998, in respect of the payment to an employee with a disability of a particular rate of remuneration, applies only where the rate is determined on the grounds that the employee in question has a lesser output of work in a particular period of time when reasonably compared with that of an employee without the disability. Arising from an amendment accepted in the Seanad, provision is included in the section to ensure that it is not permitted to set a rate of pay below the national minimum wage.

In parallel to the proposed amendment to section 25 of the Act of 1998 relating to differences of treatment on the gender ground, section 25 amends the corresponding non-gender provision in section 37(2) of the Act of 1998 to permit difference of treatment based on a characteristic related to a discriminatory ground

where it constitutes a genuine and determining occupational requirement and the objective is legitimate and the requirement proportionate. Provision is also made in new subsections (3) and (4) for certain operational requirements applicable to the Garda Síochána and the prison and emergency services. Subsection (5) provides for a continuation of the exemption for the Defence Forces in respect of the age and disability grounds. The exclusion under section 37(5) of the Act in respect of employment in private households is being replaced with the more restricted exclusion by way of the definition of "employee" under section 3 of the Bill.

Section 26 amends section 44(4) of the Act of 1998 to permit remuneration to be paid to members of the Equality Authority. This provision is in keeping with current policy and practice in similar State boards.

Section 27 amends section 67 of the Act of 1998 to clarify a number of technical points relating to solicitors employed by the Equality Authority, including the fact that the normal provisions governing legal privilege and client confidentiality apply.

Section 28 amends section 74 of the Act of 1998, substituting new definitions of "equality mediation officer" and "equality officer" in subsection (1) in line with the related amendment under section 28 of the Bill to section 75 of the Act. Subsections (2) and (3) are also amended to extend the range of circumstances which may give rise to victimisation and to clarify the date of referral or appeal of a case to the director, the Labour Court or the Circuit Court in the case of specified provisions in the Act and the Equal Status Act.

Paragraphs (a) to (c) of section 29 make a number of necessary technical amendments to section 75 of the Act of 1998 arising from the proposed renaming of the Office of the Director of Equality Investigations as the Equality Tribunal. Paragraph (d) makes necessary deletions in sections 75(3) and (4) of the Act to remove references to equality officers of the Labour Relations Commission and empowers the director to issue guidelines or guidance notes, appoint persons as equality mediation officers and delegate functions. The inclusion of the provision to empower the director to appoint mediation officers will, for example, facilitate the director in quickly addressing or preventing a backlog building up in the tribunal of cases which may be suitable for fast resolution by means of mediation by the appointment of additional mediation officers on a short-term contract basis from a panel of qualified and experienced non-civil servant mediators. This is highly specialised work and the Civil Service does not have a corps of qualified mediators on which the tribunal might draw on a temporary basis to address short-term surges in caseload.

Section 30 amends section 76(2)(c) of the Act of 1998 to include as material information which may be sought by an employee claiming

discrimination, information, other than confidential information, about the scale or resources of the employer's business. Section 31 proposes a number of amendments to section 77 of the Act of 1998 to provide greater clarity and effectiveness to the operation of the redress procedures under the Act. Paragraph (a) replaces section 77(5) and (6) with new provisions to facilitate late claims to be accepted where there is reasonable cause or where there is misrepresentation by a respondent, and to clarify the relevant date to be applied in a claim of discrimination or victimisation.

Paragraph (b) replaces section 77(9) with a new provision extending the grounds on which a member of the Defence Forces may seek redress under this section of the Act to include all the discriminatory grounds other than the grounds of age and disability. Paragraph (c) adds new provisions to the section permitting parties to any proceedings under the Act to be represented and deals with appeals in respect of decisions to accept or refuse late claims.

Section 32 inserts a new section 77A in the Act of 1998 dealing with dismissal of claims. This will allow the director or the Labour Court to dismiss claims he or she considers to have been made in bad faith or to be frivolous, vexatious, misconceived or trivial. It is common to assign a discretionary power of this nature to an investigative or complaints body, and the existing similar provision in the Equal Status Act will be aligned with the new section 77A under section 53 of the Bill.

Section 33 is a technical amendment to section 78(7) of the Act of 1998 to stipulate that an application for a resumption of a hearing shall be in writing and, where a notice has been issued by an equality mediation officer, to remove the requirement that an application for exemption be accompanied by a copy of that notice.

Section 34 amends section 79 which deals with investigation by the director or the Labour Court. The amendment proposed in paragraph (a) will introduce an important technical change to the operation of section 79 of the Act of 1998 which will facilitate a more streamlined approach to the investigation and determination of individual sets of circumstances where more than one discriminatory ground is involved. As a result, where a set of circumstances gives rise to more than one claim of discrimination or to one or more claims of discrimination and a claim of victimisation, they shall be investigated as a single case. It will continue to be the case that a decision will be made in respect of each of the claims. A minor textual amendment is also proposed under paragraph (b).

Section 35 adds a number of new provisions to section 82 of the Act of 1998, including a new provision at subsection (6) which further addresses the situation where one set of circumstances leads to claims of discrimination on more than one discriminatory ground. In addition to investigating such claims as a single case,

compensation will be awarded on the basis of a single case. It is also considered appropriate to exclude the Equality Authority, as a statutorily funded agency, from awards of compensation and to proscribe the taking of a case under both the Act of 1998 and the Equal Status Act in respect of the same act of victimisation.

Section 36 inserts a new section 85A regarding burden of proof into the Act of 1998. This takes account Article 8 of the race directive and Article 10 of the framework employment directive, the effect of which is to place the burden of proof on the respondent where a *prima facie* case of discrimination has been established by the complainant. It is proposed that the provision will be applied to all the discriminatory grounds. This principle is already applicable to cases of discrimination based on sex as a result of Directive 97/80/EC, implemented by SI 337 of 2001.

Section 37 will provide, in section 91 of the Act of 1998, that the respondent in a mediated settlement may apply for an order to enforce the terms of a settlement. It is also proposed that, where an enforcement application is made by the Equality Authority on behalf of a complainant, the court may award costs to the authority.

Section 38 is a technical amendment to section 98(1)(b) of the Act of 1998 to align the reference therein to section 74(2) of the Act as a result of the amendment to that section provided for in section 28 of the Bill.

Section 39 inserts a new section 99A in the Act of 1998 to empower the Labour Court or the director to order a person obstructing or impeding an investigation or appeal to pay travelling and other expenses reasonably incurred by persons in connection with the investigation or appeal, excluding expenses in respect of representation.

Section 40 amends section 101 of the Act regarding alternative avenues of redress and is intended to remove the present impediment to provision of redress in unfair dismissal cases initiated in the Labour Court. As a result of the amendment proposed to section 101(5) of the Act of 1998, the Labour Court may, in appropriate cases, direct that an alternative avenue of redress may be pursued.

Section 41 inserts a new section 101A in the Act of 1998 to ensure that, where a person who has been dismissed or constructively dismissed, seeks redress for an act of discrimination or victimisation from the director and the Labour Court, redress may not be awarded by both for that act. This principle will also be applied in the case of contraventions of the Protection of Employees (Part-Time) Act 2001, and the Protection of Employees (Fixed-Term Work) Act 2003.

Section 42 is a technical amendment to section 102(1) of the Act of 1998 to add cases referred to the director under the Anti-Discrimination (Pay) Act 1974 or the Employment Equality Act 1977 to the list of references which may, after one year

[Mr. O'Dea.]

of referral, be struck out by the director where they are no longer being pursued by complainants. Section 43 is a technical amendment to section 105, paragraph (a), to replace the reference to "Director of Equality Investigations" with "Director of the Equality Tribunal", as proposed under section 29 of the Bill.

Part 3 comprises sections 44 to 60, inclusive, amending the Equal Status Act 2000, hereafter referred to as the Act of 2000. Section 44 widens the scope of the definition of "proceedings" to include any proceedings, including subsequent proceedings, before a person, body or court dealing with a request or referral under the Act of 2000. It also provides for the definition of a new term, "provision", meaning a term in a contract or a requirement, criterion, practice, regime, policy or condition affecting a person. It also helps to clarify the relevant date to be applied in relation to a claim of prohibited conduct.

Section 45 amends section 3(1) of the Act of 2000 by inserting a new definition of indirect discrimination to reflect the more advanced definition in the race directive. The existing subsection (3) provides generally that treating a person who has not attained the age of 18 years less favourably or more favourably than another, whatever that person's age, shall not be regarded as discrimination on the age ground. It is compulsory for licensed drivers under the age of 18 to have motor insurance and it is reasonable, therefore, that such drivers be protected from unreasonable differences in treatment. In this regard, it is proposed to amend section 3(b) of the Act of 2000 to enable licensed drivers under the age of 18 to have recourse to the Act of 2000 in cases of unreasonable treatment.

A new subsection provides that statistics are admissible for the purpose of determining whether indirect discrimination has occurred or not. This is being applied in accordance with recital 15 to the race directive, which provides that, in accordance with the rules of national law or practice, such rules may provide, in particular, for indirect discrimination to be established by any means, including on the basis of statistical evidence.

Section 46 provides for a very narrow exemption excluding the provision of accommodation by a person in a part, other than a separate and self-contained part, of the person's home, where the provision of the accommodation affects the person's private life or that of any other person residing in the home.

Section 47 amends section 7 of the Act of 2000 to provide that the Minister for Education and Science does not discriminate where, in the exercise of his or her powers, he or she prescribes requirements for the making of grants for the purpose of assisting persons to attend, or continue to attend, an educational establishment providing higher or further education which

confine the making of such grants to persons who are nationals of a member state of the European Union or allow for difference of treatment between those who are nationals of member states and those who are not.

Section 48 redefines harassment as any form of unwanted conduct related to any of the discriminatory grounds, and defines sexual harassment as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. The section also provides that a person's rejection of, or submission to, sexual or other harassment may not be used by any other person as a basis for a decision affecting that person. These changes are to apply the newer definitions set out in the relevant directive.

Section 49 provides for an exclusion from the provisions of the Act of 2000 of actions taken by public authorities relating to specified persons and governing or arising from their entry into and residence in the State, as permitted under Article 3 of the race directive. The Government is of the view that, as far as possible, discrimination on the grounds of nationality should not be permitted. I propose, therefore, that section 14 be amended to provide that, save in issues of asylum and immigration and differences of treatment in the provision of public services to asylum seekers and those not lawfully resident in the State, the Act of 2000 will apply to differences of treatment based on nationality.

Section 50 extends the definition of complainant to allow a parent or guardian of a complainant with an intellectual or psychological disability to act in place of the person concerned. Section 51 proposes a number of amendments to section 21 of the Act of 2000 to provide greater clarity and effectiveness to the operation of the redress procedures under the Act. Paragraph (a) is a technical amendment dealing with notification of the respondent. Paragraphs (b) to (f) make further technical amendments to facilitate the acceptance of late claims where there is reasonable cause or there has been misrepresentation by a respondent and to clarify the relevant date to be applied in a claim of prohibited conduct.

Section 52 inserts a new provision, section 21A, in the Act of 2000 to provide clarification that the date on which a claim or appeal is lodged is the date it is received by the director or Circuit Court. Section 53 provides for an amendment that allows for a method of appeal against a decision of the director to dismiss a claim because it has been made in bad faith or is frivolous, vexatious or misconceived or relates to a trivial matter.

Section 54 is a technical amendment to section 24(6) of the Act of 2000 to stipulate that an application for a resumption of a hearing shall be in writing and, where a notice has been issued by an equality mediation officer, to remove the requirement that the resumption request be accompanied by a copy of the notice. The amendment proposed in section 55(a) will

introduce a technical change to the operation of section 25 of the Act of 2000 to keep in line with amendments under the Employment Equality Act 1998. Where a set of circumstances gives rise to more than one claim of discrimination across more than one of the grounds, they shall be investigated as one case and, where one or more claims of prohibited conduct include a claim on the ground of victimisation, they may be investigated as a single case. It will continue to be the case that a decision shall be made in respect of each of the claims. A minor textual amendment is also proposed under paragraph (b).

Section 56 proposes the insertion of a new section 25A in the Act of 2000 to provide that any party to proceedings under section 24 or section 25 of the Act may be represented by an individual or body authorised by that party to represent him or her in the proceedings. Section 57 includes a minor technical amendment proposed under paragraph (a). Paragraph (b) adds a number of new provisions to section 27 of the Act of 2000, including a new provision at section 27(3) of the Act, which also deals with the issue addressed in section 55 of the Bill where one set of circumstances involves claims of discrimination on more than one discriminatory ground. In addition to investigating such claims as a single case, compensation will be awarded on the basis of a single case. It is also considered appropriate to exclude the Equality Authority, as a statutorily funded agency, from awards of compensation.

Section 58 will provide, in section 31 of the Act of 2000, that the respondent in a mediated settlement may apply for an order to enforce the terms of a settlement and that, where such an application is made by the Equality Authority, the court may award costs to the authority. Section 59 inserts a new section 37A in the Act of 2000 to empower the director to order a person obstructing or impeding an investigation or appeal to pay travelling and other expenses reasonably incurred by persons in connection with the investigation or appeal excluding expenses in respect of representation.

Section 60, which inserts a new section 38A in the Act of 2000, takes account of Article 8 of race directive, the effect of which is to place the burden of proof on the respondent where a *prima facie* case of discrimination has been established by the complainant. It is proposed that the provision will be applied to all nine discriminatory grounds.

I believe that the progressive and comprehensive nature of the legal and administrative framework for equality which the Government introduced in its previous term of office is endorsed by the legislation before the House. The prohibition of discrimination in both the workplace and the area of service provision on the nine grounds specified in the Employment Equality Act 1998 and the Equal Status Act 2000 continues to provide employees and individual

citizens of this country with greater protection than they could be sure of securing on the basis of EU citizenship. The proposed amendments to the 1998 and 2000 Acts are welcome extensions to our existing provisions and can be accommodated without tension or difficulty. Implementation of the race, gender and framework employment directives provides a welcome opportunity to review and expand the existing provisions in these areas, and to do so in the broadest possible way in terms of the grounds and circumstances in which discrimination is prohibited.

I look forward to contributions by Deputies on this important legislation and I commend the Bill to the House.

Mr. Deasy: This Bill aims to transpose three EU directives, the race directive, the framework employment directive and the gender equal treatment directive, and to amend the Employment Equality Act and the Equal Status Act. It is an amending Bill which makes a series of textual amendments. It has been posed as technical legislation. However, it is more than that, although every Bill is technical in nature. It was put forward as a Bill to transpose some EU directives into Irish law, but it is quite comprehensive.

We increasingly see a European influence on our legislation in this area. Increasingly, the impetus for legislative change is coming from Europe and not domestically. To some extent, it is an inherent part of our membership of the EU that this happens. However, it is regrettable that in the area of equality the Government, in some cases, has taken a back seat. It has not been the driving force behind change in this area. We have Europe to thank for many of the progressive developments in this area.

I read the contribution by the Government representative in the Seanad. I noted one sentence which read, as Members of the House will be aware, Ireland is already to the fore in its promotion and protection of the principles of equality and freedom from discrimination thanks to the quality, effectiveness and far-sightedness of our existing equality legislation. However, it seems that Europe is to the fore. Having regard to that quote, I must ask according to whom is that the case.

The Equality Coalition put together a submission on this Bill and made a presentation on it yesterday. It put a good deal of work into its submission which is quite detailed. Part of the reason for this is that it was given some time to scrutinise the detail of the Bill as a result of its being delayed for a few weeks. It was a good submission. In the context of transposing directives, what was billed and many perceived as a technical Bill, will, according to the Equality Coalition, reduce protection from discrimination for vulnerable groups. That is a weighty and profound comment for an umbrella group of many of the vulnerable groups in the country. We have gone from a technical Bill to something else.

[Mr. Deasy.]

The Equality Coalition states that a fundamental weakness is apparent in the existing Acts in that their provisions are only triggered if an individual is willing to take a case against an employer or service provider. It makes the case that several of our European counterparts have included statutory duties to promote equality, the benefit of which is obvious in that it prevents discrimination from occurring in the first instance and shifts the onus on compliance from individuals to the source of the problem which is, in many cases, to do with the practices of the employers and the service providers.

As I understand it, the central criticism of the Equality Coalition is that the Government has failed to oblige employers and service providers to take proactive steps to address these inequalities. It also claims that the Government will be able to discriminate against asylum seekers and certain migrants in respect of any aspect of policy or provision in this Bill. Again, that is a weighty claim to which I will return.

A colleague of mine, who is a Member of the Seanad, said that the Government is reactionary in regard to equality legislation. The Minister of State's response in the Seanad was spurious and exaggerated. He stated that in any of the trips he had made to Europe in the short period since we assumed the Presidency, he noted that our EU colleagues are astounded at the advances Ireland has made on equality legislation. I would like to know who these boffins are in Brussels who are in such awe of our brilliance in this area. It sounds like the comments made by John Kerry some weeks ago when he referred to foreign leaders as having said to him that he must beat Bush — he had to beat Bush. When he was asked which foreign leaders had said this, he could not answer. I would like to know who are these EU colleagues who are so astounded by our record in this area.

Mr. Costello: The Minister of State will tell us in his reply.

Mr. Deasy: Of course he will.

Mr. O'Dea: Is the Deputy doubting my word?

Mr. Deasy: In his speech to the Seanad, the Minister of State claimed to have consulted widely in this area.

Mr. O'Dea: That is true.

Mr. Deasy: He stated: "In preparing the legislation, I have consulted widely."

Mr. O'Dea: The Equality Coalition would differ with the Minister of State on that. It makes that claim that the legislation was introduced with little publicity and with no public consultation with groups representing marginalised groups. It goes on to state that, although the Government consulted the Equality Authority, to which the

Minister of State referred, and the National Consultative Committee on Racism and Interculturalism, most of their recommendations were ignored. The Minister of State referred to the NCCRI again today. He referred to information meetings on the directives organised by the NCCRI and other fora. However, they make the claim that it was not as widespread, detailed and in depth as has been made out and that many of the recommendations were entirely ignored. The notion that the Minister of State went out of his way to attend to some of these groups as he suggests is under question.

The area covered by this Bill requires sensitivity, balance, a willingness to avoid politicisation and, more importantly, a willingness to listen to every group and take on board their concerns because we are dealing with the most vulnerable in society. Those are qualities which are needed when dealing with this legislation. The Equality Authority also recommended to the Government that the structure of the Employment Equality Act be simplified, clarified and rationalised because it felt the legislation needed to be written in plain language for anyone interested or concerned with discrimination issues. Some of this Bill is technical but it will be difficult to understand for anyone without some legal training.

The Law Reform Commission recommended that where a statute amends a previous provision, the entire text of the amended provision should be set out. It pointed out that since the law ultimately governs ordinary citizens, it should be readily accessible and comprehensive to the layperson. While I have to support some of these provisions, as all parties will, there are some which deserve scrutiny because this is not just a technical Bill. The level of consultation which has taken place in this respect also deserves scrutiny.

Section 3 of the Equality Bill amends section 2 of the Employment Equality Acts. The danger here is that the proposed amendment includes a blanket provision which could enable employers to discriminate against prospective employees who are employing for work in a person's home for the provision of personal services. There is criticism of this exemption because most discrimination in employment takes place at the initial recruitment stage. The charge here is that this is in breach of EU law.

Section 9 amends section 16 of the Employment Acts in respect of the nature and extent of employers' duties to reasonably accommodate people with disabilities. Such measures need not be undertaken where there would impose a disproportionate burden on the employer. The real difficulty is that employers can take a host of factors into account when assessing "disproportionate burden". The list is pretty extensive and includes the financial and other costs entailed, the scale and financial resources of the employer's business, the number of persons who would benefit from the measures, any disruption which would be caused by them,

the nature of any benefit or detriment that would accrue to any person likely to be affected by them, the possibility of obtaining public funding or other assistance and any benefit that would accrue to the employer. Of these factors, only the first and sixth are mentioned in the recitals to the framework directive.

Section 47 amends section 7 of the Equal Status Act in respect of educational establishments. The effects of this section will be to prevent migrant workers and long-term migrants from securing higher education grants. These people are here legally and this provision affects a whole sector of society which would effectively be excluded from further and higher education grants.

Section 49 amends section 14 of the Equal Status Act. A serious concern has arisen in this regard because it would remove protection of the Equal Status Act from persons who are asylum seekers, former asylum seekers and persons with applications for leave to remain.

This would allow central and local government as well as public authorities and other statutory agencies to discriminate against this category of person with regard to certain measures and activities. Some people believe this to be contrary to the convention on the rights of the child of 1989, by which all children are protected from discrimination, irrespective of their legal status or the nationality or legal status of their parents. The European Convention on Human Rights is now part of Irish legislation.

The legislation revises some of the categories of exclusion allowed under the Employment Equality Act, specifically the very wide-ranging exclusions affecting the Garda Síochána. The upper age limit for entry into the Garda Síochána is now 26. Section 37 of the Employment Equality Act provides that those parts of the Act relating to discrimination on the ground of age do not apply to employment in the Garda Síochána. This should not be the case and it is not the practice in other European countries. The upper age limit in the United Kingdom is 52, in Germany it is 31, in Portugal 30, in Denmark 27, in Luxembourg 45 and in Austria 40. Sweden, Finland and Spain do not have an upper age limit. Most police services in the United States do not have an age restriction. Does this legislation put an end to the upper age limit for entry into the Garda? Will people over the age of 26 be allowed to join the Garda? In answer to all my parliamentary questions in the past year the Minister said this matter would be dealt with in this legislation. Can the Minister of State clarify this matter?

I have been contacted by the Irish National Teachers' Organisation with regard to section 37(1)(b) of the Employment Equality Act. The INTO and others have claimed that this paragraph is unspecific and could, inadvertently, allow for discrimination in the areas of marital status, race, disability, sexual orientation or age.

I welcome the inclusion of the motor insurance measure in the Bill. The Minister of State has referred to cases of unreasonable treatment of

young drivers who were refused a quote by insurance companies. It is also unreasonable to expect young drivers to find €3,500 every year to pay their insurance premium.

I withhold support for the Bill until some of these issues are addressed. The submission from the Equality Coalition should be examined. It contains some serious claims, particularly with regard to migrant workers and asylum seekers. I would like to hear the Minister of State clarify these issues.

The Government claims that there has been widespread consultation and deliberation with all concerned groups. If that claim is to have any credibility, attention must be given to these concerns as the Bill proceeds through the Oireachtas. Some concerned groups claim that the Bill is regressive, contrary to the Government's claim that this is totally progressive legislation.

Mr. Costello: I have never read a Bill quite like the Equality Bill 2004. It consists of a series of amendments from start to finish. The Bill seeks to amend the Equality Act 1998, the Equal Status Act 2000 and various Council directives and regulations. Why did the Minister of State not draft a consolidation Bill to collect, enunciate and articulate the principles and practices of equality which now pertain to Irish society under the law, and present a new equality framework and code? Instead of producing a coherent text in a consolidation Bill, the Minister has presented a patchwork of provisions. The Bill is a lawyer's dream and a citizen's nightmare. It is the most confused and confusing Bill imaginable. This is not good enough.

The Minister of State's private legislation factory, the Department of Justice, Equality and Law Reform, is constantly producing legislation. Between 30% and 40% of all the legislation which comes to the House comes from that Department. It is about time someone in the Department read the recommendations of the Law Reform Commission, which are that legislation should be written in an accessible and intelligible form — in plain English.

This Bill is another act of discrimination. It discriminates against the ordinary citizen who is entitled to access matters dealing with equality and discrimination in an intelligible form. The only way to understand this legislation is to have it explained by a lawyer. That is a new form of discrimination. We have added a tenth form of discrimination to the existing nine. This legislation should have gone back to the drawing board before being presented to the Oireachtas. Imagine the hardship imposed on an ordinary person who reads this Bill and sees that almost every section is an amendment to a section in earlier legislation. To understand each section one must find the section to be amended in the original legislation. How can anyone produce a Bill like this and expect it to be accessible to the ordinary citizen? The Minister of State should

[Mr. Costello.]

replace it with a coherent text which we can all read and understand.

Despite the format of the Bill, some of the substance of the Bill is welcome, some sections do not go far enough and some raise serious concerns. Most disturbing is the fear that some of the Bill's proposals could be used to water down existing equality legislation. We could be regressing instead of progressing in a number of areas. This cannot be allowed to happen, which is why changes must be made to the Bill. This is a worrying trait in the Government and should not be tolerated in legislation related to equality. We have seen legislation emanating from the Department of Justice, Equality and Law Reform which is rowing back the concessions and entitlements for asylum seekers and travellers that have been hard won in the past, and this legislation does some of the same.

It was the French novelist Balzac who stated, "Equality may perhaps be a right, but no power on earth can ever turn it into a fact". He penned that quotation in the 18th century and it is still relevant in the 21st century. Despite years of campaigning, books being written and legislation produced, discrimination in all its ugly forms is still widespread. It is ironic that despite debating a Bill on equality, there are sections of legislation which are at odds with other legislation, all of which relate to the Equality Bill 2004. The basic aim of this legislation should be to ensure the equal protection of every single individual through a single legal code. However, there are clashes between some of the proposals contained in the Bill and other legislation which cannot exist together.

Policies contained within EU directives are only the minimum standards to be adopted by a member state, and only define the general framework within a policy area. EU directives should not encourage discriminatory legislation. However, it must be noted that the Government has dragged its heels on implementing the EU directive on anti-discrimination at work which was agreed in November 2000. This directive prohibits all forms of direct and indirect discrimination in employment or occupation. The Government agreed to put this legislation on to the Irish Statute Book by December 2003, but of course, nothing happened. My colleague, Proinsias De Rossa MEP, raised this issue recently and has formally called on the European Commission to begin the process of initiating legal action through the European Court of Justice against the Minister, Deputy McDowell, for this failure.

Mr. O'Dea: He needs to draw attention to himself as there is an election approaching. The other lady is getting all the publicity.

Mr. Costello: He would not have the opportunity if it was not there for him.

Mr. O'Dea: We did not hear one word from him in the past five years.

Mr. Costello: In all decency, the Minister should deprive him of that opportunity. This is not the only directive on equality issues which has been ignored by the Government. The EU directive on race discrimination was to be implemented into Irish law by July 2003 — I must remind Mr. De Rossa of that one as well. The only action taken by the Government thus far has been to send a copy of this Equality Bill to the Commission. Mr. De Rossa asked the Commission if it had been in contact with the Irish Government over its failure to implement the equal treatment between persons without racial and ethnic discrimination in employment and society. He was informed that the Government had notified the Commission and that changes had to be made to the Employment Equality Act 1998 and the Equal Status Act 2000 to ensure all compliance with anti-discrimination directives. This is not enough for the Commission, which has formally initiated infringement proceedings against Ireland for its failure to act on the directives. The Minister might make a reference to that when he sums up.

The Minister referred in glowing terms to the National Consultative Committee on Racism and Interculturalism, the NCCRI, claiming to have consulted it. However, the NCCRI claimed last year that the delay was unacceptable. It claimed that implementing the directive would greatly increase the scope and level of protection covered by the Equal Status Act 2000. As Deputy Deasy stated, the Minister honoured the consultation with the NCCRI more in the breach than in accepting its recommendation. It is one thing to consult but another thing to act on consultation in a positive fashion.

Since 1977, gender discrimination in the workplace has been made illegal except under exceptional circumstances. These circumstances include the appointment of a female ambassador to Iran, a country that would not have accepted a woman in that position. To forbid a woman from occupying this post was lawful under this law. However, there is now a section in this Bill which states that someone may be refused a job due to gender when justified by occupation. Is that not an unusual criteria to introduce in the Bill? This is completely wrong and is entirely out of place within the confines of an equality Bill. This section is out of sync with EU directives and will be opposed by the Labour Party.

The anomalies identified by the Labour Party include those in the Equality Bill 2004 and the social welfare provisions Bill. This concerns equality and the terms and conditions of pensions. This is based on the original Employment Equality Act 1998 and does not reflect provisions made in the Equality Bill 2004. If passed, the two Bills will contradict each other and the codes of law. This must be amended on Committee Stage when the Minister should

amend the social welfare provisions Bill to reflect the Equality Bill 2004.

As things currently stand, most equality cases go to the Equality Tribunal and the Labour Court because of the requirements of European law on foot of Marshall II. Under the law, someone pursuing a case can take it to the Circuit Court which is provided in the Equal Employers Act 1998. Since then, there have been several directives in EU law apart from gender and including race. Under Marshall II the Labour Party believes that someone who brings a claim on race discrimination should have the right to go to the Circuit Court, not because this is the only way forward, but rather if it is not done the Bill will be contrary to EU law. It will also mean that a sanction with a ceiling of IR£10,000 is ridiculously low in certain circumstances. Access to the Circuit Court should also mean that the existing ceiling should be replaced with one that is proportionate to the offence.

It is now widely recognised that the model used in Ireland relies on people who realise that they are suffering discrimination and are willing to take a case against their employer. Like other European countries, we should include hard-hitting measures in this legislation to prevent discrimination occurring in the first place. This is where much work needs to be done as it is missing in the legislation. What are the obligations of the State to ensure that there is compliance in social and educational terms and in access to goods and services?

Section 37 will have to be repealed. It seeks to confine the positions where religion is a genuine occupational requirement. Deputy Deasy referred to this as something with which the INTO has concerns. The Labour Party believes that this will give church controlled schools the right to discriminate on the basis of the categories outlawed in other circumstances, namely, categories such as race, religion, marital status, family and parental status, sexual orientation and so on. We cannot approve legislation which gives a *carte blanche* for discrimination in our schools. It is a backward step in equality legislation.

Section 50, which seeks to reduce the protection to members of the Traveller community, should be removed entirely from this legislation. This is one of the sections which would dilute the equality protection granted to sections of our community on the basis of race. For example, it would allow hotels to discriminate against individuals where the hotels believe "the customer would produce a substantial risk of criminal or disorderly conduct or behaviour or damage to property, at or in the vicinity of the place in which the goods or services are being sought". This means that the onus is on the customer to prove his or her good character, which is clearly discriminatory and leaves the matter open to an incredible degree of subjectivity and abuse.

Section 9 of the Bill will go some way towards ensuring that employers take effective and

practical measures to adapt the workplace to make reasonable accommodation for people with disabilities. That means that the large percentage of companies which have so far ignored their responsibilities and obligations to workers with disabilities, will now have to be more accommodating to people with disabilities or face a financial fine. There is now a legal requirement on them to make adaptations and to provide specialist equipment in the workplace. However, more needs to be done to ensure that happens. The phrase "disproportionate burden" is a caveat which undermines the strength of the proposals in this section. The danger is that it may be easy to get around them.

Up to now only 10% of Irish companies have voluntarily carried out this work. That has had a lot to do with the fact that the current legislation states that facilities only have to be provided at a nominal cost to the employer. That has allowed employers to escape their responsibilities. That get-out clause has been used by companies to do nothing. I welcome the fact that the legislation tightens up that area. We must ensure the Bill brings about higher compliance. In addition, many employers are completely unaware that grants are available to carry out work to make their premises more accessible to workers with disabilities. Recent research indicates that eight out of ten employers do not know about the workplace equipment or adaptation grant. Many of these employers are unaware of the many other supports available to them, such as the employment support scheme, the employee retraining grants, the personal reader grant, the job interview/interpreter grant and the employers' PRSI exemption scheme for recruiting workers with disabilities. It is important that a full and detailed information campaign is undertaken without delay to highlight the grants and facilities available to employers. That is more important than passing legislation.

Concerns about this section have been raised by the Equality Coalition which consists of 26 organisations. It briefed us yesterday about its views on what is appropriate in the legislation, what is missing from it and what needs to be amended. It came up with 46 amendments or recommendations which should be introduced. There has not been widespread consultation on this issue. One of the concerns is that employers under this legislation will be able to take into consideration the number of persons who will benefit from these measures. The coalition further believes that the rights of disabled people should not be considered in the way they are. To illustrate that point, it suggests that this measure should not be used to promote equality between men and women. If an employer has 20 staff, two of whom are women, it is not acceptable not to provide a women's toilet because only two people would use it. It is not tolerable, therefore, that this argument should be used against people with disabilities.

[Mr. Costello.]

One disturbing aspect of one of the more positive sections of the Bill is the proposed permission granted to employers to pay people with disabilities less per hour than their so-called able bodied colleagues on the grounds that their input is less. Despite reasonable tests being employed, this is clearly open to abuse. This is another section of the Bill which the Labour Party will oppose. It means that while the Bill affords some rights to particular sections of our society, it takes away rights which were fought hard for from other sections.

When talking about equality, it is important to highlight the fact that despite years of legislation, women are still earning less than men. CSO figures published in June 2002 reveal a continuing significant gender pay gap. The national figure is 28.4%. In June 2002 the average hourly rate for male industrial workers was €13.77, while it was only €9.86 for women. It is estimated that this gap can mean a loss of more than €0.25 million during a woman's working life compared to her male counterpart. Women are often overrepresented in the low-paid sectors and have less opportunity to pay for ongoing education and training, which will limit the opportunities open to them. This situation is set to continue until the issue of child care is properly dealt with once and for all. The ICTU has found that 72% of women who work part time do so because of child care costs. That is an incredible figure. Such women, who should get the full protection of the State because it encourages them to return to the workplace, are left with the full burden of child care costs and responsibilities.

The constitutional entitlement to pre-school education has not been properly addressed in this or other legislation. The Constitution states that the State will provide primary education. Primary education is not what we describe as national school education, but the primary education of the child, which begins before the age of four when the child goes to primary school. The State does not make any constitutional provision for pre-school education, which is primary education. Surely that is a right and an entitlement which is guaranteed under the Constitution. The most basic form of discrimination against women is in the areas of child care and pre-school education. Women must deal with the entire burden of costs without any State assistance, despite the State's guarantee in the Constitution to ensure that the children of the nation receive primary education.

The ESRI also found during 2002 that single women earn 5% less than single men, married women earn 90% less than married men and single women earn 25% less than married men. We are way down the line in terms of gender discrimination. This pay gap is wider in the private sector than the public sector and between men and women who have either no or low educational qualifications. The gap is narrower for those with third level qualifications, which highlights the importance of being able to access

educational opportunities. There is also discrimination of non-nationals in higher education. One reason given for the significant pay gap is the fact that women are more likely to have breaks in their working lives, such as maternity leave, which leaves gaps in their employment history and takes its toll on long-service awards, pay bonuses, promotions and overtime. That has an impact on women's lives throughout their careers. These are all equality issues.

In addition, the ESRI found that women dominate the low-paid, part-time sector for a number of reasons. Sometimes it is because of lower qualifications and the need to balance their home and working lives, as well as child care and pre-school costs. This problem can be addressed. However, the Government has continually attacked and eroded the measures which address this disparity. It cut the CE scheme; it introduced the savage 16 cutbacks in the Department of Social and Family Affairs, which we discussed last night; it abolished the crèche supplement; it refused lone parents the transitional half-way social welfare payment when they move from social welfare back to the workplace; it extended the period of time someone must be on social welfare before he or she qualifies for the back to education allowance; and it discontinued the entitlement to the half payment of disability and unemployment benefit where the recipient is in receipt of a widow's or widower's pension or the one-parent family payment. These are hidden incremental discriminations which have been introduced gradually and stealthily in recent years by the Government.

Questions must also be asked about the role of women in management positions. Let us take the example of the nursing profession which has been

dominated by women for many years. Despite only 9% of nurses being male, men still make up 50% of senior nursing posts. While 40% of psychiatric nurses are male, men held approximately 88% of the senior management posts. Within the teaching profession, which has been dominated by women for generations, there has been a consistent failure by school boards to appoint women to management positions. There is something wrong with this picture. Positive action must be taken to address this glaring imbalance and proposals must be brought forward to increase the number of appointments of women to management positions at all levels.

The Equality Coalition expressed its concern about a range of areas. Will the Minister indicate if he has met the Equality Commission and if he has looked at the 46 recommendations it made? Chapter 6 of the Good Friday Agreement requires that the Irish Government ensure at least equivalent protection of human rights as will prevail in Northern Ireland. This protection extends to protection against discrimination. What steps has the Minister taken to ensure we

are not out of line with the commitments under the Good Friday Agreement in this respect?

The Minister did not mention if he had consulted the Irish Human Rights Commission. The establishment of that body was one of the results of the Good Friday Agreement. It was established to ensure that a high level of human rights pertains in this jurisdiction while its counterpart in Northern Ireland ensures that a corresponding level of human rights pertains in Northern Ireland. The Minister does not mention consulting the commission even though it was set up to proof legislation on human rights and equality.

There was an article in *The Irish Times* yesterday by Professor William Binchy who is a member of the Irish Human Rights Commission. He took grave exception to the Minister's proposals on changing entitlement to Irish citizenship through a constitutional referendum. Major exception has been taken by the Irish Human Rights Commission to almost all legislation from the Department of Justice, Equality and Law Reform. The Minister has either not consulted the commission, turned a blind eye to it or simply disregarded its comments. It is one thing to do that with a non-governmental organisation but another to do so with a body that has been established on a statutory basis. Perhaps the Minister will explain what role the commission had in the consultative process prior to drafting this legislation. He said it had been a broad consultative process.

A range of issues will have to be dealt with on Committee Stage. The Bill does not fully transpose the obligations under the European Union directives as it should. In many cases, the Bill will reduce protection for some vulnerable groups. It allows discrimination by an employer, for example, in the provision of personal services within the home. This is a major area of employment, especially for women. The discrimination permitted in the legislation is too obvious.

There must be a tightening of the phrase "disproportionate burden on the employer" as a ground for not making provision for the disabled in the workplace. It is too vague, ambiguous and open to abuse. The sanctions are too lenient. The ceiling of €10,000 is ineffective in many cases against a large employer. Some anti-discrimination cases should, as the directive suggests, be allowed to go to the Circuit Court.

Section 47 allows the Minister for Education and Science to discriminate on the basis of race in providing further and higher education grants. That rolls back the Equality Tribunal decision of 2003 which demanded that the Minister extend the availability of grants in that respect. The Minister has contracted it. The Minister suggested that he will introduce an amendment in respect of section 49, which allows statutory bodies, local authorities and the Government to discriminate against non-nationals and asylum

seekers in certain areas. I will wait to see the Minister's amendment.

It would be useful if greater emphasis were put on the obligations of the State and State agencies with regard to their functions in providing social protection and protection in the areas of education and grants, the workplace and access to goods and services. These should be presented as formal obligations. These matters are missing from the legislation.

Much of the Bill is welcome but the format in which it is presented is unacceptable. It is time that the people drafting the Department's legislation — there must be a bevy of them given the amount of legislation that has been produced — give consideration to producing legislation in reasonably intelligible and accessible English. This Bill is nothing of the sort. I hope we will be able to amend it to some extent on Committee Stage.

Mr. F. McGrath: I wish to share my time with Deputy Ó Snodaigh and Deputy Cuffe. I welcome this debate. It is important that we have a wide ranging and open debate on equality issues. If we are serious parliamentarians, we must agree on one political and social objective, that is, equal treatment of persons regardless of racial or ethnic origin or of disability or gender. That is the bottom line before dealing with the detail of the legislation.

Equality is a broad issue and this Bill allows us to examine many aspects of it. The problem of racism arises when discussing matters relating to racial or ethnic origin. Sadly, it is now emerging in Irish society and in Europe generally. When discussing this issue, it is important that politicians, regardless of where they sit in the House, show positive leadership and reflect the views in the debate in a strong and objective manner. In recent days, however, with the debate about the possibility of holding the referendum on the same day as the elections, there has been a great deal of concern about this issue being raised again. On a recent walkabout in my constituency a few days after the referendum announcement, I was called all sorts of names and given much racist abuse because of my support for immigrants and asylum seekers in this country. I urge all Deputies to be calm and cautious, especially in their use of language. Ministers, especially the Minister for Justice, Equality and Law Reform, should be cool and use common sense in the debate.

We must be learn about the reality of the situation. There is constant reference to the maternity hospitals but the reality is that 2% of the births last year in the Coombe Hospital were to non-nationals. The broader figure of 22% is often used for the number of such births in other hospitals. The vast majority of the births in this 22% are to non-nationals who are either working or living legally in Ireland. We should bury these myths when discussing this Bill. It is most important.

[Mr. F. McGrath.]

I broadly welcome the Bill. It will make significant changes to Ireland's equality framework and amend provisions in the Equal Status Act 2000 and the Employment Equality Act 1998. The main purpose of the Bill is to implement new principles from European Union Council directives on equal treatment, on race, employment and gender. I fully support the debate on the legislation. However, I do not believe the Bill fully implements obligations under the EU directives. Further, what many perceive as technical legislation will reduce protection from discrimination for vulnerable groups. The Equality Tribunal investigates and decides on anti-discrimination cases. However, this Bill rolls back decisions the Equality Tribunal made.

The Equality Authority has recognised that the Bill represents an opportunity to enhance Ireland's equality legislation. However, the Government has chosen to ignore most of the recommendations. Many people, especially those in the education sector and the trade unions, have concerns about section 37(1) of the Employment Equality Act 1998 and have sought its deletion from the Act. The Bill as initiated does not do so. Amendments will be tabled on this issue. I will seek to have the application of section 37(1) confined to positions where religion is a general occupational requirement and to make it clear that the only discrimination allowed under section 37(1) is on the grounds of religion and that discrimination is not permitted on other grounds under the section. My wording in the proposed amendments reflects the terms of the European directives now being transposed into Irish law. These amendments also have the support of the executive council of the ICTU. I urge the Minister to consider this position seriously.

In the context of the Bill I also raise the issue of disability which is directly linked to it. There are thousands of people with intellectual and physical disabilities in this State who are not treated equally. This is an opportunity to ensure that they are given genuine equality. There are nearly 3,000 people with intellectual disability awaiting services. I hope the broader disabilities Bill is published out before the Easter recess because many people are waiting for it. The Disability Federation of Ireland contacted me on this issue and I gave a commitment that I would raise it in this debate.

Since July, there have been a number of deadlines, the first of which was in November. The Minister met the DLCG in late November to give a commitment to publication on 27 January when the Dáil resumed. That meeting was told there would be a delay of a week or so. On 17 February at a meeting between the DLCG and senior officials from the Department of Justice, Equality and Law Reform, it was stated that publication was likely within a few weeks. It was further explained to me that it would be weeks

rather than months. It cannot now be published until late March at the earliest. These repeated delays are not simply causing frustration. They are feeding a growing cynicism about the intentions of the Government in this regard.

I remind the Government that it stated its commitment in its programme for Government and again in Sustaining Progress as follows:

A Disability Bill will be published by Autumn 2003, with a view to its enactment by end 2003. Implementing the proposed legislation will require an integrated and concerted cross-departmental approach and action.

Sustaining Progress was published in February 2003. It committed to publication of a Bill within six months of that agreement. The same time span has now passed again, along with numerous deadlines. Will the Minister ensure the Bill is published? This is linked to the question of equality. It is essential that all taxpayers and people who depend upon the State for their existence, including the elderly and the disabled, must be treated equally and have their rights as citizens respected. Further delay on this issue is unacceptable.

I highlight the high unemployment rate among people with a disability in this State. Between 60% and 70% of such people are unemployed. This is unacceptable. There are many talented people who are disabled and have a significant contribution to make, as evidenced by the valuable work of those who have jobs. I compliment groups such as Dublin City Council that have exceeded the 3% quota. In Dublin City Council, people with disabilities comprise 4.6% of its 67,000 strong workforce. There are examples of good practice in bringing about equality as a reality for people. The issue of disability needs to be strongly emphasised in discussing this legislation.

It is stated that the purpose of the Bill is:

... to amend the Employment Equality Act 1998 and Equal Status Act 2000 ... to give effect to Council Directive 2000/43/EC ... implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC ... establishing a general framework for equal treatment in employment and occupation and Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending the Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

I want to focus on equality as it affects women. There is much talk in the broader society about the high-tech, strong and vibrant economy with many jobs. The significant contribution of women to the development of the economy and the State

generally must also be acknowledged. In terms of vocational training and employment, it is important to ensure that every person in this State is given the opportunity to develop to their maximum potential. If we are to have equality, we must have regulations and supports in place to ensure that people get an equal opportunity in life and can live out the ethos and vision portrayed in this legislation. It is important to remind ourselves that people are being born in hospitals throughout Ireland who will not have the same opportunities as others.

I welcome the opportunity to debate this Bill. It is important that the Minister of State listen to the ideas being put forward. I also urge the necessity for a balanced, cool and rational debate on the race issue.

Mr. Cuffe: There is an air of begrudgery about the Minister of State's speech to the House. He opened by saying that this legislation is intended to meet Ireland's obligations. In saying that, he is laying down a marker that he does not intend to go beyond merely meeting those obligations. Those words betray the false ideology of the Government. Its policy betrays an absence of leadership and an abundance of arrogance. In many respects, the Bill simply sets down the minimum requirements for dealing with the European directive. That is not good enough for those who are discriminated against, nor is it good enough for a Government that has stated on paper that it tries to go beyond minimum obligations.

Equality in its rawest form should be a freedom from discrimination. It should be equal treatment under law, equal status and equal rights. In many aspects of the Bill there is that begrudging tone that simply tries to meet the minimum requirement of the European directive. What role is Ireland to have in Europe? What role are we to have in terms of the European Presidency if we simply try to comply with the minimum requirement of what Europe tells us to do? Ireland, especially during the Irish Presidency, should be a beacon and shining light for equality throughout Europe rather than slavishly trying to adhere to the minimum guidelines.

Ireland is unique in Europe in so far as the laws in Ireland on discrimination come into effect only if an individual takes a case against an employer or a service provider. An obvious case of discrimination is not addressed unless a claim is pursued. That is at odds with the way these issues are handled in the rest of Europe. Our European counterparts addressed this inadequacy by including statutory duties to promote equality in the legislation. I do not believe that is in the text of the legislation before the House today.

I was overwhelmed by the strength of concern expressed by the 26 groups which addressed us in Leinster House yesterday about many aspects of the legislation before the House today. They were Age and Opportunity, Amnesty International, the Community Workers Co-operative, the

Dominican Justice Alliance, the equality studies centre in UCD, the European Anti-Poverty Network, Focus Ireland, the Forum of People with Disabilities, the Free Legal Advice Centres, the Gay and Lesbian Equality Network, Integrating Ireland, the Immigrant Council of Ireland, the Irish Council for Civil Liberties, the Irish National Organisation for the Unemployed, the Irish Refugee Council, the Irish Traveller Movement, the National Women's Council of Ireland, the National Lesbian and Gay Federation, the National Traveller Women's Forum, Nexus, the northside law centre, One Family, One Parent, Outhouse, Pavee Point and the Wheel. Most of these groups have contacted us on various issues over the years but apart from one incident last year, this is the only time they have united to inform us of their deep concerns about this legislation.

I was overwhelmed by the strength of the views put across to us yesterday. Martin Collins from Pavee Point expressed deep concern that the Traveller community could face further discrimination, just as it did with recently passed legislation. He was concerned about the way people over the age of 50 would be treated. His concerns are real, as are the concerns of lawyers working for organisations from FLAC. I do not believe the type of concerns they have expressed to us are being addressed in the legislation.

One of the concerns put to us was about the use of specific wording in the legislation. The phrase "would put persons" was used as an example. I will come back to that in a moment but it involves the minimum requirements of implementing the directive rather than trying to go beyond those minimum requirements. As a prelude to the Bill we believe there should have been consultation with all of these bodies prior to bringing in the legislation.

This Government has characterised itself by an absence of White Papers on the crucial issues of the day. When it comes to immigration the Minister for Justice, Equality and Law Reform says we will hold a referendum, probably in ten weeks. Why do we not have debate? Why do we not have a White Paper on these crucial issues? If ever there was an issue that needed a long and informative discussion with full consultation, it is the issue of equality. We are concerned that we have not had, within the lifetime of this Dáil, sufficient discussion and information to inform us adequately of what is being proposed.

I do not wish to go into too much detail on the various amendments my colleagues and I will table on Committee Stage but I will give one or two examples. The Bill fails to address discrimination in the recruitment process. Job applicants may be discriminated against because of the potential employer's own prejudices. Respect for family life is no justification for a total ban to enable employers engage in discriminatory practices.

I am very concerned that those workers who provide domestic services may encounter deep

[Mr. Cuffe.]

prejudice from a potential employer. The stereotypical people who work in the home these days, frequently recent immigrants to Ireland and most often women, are facing the possibility of significant discrimination by a potential employer in regard to their work in the home. I am concerned that the area of domestic workers is not being addressed in sufficient detail in the legislation before us.

In terms of the maximum awards that can be paid out, we are concerned about the maximum amount of compensation, which is 104 times the weekly salary. Keynote cases should lay down a message for potential employers, and a maximum limit should not be put on the amounts that can be paid out in those cases because it is crucial that employees are made fully aware through the law, the media and their employers that the penalties can be severe if they ignore the law. That provision should be put into the legislation.

Section 45 states: "...where an apparently neutral provision puts a person referred to...at a particular disadvantage..." That should be broadened to read: "...where an apparently neutral provision would put the person referred to at a particular disadvantage". It is not good enough to address the imbalance and inequity in a real situation. The legislation must anticipate the possibility of that happening, and the law must address that possibility. We shall seek that amendment in the legislation.

In terms of what needs to be added to the Bill, the functions of the State should be included in the definition of services in the Equal Status Act to ensure it complies with the race directive. Article 14 of the race directive includes an obligation on member states to take the necessary steps to ensure that any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished. This has not been implemented in the Bill.

The three directives require member states to ensure that associations, organisations and legal entities with a legitimate interest in ensuring compliance with the provisions of the directives may engage in any judicial remedies and provide administrative procedures for the claimant. However, there is no provision in the Bill for trade unions and NGOs to initiate cases on behalf of the individual or represent them in the District Court and the Circuit Court. We see that as a significant failing that needs to be addressed in the detailed consideration of the Bill.

My party and I broadly welcome the main provisions of the Equality Bill 2004. The Bill's main purpose is to transpose EU directives on race, employment and gender but it fails to fully transpose the directives, and that is where our main problem lies. We are concerned that the Government is again trying to regress Ireland's approach on these directives and that we are moving backwards in several distinct aspects of the Bill which I intend to go into on Committee Stage.

I welcome the broad provisions of the Bill but I am concerned that it is clawing back many of the gains fought for with great difficulty over many years. I look forward to tabling specific amendments to the Bill.

An Ceann Comhairle: There are nine minutes remaining in the slot. We are moving on to Question Time. Does Deputy Ó Snodaigh want to take a minute of the time now or wait?

Aengus Ó Snodaigh: I will wait.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Emergency Planning.

1. **Mr. McGinley** asked the Minister for Defence the membership of the Government Task Force on Emergency Planning; the number of meetings held since its inception; the meetings that have been held since the Madrid bombings; and if new initiatives are being adopted to secure the safety of citizens and our territorial integrity. [9342/04]

2. **Mr. Sherlock** asked the Minister for Defence if he will outline the work of the office of emergency planning; if the office intends to take new initiatives in view of the Madrid bombing atrocity; and if he will make a statement on the matter. [9397/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 1 and 2 together.

Before answering, I would like to extend my condolences to all those who died and were injured in the terrible events which occurred in Madrid on 11 March. I am sure the House will join with me in condemning unreservedly this horrific attack on innocent people going about their ordinary business.

The Government Task Force on Emergency Planning, which I chair, was established in October 2001. The membership of the task force includes senior officials of Departments, senior officers of the Defence Forces and the Garda Síochána, and key public authorities which have a lead or support role in Government emergency planning. The work of the task force continues and there have been 30 meetings to date. The most recent meeting was held on 18 February 2004 and I will chair the next meeting later this afternoon.

The office of emergency planning maintains direct contact with all Departments responsible for emergency planning through an established first point of contact mechanism, set up and maintained by the office since 2001. Following the Madrid bombings, the office of emergency

planning availed of these established contacts to seek relevant information on the State's preparedness in response to such incidents and I await reports at the task force meeting later today. Departments have been regularly asked to look at the issues concerning their plans and to report to the task force.

Planning for major accidents and emergencies has been ongoing for many years at local level and co-ordinated on a regional basis, in accordance with the Government major emergency planning framework. As chairperson of the task force, I requested all authorities to review their emergency plans and revise them as appropriate. This has led to a thorough examination and evaluation of emergency plans to ensure that arrangements are current and effective.

The focus of this work continues to be on taking the necessary precautions to, at best, prevent or, at least, minimise the risks from terrorist activities, ensuring that the protection available to the people is maximised, putting mechanisms in place to support the response agencies and providing co-ordination for maximum efficiency and effectiveness.

A critical issue in an emergency is issuing adequate and timely warnings and providing the necessary information to the public on threatened or developing emergencies. Television and radio broadcasting will be the key means of contact with the public in such circumstances but all other means of communication will also be used. The office of emergency planning was established following a Government decision in October 2001. The office continues to work with Departments and other public authorities to ensure the best possible use of resources and compatibility between different planning requirements. A key area of activity is oversight of emergency planning, to refine and develop the arrangements that exist, continuously to improve them through review and revision, and generally to provide the basis for increased confidence in the emergency planning process.

The objective of the Government is to ensure that all State bodies can react quickly and efficiently to any large-scale emergency. I continue to take the approach that such responses should be characterised by effective management of all aspects of emergency planning and by a high level of public confidence in all the response arrangements. I am pleased to report that there continues to be excellent co-operation between my Department and all other Departments and agencies through these mechanisms.

I continue to report regularly in confidence to Government on emergency planning, most recently last October. That report noted that the year had been one of consolidation of emergency planning development. Steps are being taken to build on the work done since 2001, to formalise the arrangements in place and lay the groundwork for the future. Those involved, principally the Garda Síochána and the Defence

Forces, continue to monitor potential threats to the State arising from international terrorism.

The Garda authorities assess the terrorist threat to Europe from Islamic extremists as high but that is reduced in the Irish context. Awareness that the situation could change rapidly, and with little warning, has ensured that vigilance is maintained. International linkages have also been important as a means of sharing expertise and resources. The European Union continues to develop a programme to improve co-operation within the Union and candidate countries, to prevent and limit any consequences of chemical, biological, radiological or nuclear terrorist threats. The EU civil protection mechanism and other international mechanisms provide Ireland with some warning and alert systems and mechanisms for helping in emergencies. The Taoiseach, in his role as President of the European Council, recently issued a statement on proposals to counter terrorism in the aftermath of the 11 March terrorist attacks in Madrid. These proposals will inform the discussions taking place at the European Council meeting being held today.

Mr. McGinley: I would like to be associated with the Minister's remarks of condolence to all those who suffered and to the families of those who lost their lives in the Madrid atrocity. Who knows where such an incident will happen next? Does the Minister agree that our approach to security and defence is fragmented and is there any way co-ordination could be improved? For example, two committees deal with this, the National Security Committee that deals with assessment or review of threats and the task force the Minister mentioned. In the wake of the Madrid bombing does the Minister consider it a good idea to put the office of emergency planning on a statutory footing, as the Taoiseach suggested in a recent Dáil statement?

In a report delivered to Government last October, the emergency planning service criticised the piecemeal approach to planning for emergency here. It recommended that a single body with responsibility for security be established and report to the highest office in Government. This has happened in several countries since the terrorist attack on the World Trade Centre on 11 September 2001. Has the Minister considered this report? Does he accept its findings that weaknesses in Ireland's emergency planning were highlighted by the way in which the SARS threat was handled? The report also states that the Government reaction to a possible nuclear alert highlighted the inadequacy of our preparations. Following the mass circulation of iodine tablets in 2002 will the Minister describe what other preparations are in place to counter the threat posed by a terrorist attack on a nuclear facility, for example in the United Kingdom. Does he feel that we are prepared to deal with such an eventuality on our own?

Mr. M. Smith: The National Security Committee reports to the Taoiseach and Government on high level security issues but is not involved in the operational security activities whereas the task force is directly involved in the co-ordination of the type of operation and emergency plans which must be undertaken. There was a recommendation that this could be co-ordinated by a single statutory organisation. This would be very difficult in practice. For instance, the Department of Health and Children dealt with the anthrax scare, with regard to protocols and the testing in the United Kingdom and the protective suits purchased for the Army and the gardaí investigating these matters. Almost all those events were hoaxes.

With regard to aircraft one must consider security of the cabin of the airport which is the responsibility of the relevant agencies. The Department of Agriculture and Food handled the outbreak of foot and mouth disease. The Department of the Environment, Heritage and Local Government deals with flooding and similar problems and, together with the Radiological Institute, it also responds to nuclear incidents. When one pieces together the various types of threat, one sees the need to involve specialists appropriate to each. For example, to deal with the threat of smallpox, the Department of Health and Children must purchase medicines, set up protocols, decide on isolation hospitals, train staff, and decide on the course to take. I will not rule any suggestions in or out but will listen to everything and do the best I can. The best approach is to allow the agencies and the Departments with distinct responsibilities, provided they are well managed and resourced and have the right information, personnel and so on, to deal with the matters.

Mr. Sherlock: I will be brief and will accept a short reply. We are all deeply shocked by the recent Madrid bombings which took 200 lives and we extend our deepest sympathy to the Spanish people on their terrible loss.

The Minister said that the task force has met. Without wishing to create alarm, the Madrid bombings show that no area of Europe is not at risk. In light of those bombings, has the task force undertaken any risk assessment of the situation here? Is there co-operation between the Garda and the Army and is there any plan to deal with the risk of terrorist attacks?

Mr. M. Smith: Bearing in mind that the Garda is primarily responsible for security issues, it is supported by the Defence Forces whenever the need arises or a call is made on them and there is considerable co-operation between them. The co-operation is fundamental and works excellently without difficulty.

The first item on the agenda of each meeting of the task force is risk assessment. Usually, the Deputy Commissioner who has carried out the assessment reports to the task force. Each time

we have asked for a report we have been informed that the risk is low. However, we have no scope for complacency and must be constantly vigilant. The Islamic threat to parts of Europe is estimated to be high, but relatively low to Ireland. However, as a result of experience and of what we have seen, we take nothing for granted.

I would be delighted to be able to inform Deputies Sherlock, McGinley and Ó Snodaigh, and the House, that we can counter every circumstance. In the past attacks of this kind were, by and large, predicated on the basis that the people pressing the button would escape with their lives, whereas now we are dealing with suicide bombers. This pushes the limits of security endeavour to extremes with which it never before had to cope.

There is no point in saying we have absolute security or certainty. However, we are trying to ensure intelligence is shared, terrorist cells are broken up and the people involved are caught before heading to their destination to carry out these crimes. This is a big task for the international community and we support it in whatever way we can. As far as risk assessment here is concerned, the advice from the Garda is that the risk is low but that we should not be complacent.

Mr. McGinley: From the point of view of intelligence and defence, our approach to security appears too prompt. We know there is a lot happening on the intelligence front as there have been meetings in Brussels and elsewhere between Ministers but often defence does not get as much emphasis as it should. I know the Ministers had a meeting during the week with Mr. Javier Solana. Was defence co-operation between us and our friends in Europe discussed at that meeting?

Mr. M. Smith: Deputy McGinley is invariably well informed. However, the events in Kosovo required the presence of Mr. Solana and therefore the meeting did not take place. The meeting has been rescheduled but I have not got the final arrangement.

Mr. McGinley: Will mutual defence be discussed?

Mr. M. Smith: We will meet as soon as possible. All these issues will be on the agenda for the ministerial Council meeting which will take place on 5 and 6 April.

Defence Policy.

3. **Aengus Ó Snodaigh** asked the Minister for Defence the impact to date on defence spending of EU defence measures, including Irish commitments under the Helsinki Headline Goal; and the anticipated impact on defence spending over the next ten years by EU defence-related measures and commitments. [9444/04]

Mr. M. Smith: The House will no doubt agree that defence and defence policy is a fundamental

expression of national sovereignty. In that context, defence spending is a matter for the Government and has to be undertaken in a prudent and balanced fashion having due regard to the prevailing national socio-economic environment.

The Government's White Paper on Defence, published in February 2000, set out a medium-term strategy for defence covering the period up to 2010. A major objective of the strategy is to ensure that Ireland has a world class military organisation capable of carrying out the roles assigned to it by the Government, both at home and abroad. This objective requires an ongoing modernisation process, including an investment programme to ensure that the Defence Forces are properly equipped for these roles.

On 15 July 1998, the Government approved a programme of evacuation and sale of six barracks, which were considered surplus to military requirements. The money generated from these sales has been reinvested in the Defence Forces in terms of equipment and infrastructure, consistent with the policy laid out in the White Paper.

Equipment such as armoured personnel carriers, protective clothing, new generation radio equipment, night vision equipment and trainer aircraft which have been acquired under the investment programme, are essential for improving the efficiency, professionalism and safety of the Defence Forces. It would be wrong to suggest that investment in such equipment, which is required regardless of Ireland's participation in the European Security and Defence Policy, is being spent because of our commitments to the Helsinki headline goal.

I take this opportunity to remind the Deputy that national sovereignty and voluntarism are the fundamental underlying principles of participation in the European Security and Defence Policy, ESDP. Participation in any specific operation by member states is decided on a case by case basis and in accordance with respective national decision-making procedures.

Aengus Ó Snodaigh: The Minister is aware that the draft common defence provisions of Article 40 and the related mutual defence provisions of Article 42 are controversial. When I tried to discover the state of play with regard to Article 40, I was unable to get a direct answer. The press reported that when the constitutional talks broke down the Article 40 provisions had been agreed and signed off. However, the Taoiseach later denied that. A number of measures, which involve defence spending commitments by this country, have since been agreed by the Council behind closed doors. If commitments are made, defence spending goes out of our hands. Before the process on the constitutional treaty is reopened, the people have a right to know the truth of this. Will the Minister confirm whether Article 40, the common defence provisions, have been agreed? More importantly, has the

Government agreed to them and, if so, on what terms?

Mr. M. Smith: The question of defence budgets is a matter for a sovereign decision in each of the member states. While some countries have indicated that they may increase defence expenditure, the majority of EU member states are maintaining expenditure at existing levels or decreasing expenditure.

I have tried to ensure a creative approach to investment in the Defence Forces through the sale of surplus properties and the reinvestment of income from these sales to improve the capacity of our forces to undertake whatever missions may be required. For example, we would not have been able to undertake the Liberian mission without the type of equipment recently purchased for our Defence Forces which puts them in as secure a position as possible to take on relatively dangerous missions of that kind.

In so far as the new constitution is concerned, these matters are currently being debated. Although there are some optimistic signs, it is not clear yet that the constitution will be agreed. Agreement would be a fantastic achievement for the Irish Presidency and the people of Europe. When the decision is taken it will have to be ratified by the people. The decisions taken will be explained and the people will have to decide on the matter by way of plebiscite.

Deputy Ó Snodaigh can be assured this will remain a matter for the sovereign Government and the people in terms of our military neutrality and our capacity to make decisions on a case-by-case basis as to the mission in which we will be involved.

Aengus Ó Snodaigh: A number of EU measures have cost implications for military spending: the 2010 military harmonisation to which the Minister alluded; the EU armaments agency and the EU security directive which was agreed in December. Another factor in this regard is the non-compensation for the rapid reaction force commitments. In the past there was some return of money for UNSAS commitments. Have cost projections been done on a comparative cost analysis of the lack of compensation for our commitments in that regard?

Mr. M. Smith: We have serious international responsibilities. Developments in Kosovo in the past ten days demonstrated the need for the international community to be able to intervene quickly. Many lives have been saved by what the international community has been able to do in such circumstances. There are cost implications which we have been managing in a sensible way.

Most of what I have been able to do in terms of improving the infrastructure and equipment of the Defence Forces has been done without recourse to the taxpayer. It has been done by the disposal of surplus property. Deputy Ó Snodaigh

[Mr. M. Smith.]

can be assured that we will undertake our international responsibilities in a serious and responsible way. We will undertake missions on a case-by-case basis by decisions of the House and the Government. We will take full account of our military neutrality and will spend as discreetly as we possibly can. However, we will not stand idly by when innocent people are being slaughtered in different parts of the world if we can help it.

Military Investigations.

4. **Mr. McGinley** asked the Minister for Defence if he will report on a recent incident in Gormanstown in which a member of the FCA sustained gunshot injuries; the nature of the injuries; the condition of the injured party; and if he will make a statement on the matter. [9400/04]

Mr. M. Smith: The member of the FCA in question suffered a gunshot wound to his forearm due to an accidental discharge during routine range practice on 7 March. His injury was not life threatening. He was taken to Our Lady of Lourdes Hospital, Drogheda, where he was subsequently operated upon that same evening.

The next of kin were immediately informed of the accident. The individual was transferred to St. James's Hospital, Dublin, some days later for further treatment. He was discharged from there on 18 March. His medical condition is described as comfortable and he is continuing with his recovery from his injury.

This incident is the subject of a military police investigation. In the circumstances, it would be inappropriate for me to comment further.

Mr. McGinley: I thank the Minister for his reply. We are all glad to hear that the young man in question should make a complete recovery. I also hope such an incident will not deter other young people from joining the Defence Forces, whether on a permanent or reserve basis.

Will the Minister inform the House if there is a counselling service available to Defence Forces members who experience stress and trauma in the wake of such an incident as occurred in Gormanstown? Will he further confirm if counselling was made available to the injured party or his comrades who witnessed the accident? I have been informed that such counselling may not have been made available to them.

The Minister stated the young man was transferred from Our Lady of Lourdes Hospital to St. James's Hospital for cosmetic surgery. Was the transfer initiated by the Defence Forces or by hospital authorities? Will physiotherapy be available to ensure a full recovery from the injuries sustained?

Mr. M. Smith: Since becoming Minister for Defence, I have been mindful to ensure the best

possible care is provided in the case of accidents occurring to members of the Defence Forces. Some accidents which have occurred have been of a more serious nature. No expense has been spared in the medical care offered or in the subsequent recovery process in terms of counselling and other requirements. I will inform Deputy McGinley as to what happened in this case.

Soldiers are trained to be able to cope with serious traumatic circumstances as they must be able to withstand them when undertaking missions. When an incident such as this occurs, it is necessary to ensure that services are sufficient to meet the needs. I rarely receive complaints from Defence Forces members about the inadequacy of these services. Although I am sure everything necessary has been done in this case, I will check to ensure that this has happened.

Mr. McGinley: It would be both unacceptable and unbelievable if, almost three weeks after the occurrence of this serious incident, the services had not yet been provided. I am sure the Minister will agree that it is important that they are available as soon as possible to avert any increase in stress.

Does the Minister have any concerns about the number of injuries sustained by Defence Forces personnel? According to a report from last November, between 1999 and 2003, €25 million was paid out in compensation for injuries sustained involving weapons, explosives and ammunition. That is a considerable sum and is in addition to the deafness claims. It is important that appropriate guidelines are followed rigidly for the discharge of weapons. Does the Minister believe there is room for improvement in terms of safety procedures? I do not refer to the incident which occurred in Gormanstown. I accept that the individual concerned was a young man who is a voluntary member of the Defence Forces. I also accept that his colleagues reacted admirably to what happened. That incident apart, I am concerned that the sum of €25 million was paid out in four years for injuries sustained in the line of duty.

Mr. M. Smith: Tragically, there have been serious accidents which consumed a significant portion of that money. Two incidents which I recall resulted in serious limb amputations. Deputy McGinley is correct; €25 million is a considerable amount of money. In recent years, the Defence Forces have considerably stepped up their health and safety provisions, but one can never do all that is required. The training is rigorous and the job involves a great deal of travel, including in difficult terrain abroad. Accidents occur to the general population and are more likely to take place in the difficult training and other circumstances which the Defence Forces encounter on overseas missions. When a genuine accident occurs, I want to be able to ensure that we can make adequate

compensation. As Deputy McGinley suggested, I want to ensure that the occurrence of accidents are limited, in so far as it is possible, by the training modules and health and safety provisions. We can draw on past experience if some areas are creating difficulties to see if they can be eliminated because we could spend that money doing more positive things.

Overseas Missions.

5. **Mr. Sherlock** asked the Minister for Defence the role being played by Irish troops serving with KFOR; the information available regarding the recent incident in which a number of Irish troops are reported to have been injured; if he has satisfied himself that all appropriate security measures are in place to ensure the safety of the troops; and if he will make a statement on the matter. [9398/04]

57. **Mr. Durkan** asked the Minister for Defence if further Irish troops are likely to be deployed to the Balkans; and if he will make a statement on the matter. [9503/04]

Mr. M. Smith: I propose to take Questions Nos. 5 and 57 together.

Ireland has participated in the international security presence in Kosovo, KFOR, since August 1999. The mission is authorised under Chapter VII of the UN Charter and was approved by Dáil Éireann on 1 July 1999 following a Government decision of 29 June 1999. At present, the Irish contingent comprises an infantry group of 260 personnel together with a number of personnel in staff posts at various headquarters. The infantry group deployed last September replaced a transport group which had been deployed with KFOR since August 1999. Three members of Defence Forces personnel are also serving with the United Nations interim administration mission in Kosovo, UNMIK. The Irish infantry group operates as part of a multinational grouping within the Finnish battalion. It comprises a Mowag APC mounted company together with support and logistic elements.

The role of KFOR is to support the maintenance of civil law and order within Kosovo so as to develop a climate of safety and security which will enable the transfer of increased responsibility to the civil authorities. As the House will be

4 o'clock

aware, ethnic violence erupted in Kosovo last week, setting back ethnic relations between the Albanians and Serbs in the Kosovo region. I am advised by the military authorities that the wounding of a Serb male in the mainly Kosovar-Serb village of Caglavica, followed by an incident involving a number of Kosovar-Albanian children, fuelled the interethnic conflict leading to extended civil disorder. In response to these disturbances, an Irish-Finnish platoon was deployed as part of a Swedish battalion-led company in the Caglavica-Gracinica area and took up blocking positions between Pristina and

Caglavica. In attempting to prevent a crowd of approximately 3,000 Kosovar-Albanian protesters from moving from Pristina into Caglavica, there were some clashes resulting in minor injuries to a small number of soldiers and some damage to KFOR vehicles. Approximately ten Irish personnel were treated for minor cuts and bruises but did not require to be hospitalised. I would like to take this opportunity to commend the actions of the Irish troops serving in Kosovo on the professional manner in which they discharged their duties and dealt with this very tense and dangerous situation.

The current situation in the region remains tense as a result of these incidents. The Irish C company of the Finnish-Irish battle group continues to provide elements of the operational company deployed to the Swedish battalion area of operations. The safety of Irish personnel serving overseas is always of paramount concern to me. Defence Forces personnel serving on all overseas missions are equipped with the most modern and effective equipment available. This equipment enables troops to carry out the mission assigned, as well as providing the required protection specific to the mission. I am satisfied that all appropriate security measures are in place to ensure the safety of all Defence Forces personnel serving with KFOR.

On the question of deploying further Irish troops to the Balkans, Ireland has not been requested to date to deploy further personnel to the region. Requests for Defence Forces personnel to serve on overseas missions are considered on a case-by-case basis in the prevailing circumstances.

Mr. Sherlock: I am sure the Minister will agree the recent events emphasise the dangers for Irish troops involved in peacekeeping missions in different parts of the world. How many Irish troops are currently in Kosovo? Will he explain the terms of the mandate under which the Irish troops operate in Kosovo? Has this changed since the Irish troops first went into the area? Is he satisfied that sufficient procedures are in place to secure the safety of Irish troops? Is he satisfied that they have adequate equipment to ensure their safety? When does the mandate for Irish troops in Kosovo expire and is it intended to renew it?

Mr. M. Smith: The KFOR mission was established in 1999 in accordance with Security Council Resolution 1244. It was initially intended for a 12-month period but it has continued to be extended. Over the last couple of years the Albanian-Serb situation appeared to be more secure, therefore, last week was a definite setback. There has been no change in the requirement to continue the mission, which appears to be necessary. The Minister for Foreign Affairs, Deputy Cowen, and I agree that Irish troops will remain in the Balkans. I do not want to put a time limit on it. The Deputy knows I am

[Mr. M. Smith.]

not anxious to have missions continue for too long. However, we want to ensure the prospect of forming a true democracy, involving peace and an end to violence, is brought about in that part of the world.

I assure the Deputy that all the safety measures and equipment necessary for the maintenance and safety of the troops are in place. There are 260 troops in Kosovo.

Mr. Sherlock: Does the Minister accept that the recent events in Kosovo and the renewed outbreak of communal violence, emphasises the importance of measures to bring permanent political stability to the area? Is it true that troops travelling home on holidays or leave are charged €500?

Mr. M. Smith: As regards Liberia, the typical cost of returning someone on leave to Ireland would be approximately €2,200, and we ask for a payment of €500. It is clear there is a fairly significant subsidy involved. I do not wish to exaggerate the figures. We try to be as generous as possible within the limits of our resources.

On Deputy Sherlock's first question, there is no doubt that last week has been a definite setback. The international community, including the Irish troops under the Finnish battalion, are carrying out their work in a way we hope will contribute to lasting peace, including the provision of a secure democracy and the installation of the various services and so on which the people of Kosovo deserve. We will play our part to make that happen as early as possible. The ethnic violence that broke out is a setback and will make matters more difficult at least for the time being.

Other Questions.

Postal Voting.

6. **Mr. McCormack** asked the Minister for Defence if it is his intention to make arrangements with the Department of the Environment, Heritage and Local Government to enable spouses of Army personnel serving abroad to have a postal vote in the same manner as the spouses of diplomats; and if he will make a statement on the matter. [9344/04]

Mr. M. Smith: The Minister for the Environment, Heritage and Local Government has responsibility for electoral matters. I have received no formal proposal from interested parties regarding the provision of a postal vote for spouses of Permanent Defence Force personnel serving overseas. However, if such a formal proposal is made, I would be very happy to discuss the matter with my colleague, the Minister for the Environment, Heritage and Local Government.

Mr. McGinley: I thank the Minister for his reply. Will he indicate how many spouses could potentially qualify? Are statistics available to indicate the numbers who accompany their partners or spouses on such missions? Given the introduction of electronic voting, will he agree that it may be entirely possible to extend the franchise to members of the Defence Forces who serve abroad as it is to members of the diplomatic corps?

Mr. M. Smith: While I do not have responsibility for electoral matters — I did have for three or four years which may have been long enough — I see no reason we should object to it. The estimated numbers of people involved would be between ten and 15, which is a small number. Even a small multiple of that would be a small number. I will discuss with the Minister for the Environment, Heritage and Local Government extending the franchise to the spouses or partners of Defence Force personnel working abroad.

Mr. McGinley: I am sure the Minister will agree that one vote is often sufficient to make the difference between being a Member of the House or otherwise. We found that out during the last general election. Following a question to the Minister for the Environment, Heritage and Local Government two or three weeks ago, he said he would consider carefully any request for such a concession from the Minister for Defence. I am pleased the Minister gave a positive response to the matter.

Overseas Missions.

7. **Mr. Gogarty** asked the Minister for Defence the reason Ireland has not yet signed up to all elements of the United Nations standby high-readiness brigade; and if he will make a statement on the matter. [9308/04]

Mr. M. Smith: SHIRBRIG is an initiative, originally sponsored by Denmark in 1995, to establish a United Nations high readiness brigade, non-standing, of 4,000 to 5,000 troops to strengthen UN standby arrangements (UNSAS). The aim of SHIRBRIG is to be able to deploy troops, at short notice, to peacekeeping missions in trouble spots around the world. SHIRBRIG has been developed around Chapter VI of the UN Charter, namely, ceasefire supervision, peacekeeping and humanitarian assistance.

SHIRBRIG has four levels of participation to which Ireland has signed up to the first two stages. As a result, Ireland now has representative status on the SHIRBRIG steering committee and participates in developing policies and guidance for the brigade and votes on proposals. The next level of membership would involve the commitment of troops to the brigade. The question of signing up to the next two stages of SHIRBRIG membership will be considered later this year. As SHIRBRIG is currently evolving and developing, it is prudent that we

should take a staged and considered approach to our membership.

Mr. Gormley: I thank the Minister for that reply. He will be aware that Austria, Canada, Denmark, Italy, the Netherlands, Poland, Norway, Romania, Spain and Sweden have signed all four documents. Why have we, as a neutral State committed to the UN, not gone that far? Why are we only at stage two? Does the Minister agree that this is a good initiative in which we should play an active part because of our commitment to the UN?

On our commitment of 850 military personnel to UNSAS, are these the same 850 personnel we have committed to the European Rapid Reaction Force and NATO's Partnership for Peace? Is there a conflict between those commitments and our rightful commitment to the UN?

Mr. M. Smith: Deputy Gormley is right, 16 countries have signed up fully for SHIRBIG and there are five or six other observer countries. We are more than half way through the process and we expect to make final decisions at the end of the year. There are no objections in principle but I must take into account our capacity to meet demands. Last week the UN requested that the Defence Forces serve in another mission and we were unable to respond positively because of the sheer pressure on us to maintain the numbers we have.

The commitment of 850 personnel to UNSAS is identical to the headline goal. It represents 10% of the total Army personnel and it is a much more significant commitment than any of our partners in percentage terms. As well as the existing commitment, the next group is in training and there is a further group behind that. Filling the mission completely with all the specialties required is a task that the Defence Forces undertake effectively and efficiently. The SHIRBIG matter will be finalised by the end of the year.

Mr. Gormley: Is that a commitment to go the further two stages and sign up fully?

Mr. M. Smith: It is normal in all these affairs to conduct negotiations without forecasting what will be done in advance. The next stage is the commitment of troops, the most serious part, because when we make that commitment I must be in a position to honour it because making commitments for the sake of it is meaningless, I must be able to fulfil them.

Army Barracks.

8. **Dr. Upton** asked the Minister for Defence when he expects that the sale of Clancy Barracks will be closed; the total amount involved; if the money has yet been paid over; and if he will make a statement on the matter. [9282/04]

Mr. M. Smith: As I stated in my reply to Parliamentary Question No. 13 on 5 February

2004, a contract of sale in respect of Clancy Barracks was exchanged on 22 December 2003 and the relevant legal formalities are progressing with a view to sale closure in March or April 2004. I expect completion to take place in the coming days. The sale price is €25.4 million and following completion, in accordance with normal procedure, the purchase moneys will be remitted to my Department.

Mr. Sherlock: Why has there been such an extraordinary delay given that the Minister announced in January 2001 that the barracks was to be sold and the sale was announced in June 2002? Has any money changed hands and, if so, how much? When will the barracks be evacuated by the Army?

Mr. M. Smith: Deputy Sherlock knows about complex difficulties with title and these proved to be exacting. Legal matters of that nature must be completed before money is paid over. If the Deputy would like to meet me in the next few days, I could have a cheque in my hand for €25.4 million and we could have at least one night out on that.

Mr. Sherlock: That money should help the widows and widowers. How much was spent on the use of private security firms in the barracks?

Mr. M. Smith: We have spent €600,000 since the first sale. Part of that will be recouped from Dublin City Council and other bodies that also used part of the premises in that period. It is not unusual to hire security firms to protect a property that is for sale in case damage is done to it that lessens its value. We have saved a considerable amount in security duty allowances for the normal security that would be provided by the Defence Forces and in telephone, electricity and other charges. If we compare one with the other, we have made a significant saving by adopting this practice.

Aengus Ó Snodaigh: This barracks is in my constituency and it is interesting that the Minister sold land to offshore companies when house prices are so high. How will the Minister pay for future EU military adventures now that he has sold off all his surplus land? The cheque he will get is already committed to the Defence Forces. The Taxing Master will be interested in the offer to buy drinks for Deputies, although I will take the Minister up on it when he gets the cheque.

Mr. M. Smith: In 15 minutes, the Deputy has taken two different sides on Defence Forces expenditure. If I had taken his advice, I would have sold the property for €10 million less but I did not. I gave every chance to the local authority to purchase the site and it opted not to do so.

Aengus Ó Snodaigh: It made an offer and the Minister refused it.

Mr. M. Smith: It did and the Deputy would be in worse trouble than he was 20 minutes ago about expenditure on the Defence Forces if I had accepted it.

Aengus Ó Snodaigh: Give the horse and greyhound racing fund over to the defence budget.

Mr. M. Smith: We are doing well and the Deputy cannot deny that.

Aengus Ó Snodaigh: Offshore companies are doing well out of this.

Mr. McGinley: There are significant sums involved — the Minister said the State will receive €25.4 million for Clancy Barracks. Does this money go straight to the Department of Defence or to the Exchequer? Is it additional to the Department's budget or does it replace money lost through cutbacks last year and the year before that?

Mr. M. Smith: When paying for the armoured personnel carriers, the Pilatus PC-9M training aircraft and other equipment, and infrastructural development, I knew there would be a delay in concluding the sales and getting the money. The Department of Finance agreed that I could spend this money and once I received it from the sales, I would pay it back to the Department. The money was spent in advance of receiving it.

Defence Forces Equipment.

9. **Ms Lynch** asked the Minister for Defence when it is intended to proceed with the plans to acquire a fleet of light armoured vehicles for the Defence Forces; and if he will make a statement on the matter. [9280/04]

Mr. M. Smith: The Defence Forces commenced a programme to acquire Mowag APC-light armoured vehicles in 1999 and 40 of these vehicles have been delivered under the initial contract. The majority of the 40 APCs are now deployed overseas, with 22 vehicles in Liberia and six in Kosovo. The vehicles are performing well in an overseas environment.

A further 25 vehicles have been ordered for delivery this year. The first two of the 25 vehicles have recently been delivered to the Curragh Camp and arrangements are being made for the shipment of a further three vehicles to Ireland. The remaining 20 vehicles will be delivered by next October. The cost of the 65 APCs is in the region of €84 million.

In addition to this programme, the Defence Forces have a requirement for a smaller light armoured vehicle, designated as a light tactical vehicle, which can be used to protect troops engaged in peace support operations in areas where the use of the larger Mowag APC would be inappropriate. For instance, the movement of one to three personnel in high-risk confined areas

and general surveillance work are among the key roles of the vehicle.

Funding for this programme must be considered in the context of the APC programme and the changed financial position. It has been agreed with the military authorities that the programme for the acquisition of the vehicles will not proceed at present. In the meantime, the Defence Forces will continue to conduct further studies on the type and specification of vehicles required.

Mr. Sherlock: I welcome the Minister's statement that some progress has been made. Does he recall promising in 2001 that new, smaller light armoured vehicles would be acquired for the Defence Forces? Why has this promise not been honoured? On the previous occasion on which this subject was raised, the Minister informed the House that the Defence Forces were conducting further studies on the type and specification of vehicles required. What progress has been made in that regard?

Mr. M. Smith: As I indicated previously, the studies are continuing. I was faced with a dilemma when the medium lift helicopter contract had to be abandoned and also faced other constraints. In discussions with the military authorities, we decided on the immediate priorities, one of which was to try to increase the number of armoured personnel vehicles because they are working so well on international missions. APCs are powerful vehicles costing more than €1 million each. We bought an additional 25 such vehicles, all of which will be delivered this year.

As the Deputy will discover when he is on these benches, one must make choices. It would be a simple world if everybody could immediately have what they wanted but it is not that kind of world. I must make choices. The overall pattern of acquisition for the Air Corps, Naval Service and Defence Forces is without parallel and I am proud of it.

Mr. Sherlock: The promises were made in 2001.

Mr. M. Smith: I have already indicated I had to make some changes.

Mr. Gormley: How many Mowags have accompanied our 450 troops in Liberia? Is the Minister satisfied that the earlier problems with the APCs have been solved? I understand two of the four APCs that accompanied our 100 strong contingent force to Eritrea in 2002 developed problems and parts had to be shipped out via Switzerland, while a further four developed cracks in their armour. Have all these problems been solved to the Minister's satisfaction?

As regards the 65 APCs ordered, of which 25 have not yet been delivered, do these form part of the commitment we gave at the European Union's capability commitment conference?

What weaponry have we pledged to provide to the EU under the European capability action plan for the rapid reaction force?

Mr. M. Smith: The APCs have nothing to do with the headline goal or the European reaction force. All the relevant decisions were taken in the context of the White Paper. As Deputy McGinley has emphasised on a number of occasions, the Defence Forces were badly under-equipped. Missions have changed dramatically and those we are undertaking are of a higher risk. The security of troops is of paramount importance. Everything purchased until now would have been required in one way or another to undertake the missions in which we are involved.

There are 22 vehicles in Liberia. The difficulties that arose with a number of the APCs were hairpin cracks. Some people may argue that they could have been ignored as they would not have deteriorated, but we refused to do so and ensured the problems were addressed. We have not experienced any trouble with the subsequent APCs and the military advice I have received indicates that we have received the fullest co-operation from the manufacturers in having the problem solved. I have not heard of any recurrence of these matters in recent years.

Mr. McGinley: Does the Minister agree that it is time to review some of the targets for equipment set out in the White Paper on Defence, especially in the wake of recent events, notably the Madrid bombings? Do we not need different equipment priorities for defensive purposes, especially air defences?

Mr. M. Smith: This is a difficult problem for the world as a whole. We have a limited ground-to-air ability but it has been somewhat enhanced by acquiring Pilatus trainer aircraft, which will come on stream this month and next month with a final delivery scheduled for June. These aircraft remain a limited source and I will keep the matter under review. While I would like to enhance our air defences, it would be extremely expensive to do so and would be difficult to justify the expenditure involved on the basis of the risk to Ireland. I have enhanced our air defences somewhat with the acquisition of the Pilatus aircraft, but I will keep the matter under review.

Mr. McGinley: I am informed that some defence forces have far more advanced equipment than we do. I am aware that equipment costs a great deal. Has the feasibility of purchasing second-hand equipment from more advanced defence forces been considered as a means of addressing the current shortcomings in our air defences?

Mr. M. Smith: While I am prepared to examine all options within the resources available to me, we must be honest with the public. Aviation terrorism is a major problem for the world and

engages many minds. If one received a call about a hijacked aircraft with 400 passengers on board, one would have to consider many issues, including the time available, whether it was travelling over land or water and the prospect that the call could be a hoax. These are major security issues but, as I stated, I will keep the matter under review.

Overseas Missions.

10. **Mr. Broughan** asked the Minister for Defence if he will make a statement on the work to date of the contingent of the Defence Forces serving in Liberia. [9272/04]

40. **Mr. Gogarty** asked the Minister for Defence the situation regarding Irish armed forces in Liberia; and if he will make a statement on the matter. [9309/04]

Mr. M. Smith: I propose to take Questions Nos. 10 and 40 together.

The Defence Forces contingent which was deployed for service with the United Nations Mission in Liberia, UNMIL, in December 2003 comprises a motorised infantry battalion of some 430 personnel. A small number of additional personnel have also been deployed at force headquarters and as military observers.

Initial deployment will be for one year with a possible extension thereafter subject to renewal of the UN mandate and a satisfactory review of the mission. In the case of UNMIL, my intention is that Defence Forces involvement will not exceed two to three years in duration. Elections, which are due in 2005 under the comprehensive peace agreement, should be completed at that stage.

At the request of the United Nations, a contingent of the Army Ranger Wing, amounting to some 40 personnel, was deployed for a three month period from December 2003 to February 2004. This contingent has now returned home. Sadly, as Deputies will recall, Sergeant Derek Mooney of the Army ranger wing lost his life while on duty in Liberia and one of his colleagues was injured.

The main Irish contingent operates as the force commander's rapid reaction reserve. The role of the Irish personnel is the provision of an immediate response capability, deployable in sufficient strength and with the required level of force to provide a swift and decisive military reaction to any crisis. To date, the Irish battalion in UNMIL has mainly operated in a path-finding and reconnaissance role supporting the deployment of other UN contingents.

It has also conducted long-range patrols beyond Monrovia and well into the interior of Liberia in order to display a strong UN presence, deter lawlessness and protect local populations. The contingent also undertakes regular daily patrols within the Monrovia area. While the UN contingents have now deployed to their areas of operation throughout Liberia, the Irish battalion remains available to the force commander to

[Mr. M. Smith.]

provide support and a rapid response capability in the event of a breakdown in law and order or further conflict.

A wide range of equipment and force protection assets have been deployed with the contingent including Mowag APCs, armoured vehicles and support weapons, heavy machine guns and mortars. Due to the equipment modernisation programmes that have taken place in the Defence Forces over the past few years, UNMIL will be the best-equipped battalion ever to serve overseas.

I visited Irish troops serving with UNMIL during the period 21 to 23 January 2004 and observed at first hand the work of Irish military personnel serving in the area and conveyed to them, on behalf of the Government and the people of Ireland, our deep appreciation for the outstanding manner in which they continue to perform their duties on overseas service. UNMIL is a challenging assignment and the Defence Forces are to be congratulated on the expeditious manner in which they planned and undertook their first deployment to this mission.

Camp Clara, the headquarters of the Irish troops serving with the 90th infantry battalion, UNMIL, is located 10 km. from the main town of Monrovia. Since its deployment, the Irish battalion has put a significant amount of work into the establishment and development of the camp, including the provision of recreation and training facilities. Further facilities will be added in the future as appropriate.

Deputies will be aware that the adoption of a number of local humanitarian projects is a feature of Irish peace support operations. While in Liberia, I visited an AIDS hospice run by the Missionaries of Charity, the order of Mother Theresa — now St. Theresa — which is being assisted on a personal voluntary basis by members of the Irish battalion. During this visit to the hospice, it gave me great pleasure in announcing that Development Co-operation Ireland is contributing €15,000 to the humanitarian work of the current contingent in this regard. I have also allocated €10,000 from the Vote for defence to the contingent to support this important humanitarian work.

During my visit I found morale among troops to be very high. I congratulated the Irish personnel on the success of their mission so far and observed the positive effect their presence is already having in Monrovia and other areas since their arrival.

Mr. Sherlock: What provisions are in place for medical cover and care for the troops? Is the Minister satisfied they are adequate? Is he satisfied with the level of accommodation available for the troops? How long does each contingent spend there? He might have mentioned that in his reply. How often do they have an opportunity to return home? It appears

unreasonable to charge personnel €500 to travel home on an Army plane.

Mr. M. Smith: I am delighted to hear I have such planes — I do not have Army planes in that sense. One will not fly to Monrovia on the Army's aircraft. One might if one could fly on the G4.

Mr. Gormley: That is why we need another Government plane.

Mr. M. Smith: That is why we need a bigger one. That aircraft could accommodate only ten or 12 personnel. Chartered flights are booked for personnel and they cost a bit of money, but we heavily subsidise the cost of such flights. I do not need to go into that because we want to be as generous as we can.

We have done considerable work on improving the medical facilities. There may be an opportunity for me to arrange for Deputies opposite who are interested in defence matters to view the equipment and medical facilities. Some hospitals here do not have facilities that I was proud to see in Monrovia. The facilities there have to cover many disease risks. There are many problems there and they need to have the best we can give them. We had problems originally with regard to third level care. We are trying to mastermind that now by having a facility to transfer any patient to facilities by way of helicopter. One can never say everything is perfect, but we have a sufficient number of medical personnel. They are backed up by a significant number of paramedics. They have the best equipment we can give them. We have second level services available. Once the Dutch ship has returned, we are adapting the position to meet the need for third level services if they are required but hopefully they will not be.

The accommodation is fine and it continues to be improved. A marvellous job of work was done in a few months to provide the types of facilities in place. The next contingent will add to that when they get the chance.

With regard to the length of time a contingent spends there, members' stay is reviewed after one year. I like to review matters because I do not want them to drift along and to take them for granted. We will be there for longer than that period.

Mr. Gormley: I am sure the Minister will be pleased to know that at our recent party Ard-Fheis a motion was tabled congratulating the Irish troops on their mission in Liberia. They are doing an outstanding job. What other UN contingents and other troops are there along with the Irish troops? Does the Minister believe the situation has become safer because there was an anxiety that this would be one of the most difficult missions upon which our troops have embarked? Is the situation no longer code red? Is it no longer a difficult mission? Has it become

much safer or to what extent has it become safer?

In light of the impending visit of George W. Bush, had the Minister considered withdrawing some of the troops from there to afford him protection in Ireland, as his visit is becoming a security problem?

Mr. M. Smith: I would like to have the agility of mind which can transfer from Liberia to President Bush visiting Ireland in June, but I do not have it.

About 15 other nations are involved in Liberia. They are primarily African. Swedish troops are being sent there but I am not sure whether they have arrived. We were the only EU partner involved at the initial stages.

Along the streets of Monrovia people were beginning to put up their stalls again with simple products, which was a change after two months. The EU flag, the APCs and the transport arrangements are creating a climate of security. I would not go so far as to say that the risk is no longer high. We have to be vigilant, particularly when one moves out from Monrovia. The further one moves out from it, the more treacherous that path can become. I would not like to indicate any lowering of defences in terms of the security risk. Our troops told us that in the first few weeks the stalls were not there but that people gradually felt they could come out and set them up again. That is comforting and encouraging and we will try to ensure that continues.

We will not be bringing back any troops from Liberia. Deputy McGinley knew that from the beginning but because of his mischievous character, he could not resist the temptation of posing that question.

Mr. Gormley: I am not Deputy McGinley.

Mr. Sherlock: What procedures are in place to allow Army personnel to keep in touch with their families?

Mr. M. Smith: We continue to improve those procedures as we receive requests. There are facilities for personnel to make a number of telephone calls each week to their homes. We will note any request we get with regard to how we can improve those. The postage arrangements have been made and are quite satisfactory. I have received no complaints of that nature. Contact with the home is important. We are indebted to the parents, spouses, husbands, partners and families of the Defence Forces because often they have to carry out duties, functions and deal with family matters without their partners, parents, husbands or wives. It is important that the maximum contact and co-operation and facility is afforded to them. We seek to do that. If I get further requests, I will try to respond to them as positively as I can. Each mission is different.

Acting Chairman (Mr. Carey): I will take a brief question from Deputy McGinley.

Mr. M. Smith: I apologise for making the mistake earlier of referring to Deputy Gormley as Deputy McGinley.

Mr. McGinley: As long as they know me in Donegal, I am not too worried.

The last time we had questions to the Minister for Defence, I expressed serious concern to the Minister when it was reported that the ship assigned to go to Liberia with a cargo of equipment and other necessities for our personnel serving there was cancelled. The Minister was unsure on that occasion as to what happened and I do not think the ship has sailed since. However, many families from different parts of the country put considerable effort into preparing food parcels and other necessities which are unavailable to their kith and kin in Liberia. I think the depot was at Athlone Barracks and the cargo was to be sent from there to Cork and on to the boat for Liberia, which was cancelled.

Does the Minister have any idea what happened to all this material and goods which were lovingly packed by so many families to go to their loved ones? Have they been sent out or are they still in Athlone and what can we expect to happen?

Mr. M. Smith: There was no cancellation. A number of people undertook to make arrangements without having clearance from the military authorities and speculation took place for which we cannot account. Nevertheless, there was no cancellation or decision to send a ship.

We normally ensure that all the material and support to the missions to which the Deputy referred is flown out and that is what has been done in all these cases. It is a more expeditious way of dealing with it and is more likely to survive in better form at the end of a shorter journey. There was no cancellation since there was no decision in the first instance to have it.

Mr. McGinley: Does the Minister agree that a great deal of preparation took place in Haulbowline in anticipation of the trip to Liberia.

Mr. M. Smith: Has the Deputy ever made arrangements to do something for which he did not have authority? There was no decision whatsoever to send a ship. I checked it out very fully after the last meeting.

Defence Forces Personnel.

11. **Mr. Costello** asked the Minister for Defence the progress made with regard to an integrated personnel management plan for the Defence Forces as recommended in the White Paper on Defence; when it is expected the plan will be introduced; the progress of the consultation with the representative

[Mr. Costello.]
organisations; and if he will make a statement on the matter. [9274/04]

Mr. M. Smith: The White Paper recommendation for an integrated personnel management plan, or system, and other related White Paper recommendations are enshrined in An Agreed Programme for Government of June 2002. Under the programme, we are committed to, among other things, the introduction of an integrated personnel management system, known as the IPMS, for the Defence Forces which will deal with the broad range of human resources management and development issues. These include manpower policy and planning, equality of opportunity and treatment and the right to dignity at work, recruitment, terms of enlistment, induction, training, education and development, physical and medical fitness, career planning and guidance, promotion, the regulatory framework, retirement and pensions.

In effect, what is envisaged is the development and implementation of a fully comprehensive human resources strategy for the Defence Forces, Army, Naval Service and Air Corps. I am pleased to say that we have made very good progress. Initial proposals for an IPMS were developed by the military authorities and then referred to the top level civil-military strategic management committee for further development. Some of the key proposals were then put to the associations representing officers and enlisted personnel late last year in the context of the negotiations on the application to the Defence Forces of Sustaining Progress. Those negotiations also involved the preparation of an action plan covering the development and implementation of a range of modernisation elements, including key IPMS elements. I am pleased to say that the negotiations were successful in the period before Christmas and that both associations signed up to Sustaining Progress and to the implementation of the action plan over the period to mid-2005. The implementation process is now under way.

Mr. Sherlock: The proper handling of management of human resources is critical to the success of the Defence Forces. Will the Minister tell us when the action plan agreed with the representative organisations will be published?

Mr. M. Smith: The action plan agreed is known to all the associations — there is nothing hidden about it. Is the Deputy referring to publication in terms of it being available to the public at large?

Mr. Sherlock: Yes.

Mr. M. Smith: That will be under discussion for the next year or so. There are complex human resource and development issues which we want to get right. The Deputy is correct that it is a critical part of how we move forward. The process will evolve and publication will be the subject of a combined decision of us all. I would

not pre-empt any of these negotiations at this stage. I want to get the best chance possible to work, facilitate the negotiations in every way I can and support the military and the associations in trying to come to the kinds of conclusions which will help us to develop.

Adjournment Debate Matters.

Acting Chairman: 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 Cowley — the amount being made available from his Department to compensate landowners for the extensive damage and loss of stock resulting from the landslides at Pullathomas and Inver, County Mayo; (2) Deputy Morgan — the need to address the growing evidence that Fianna Fáil members have been involved in criminal activity and corruption in Dublin; (3) Deputy Durkan — the reply to Parliamentary Question No. 258 of 2 March 2004; (4) Deputy Broughan — the urgent need to attract new and major investment to Clonsaugh Industrial Estate, Dublin 17, and district where a large number of factories are currently vacant; (5) Deputy Neville — the construction of a new primary school at Kilfinane, County Limerick.

The matters raised by Deputies Broughan, Cowley, Durkan and Neville have been selected for discussion.

Adjournment Debate.

Job Creation.

Mr. Broughan: In the past four or five weeks, on a number of occasions on the Order of Business and elsewhere, I have raised the issue of the large number of empty factories and facilities in Coolock and the north side generally, specifically in Clonsaugh Industrial Estate. I asked the Minister for Enterprise, Trade and Employment, Deputy Harney, if she was concerned that the new EU rules for inward investment which she agreed to in Brussels last year are now discriminating against unemployment black spots in the Dublin region, specifically against the formerly high-tech IDA Ireland industrial estate in Clonsaugh, Dublin 17.

As the Minister of State knows, these rules are called the multi-sectoral framework on regional aid for large investment projects and they seem to be already discriminating against large inward investment projects worth more than €50 million to the Dublin region since they came into operation on 1 January last. On a recent visit to Clonsaugh Industrial Estate, I was struck by the number of empty factories which have large “For Sale” signs outside their front gates. One group of workers I met described the IDA Ireland part of Clonsaugh Industrial Estate as a complete ghost town. One of the most spectacular empty

factories is the 31,000 sq. m. famous Gateway 2000 building, whose computers we were all using only a few years ago.

This building, which is on the banks of the River Santry near the Acting Chairman's constituency, has been vacant for more than three years. It once housed 3,000 workers making Gateway computers. The Minister informed me some weeks ago that she is trying to market this facility but that it has been difficult to bring inward investment to it. This is because of the operation of the new multisectoral rules.

Two large industrial premises formerly occupied by Selectron are also vacant. The Adaptec facility is for sale. There is a sale agreed sign at the former Saronix plant, another famous manufacturer of high technology medical components in the Clonshaugh area. Its former workforce of young technicians are now walking the streets of my constituency. There is also a for sale or let sign outside the 10,000 sq. m. former Data Products facility which, for almost three decades, made most of the printers used in our economy. The premises of the company which brought the main Internet connection to Ireland, 360 Networks, and which subsequently went into liquidation is also empty.

I could go on with a litany of job disasters on the north side of the city. Last week I made representations regarding the GE Superbrasures industrial diamonds company which has been sold to another company in Connecticut. This company once employed 600 workers and now employs only 150. Although I have been assured that the company's future is secure, workers are striking on several days per week because of their concerns about the future of their jobs.

The Minister for Enterprise, Trade and Employment agreed the multisectoral framework on regional aid. I became aware of the framework not through information given to me by the Minister, although I was my party's spokesperson on enterprise, trade and employment, but through a journalist from *The Sunday Business Post* who wrote an editorial in January condemning what the Minister had agreed to. The framework puts Ireland, especially the large urban centres, at a severe disadvantage because of the restrictions it places on inward investment greater than €50 million. The Minister says this creates a level playing pitch. However, its effect is that our IDA executives must inform everyone in the EU, including the new member states, when they are trying to bring jobs to Ireland.

This was a *faux pas*, and not the first one, by the Minister for Enterprise, Trade and Employment. I urge her to go back to Europe, re-examine this measure and not hamstring IDA Ireland. The agency discriminates against the Dublin area, despite the fact that the 2002 census shows dozens of district electoral divisions in the north and west of Dublin where unemployment is greater than 25%. In those circumstances, the new framework and policy of IDA Ireland is crazy. This is especially so when combined with the Government's phoney decentralisation policy. Although fewer than 40% of the 276,000

workers in the Civil Service are based in Dublin, it is proposed to transfer 10,000 workers with spending power of €4 billion per annum out of the Dublin region.

I appeal to the Minister for Enterprise, Trade and Employment to visit Clonshaugh and meet the public representatives in the area. She might also visit similarly affected areas in her own constituency. She must take this problem seriously. We are beginning to see again endemic unemployment among the young people on the west side and north side of Dublin. I urge the Minister to take action.

Minister of State at the Department of Agriculture and Food (Mr. Treacy): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to the State and its regions. The management of IDA Ireland's industrial property portfolio is a day-to-day operational matter for the agency and not one in which the Tánaiste or her Department has a direct function.

The Clonshaugh industrial estate is a key development in the Dublin area for IDA Ireland, especially given its location close to the M50 and the international airport. This location is home to a number of important multinational companies, including American Power Conversions, a company which manufactures insulated wire and cables, Forrest Laboratories, a company manufacturing pharmaceutical preparations, and Modus Media, which is involved in paper print, packaging and plastics.

The most recent information available from IDA Ireland indicates that there are four vacant factories on the estate, ranging from 28,000 sq. ft. to 300,000 sq. ft. All these are privately owned and IDA Ireland is assisting in the marketing of these facilities to potential overseas investors through its property division and network of overseas offices.

Selectron, an electronics assembly and supply chain management services company, had operated from three of the vacant buildings on the estate. I understand from IDA Ireland that negotiations are taking place with potential purchasers in respect of all three facilities. The only remaining vacant building is the former Gateway premises which totals 330,000 sq. ft. To date, a number of companies have also expressed an interest in this facility but no formal offer has yet been made. This facility will continue to be actively marketed by IDA Ireland. It should be noted that it is difficult to market a facility of this size in the present climate due to the global downturn in the information and communications technology, ICT, sector.

Despite the difficulties in global markets, IDA Ireland has had some notable successes in attracting investment into Dublin. During 2003, there were significant project announcements of 2,700 associated jobs for Dublin with many of these projects having considerable property requirements.

Enterprise Ireland is also acutely aware of the closures that have occurred on the Clonshaugh

[Mr. Treacy.]

industrial estate and in the surrounding areas and is working closely with IDA Ireland, the Dublin City Enterprise Board and the Northside Partnership to address the unemployment problem in the area.

An Enterprise Ireland client, the Irish Chocolate Company, has recently made a major investment in the estate. At the beginning of 2003, the company purchased a 76,000 sq. ft. factory on the Clonshaugh industrial estate. The business is to consolidate at this new location. The Irish Chocolate Company is, at present, the largest company in the hand-made chocolate industry in Ireland, with brands such as Butlers Irish, Bewleys, Katie Macs and Alannah. The new facility represents an incremental investment of €3.5 million. The 76,000 sq. ft. state-of-the-art facility is a significant investment in the future growth of the business. It consolidates activities from three former sites and provides a platform for the company to grow into new products and new export markets. The new facility will lead to increases in employment opportunities for the Clonshaugh area.

Enterprise Ireland approved two community enterprise centres in the area under the urban community enterprise scheme 1990-2000 with a view to fostering the development of micro-enterprises there. These centres are the Coolock enterprise centre and the Darndale enterprise centre. The Coolock centre is 85% occupied and a major marketing drive is under way to promote facilities in the Darndale centre, which is 50% occupied.

Enterprise Ireland works in close co-operation with Dublin City University to foster growth of indigenous and knowledge-based companies in the area. The innovation centre at the college, Invent, is now complete and received funding of more than €1.6 million in funding from Enterprise Ireland.

The agency also supports third level and industry partnerships in the area to encourage the greater uptake of technology by indigenous companies as well as supporting eligible graduates to attend a specially designed programme for those wishing to start their own business, the M50 enterprise platform programme. The Institute of Technology in Tallaght, the Blanchardstown Institute of Technology and Dublin City University are all partners in this programme.

The Tánaiste and Minister for Enterprise, Trade and Employment is confident that the strategies and policies being pursued by development agencies, together with the ongoing commitment of Government to enterprise development, will bear fruit in terms of additional investment and jobs for the people of the area.

Mayo Landslide.

Dr. Cowley: I am grateful to the Ceann Comhairle for allowing me to raise this important matter on the Adjournment. Will the Minister of State explain why only approximately €100,000

has been made available by Department of Agriculture and Food to compensate farmers for the extensive damage resulting from the landslides at Inver and Pullathomas, County Mayo, which happened on 19 September 2003? This amount, together with the Red Cross payout of €300,000 for humanitarian aid, gives a total of only €400,000, which is much less than expected to cover the damage done. Between €600,000 and €700,000 was expected.

If €100,000 is divided between 80 farmers — and perhaps the Minister of State will confirm how many applied for aid on the IFA forms — it leaves very little for each farmer. A number of them were severely affected and it is imperative that they be adequately compensated. One farmer lost 2.5 acres of land when it slid into another man's field and was left with 2.5 acres of gravel. There is little a farmer can do with 2.5 acres of gravel. He needs help. People also lost sheds. Will the Minister of State clarify whether or not compensation for loss of sheds is included in the €100,000? If so, very little compensation will be available to each individual.

I met a number of these farmers and one could not find a more reasonable group of people anywhere. The landslides were devastating for them. I spoke to another man who
5 o'clock had about 11 acres of grassland covered in mud and the fences were gone. If €100,000 is distributed among 80 farmers it will do very little for him. There were 15 farmers who were very severely affected and they should be adequately compensated. Teagasc helped farmers to fill out the IFA claim forms and its estimate was that the damage and losses are much higher than the €100,000 that the Minister is providing. The minimum should be €200,000 to €300,000 as well as the money provided by the Red Cross. The land damage was so extensive that people expected much more. The people affected are getting estimates of the damage costing €10,000, which is a lot of money. The farmers need this money so they can retrieve the green land from which they can cut bale silage for use in winter time. The farmers also need adequate funds for fencing as many of them had fences destroyed. Fencing is very expensive and labour intensive, particularly on the side of a mountain.

Land, fencing and stock have suffered most damage. Assistance is also needed to hire the machinery that is used to carry out repairs. I am aware that the land damage assessment was done by officials from the Department of Agriculture and Food. Why was this assessment not done a long time ago? The money could then have been handed out with the €300,000 from the Red Cross, which would have gone a lot further. Even if €200,000 was handed out, it would still only total €500,000 which is not a huge amount considering the damage done and the hardship caused.

These are very appreciative people, they are the salt of the earth. The Minister can do better than the €100,000 his Department is prepared to

give. It is not acceptable to sell them short. They have been discommoded since these disastrous landslides. According to the last census, they are living in the most deprived area in Ireland.

Mr. Treacy: Towards the end of last year this Government provided a sum of €300,000 to the Irish Red Cross Society as humanitarian aid to alleviate general hardship in the area, following the landslide at Pullathomas. In addition, Mayo County Council and the Department of the Environment, Heritage and Local Government undertook major repair works to roads and bridges in the area. The Department of Agriculture and Food had no involvement in these initiatives.

The Department of Agriculture and Food only became involved when a request was received from the landslide committee for a meeting with officials from our Department. We agreed that such a meeting should take place to discuss the implications, if any, arising from the landslide for the direct payment schemes and the rural environment protection scheme operated by the Department.

A meeting took place between representatives of the landslide committee and officials from the Department on 23 January. It was made clear to the committee representatives that there were no implications for the direct payment schemes arising from the landslide as the event took place outside the retention period for the 2003 schemes and before commencement of the application period for the 2004 schemes. In so far as the REPS was concerned, the committee representatives were informed that our Department would obviously take into consideration the unavoidable hardship caused to farmers as a result of the landslide.

During the meeting, the committee representatives raised a number of non-humanitarian problems faced by farmers in the area, including the need to replace damaged or removed boundary fences, the cleaning of debris from land and damaged farm buildings and fodder loss. The committee sought a targeted compensation package that should only be made available to those farmers who could demonstrate they suffered loss or damage to their farming enterprise.

Following the meeting on 23 January, we asked that a detailed survey of the affected farms be carried out with a view to assessing the overall damage and the likely cost of any compensation package. The survey team looked at damage to land, fencing and farm buildings. The team recommended action on land damage, that is, that the removal of debris should be confined to green land only, that action on restoration of damaged fencing was required in all areas linked to the identified holdings, and that assistance should be offered for the replacement of farm buildings damaged on one holding. The total number of farmers directly affected was less than 50 people.

We have now secured agreement to provide funding of up to €100,000 to assist those farmers whose holdings have been most affected by the

landslide. We are satisfied that, in the overall context, and given that our Department was not responsible for the humanitarian aspect, this represents a very reasonable contribution to the difficulties which the affected farmers continue to face. We have asked our officials to finalise the formal scheme terms and conditions as a matter of urgency.

Dr. Cowley: What about the stock that was lost?

Mr. Treacy: The stock was not raised at the meeting. The issues raised were the need to replace damaged and removed boundary fences, the cleaning of debris and damaged farm buildings and fodder loss.

Dr. Cowley: Is it possible to look at the situation regarding stock loss?

Mr. Treacy: If the Department receives a submission it will consider it. A survey has been carried out and while 80 farmers were supposedly affected only 50 applied. A sum of €100,000 has been made available for those 50 farmers which is not a bad response.

Dr. Cowley: Will the Minister of State agree to look into the hardship cases as well?

Mr. Treacy: We will consider anything within reason but it has to be within a legitimate criteria of European and Irish law.

Schools Building Projects.

Mr. Durkan: This issue is a bone of contention in my constituency for some time. The question at the time was to ask the Minister for Education and Science when he expected to be in a position to provide the extra facilities required at Maynooth post-primary school which was built to cater for 650 students but now caters for 811, taking into consideration that planning permission was obtained by Kildare VEC on 18 December 2001 from Kildare County Council to build a ten room extension and full size gymnasium to cater for 850 students. The Minister was also asked if toilets and other facilities were adequate to meet staff and pupil requirements.

The reply stated that a large-scale building project for the school was listed in section 9 of the school building programme 2004, which was published on the Department's website. It went on to state that the project was at early stages of architectural planning. It is at this point that I want to raise a question on the information previously given to the House by the Minister. Planning permission and architectural planning concluded three years ago. We are not allowed to accuse anyone of telling lies in this House. There is no methodology available to me to ask the Minister if he was telling the truth when he gave out that information on 2 March, or if he was saying something else. The fact is that a reply to a Dáil question is sacrosanct. If it contains

[Mr. Durkan.] information which is incorrect then the Minister owes an apology to the House. He needs to come into the House himself, which is no reflection on Mr. Treacy who is sitting opposite me. It is not his responsibility and I am glad he is here. I also appreciate that other Ministers are very busy running the world.

Mr. Treacy: We run half the world.

Mr. Durkan: They run half the world and are conquering the other half. There are no circumstances in which an inaccurate reply can be accepted in the House. The Minister goes on to state that it has been assigned a band 3 rating by his Department in accordance with the published criteria for prioritising large-scale projects. The Minister thinks this is a big deal. In order to assign it a band 3 rating it was necessary to state that it was at the early stages of architectural planning. What is the Minister talking about? Does he understand what is going on in his Department? Does he realise how serious it is to give inaccurate information to the House?

Having considered this matter, I decided it was time to call a halt to this nonsense. I will not ask the Minister of State, Deputy Treacy, to come up with a reply which goes through the same rubbish again. I know he would consider that an insult to his intelligence. Will the Minister draft a reply which accurately reflects the current situation relating to the school in question? Will he put in place his plans or proposals to deal with the urgent and increasingly important situation of overcrowding and the lack of facilities which need urgent attention now? He should not allow the ridiculous situation to continue where he makes excuses by saying the project is in the early stages of architectural planning and that the Deputy asking the question does not know what he is talking about. The situation is as I have outlined. Will the Minister deal with the question raised or come into the House and apologise for giving inaccurate information? Failing that, he might respond to the request to provide the necessary resources to ensure that the accommodation repeatedly requested is put in place without further delay.

Mr. Treacy: I thank the Deputy for giving me the opportunity to outline to the House the position of the Department of Education and Science regarding proposals for providing funding for an extension at Maynooth post-primary school in County Kildare.

The 2004 capital programme was published in December 2003 and full details about individual projects are available on the Department's website at www.education.ie. It is obvious from the contribution made by the Deputy that he has read the website in great detail.

Mr. Durkan: I have.

Mr. Treacy: I am sure the Deputy and the House will agree that the website is an open file

on the affairs and position of the Department in relation to school projects and schemes. That is a new departure in terms of openness and the delivery of services not only for the parliamentary representation in this House, but also for the people of the nation.

Mr. Neville: That is an excuse.

Mr. Treacy: The Department of Education and Science has already accepted that there is a need to provide additional accommodation for students of Maynooth post-primary school.

Mr. Durkan: The information is incorrect again.

Mr. Treacy: A full design team has been appointed and architectural design of the project has commenced. An extension for the school is listed in section 9 of the Department's 2004 school building programme, as confirmed by the Deputy.

Mr. Durkan: Will the Minister of State give way?

Mr. Treacy: I will give way.

Mr. Durkan: The third paragraph states that a "full design team has been appointed and architectural design of the project has commenced". That has long since passed. We are getting a history lesson. This is three years out of date.

Mr. Treacy: I have not read the architectural brief and I have not seen the response to it, so I cannot comment.

Mr. Durkan: Permission has been granted and that could only have happened on the basis of the full architectural brief. I do not want to make life difficult for the Minister of State, who is doing his best. However, he has been given rubbish to read.

Acting Chairman: The Deputy might allow the Minister of State to continue with his reply.

Mr. Durkan: I will.

Mr. Treacy: I will try to be of assistance to the Deputy. This project is at stage 3 of architectural planning, which involves a detailed sketch scheme detailing room layouts, etc. It has been assigned a band 3 rating by the Department in accordance with the published criteria for prioritising large-scale projects.

When publishing the 2004 school building programme, the Department of Education and Science outlined that its strategy going forward would be grounded in capital investment based on multiannual allocations.

Mr. Durkan: That awful phrase.

Mr. Treacy: That is a strong, positive macro commitment to the liquid resources necessary to

create both the micro and macro projects which are critically important to the delivery of new public projects in the education area. Officials from the Department 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 multiannual school building programme from 2005. The Department expects to be in a position to make further announcements on this matter during the year. The needs of Maynooth post-primary school will be considered in that regard. The Minister has asked me to say that they are a priority. I take this opportunity to once again thank the Deputy for raising this matter in the House. I am confident that positive progress will be reported as soon as possible.

Mr. Durkan: Is the sentence in the third paragraph accurate or inaccurate? It states that the "full design team has been appointed". That happened three years ago.

Mr. Treacy: It must not have concluded its work.

Mr. Durkan: I do not want to discuss this issue forever, but if I accept this reply, I will insult myself, the Minister of State and the House.

Acting Chairman: We cannot have an argument at this time. The Deputy must find another way to raise the matter.

Mr. Durkan: I accept that, but someone must call a halt. This is not true. The Minister cannot come back into the House and presume we will not challenge it.

Acting Chairman: Unfortunately, this is not the time to discuss that matter.

Mr. Treacy: I do not have any difficulty with a challenge, provided it is done through the appropriate Minister.

Mr. Durkan: Will the Minister of State relay this information to the Department of Education and Science with a request for an urgent and direct response?

Mr. Treacy: I will.

Mr. Durkan: I thank the Minister of State.

Mr. Neville: I thank the Ceann Comhairle for allowing me to raise this issue and I thank the Minister of State for taking it. I am disappointed that I must raise this issue again having previously raised it on 13 June last year. I am extremely disappointed that progress has not been made in the decision on the 2004 schools development programme.

This issue concerns the national school at Kilfinane in County Limerick, which I visited. I saw at first hand the conditions which pertain there. I want the Minister for Education and Science to provide the necessary funding to

construct a new school which is urgently required and which was promised prior to the last election. We were told that progress would be made immediately after the election if the Government was returned to power. It was made clear in the report by the Irish National Teachers' Organisation that the facilities at this school have been totally unsatisfactory for many years.

The school is the base for a remedial teacher who is shared among five other schools. Her classroom, which is a cubicle partitioned off a room, is also used as a staff room, library and office. The resource teacher works in similar conditions. Disruptions are continuous and are not conducive to good learning experiences. They render the teacher's job difficult and place the children in a disadvantaged educational environment.

There are poor physical education facilities at the school. There is no general purpose room and no place for children to leave their outdoor games equipment. The staff enthusiastically encourage the use of computers, but it is extremely difficult because there is little space. The toilet facilities for staff are inadequate and the outdoor facilities for children are Dickensian. I doubt if the school building would pass examination by the Health and Safety Authority.

It is more than seven years since representations were first made about improving the school. The feasibility study carried out clearly showed that a new building was the only viable option. A site has been acquired locally for this purpose. The Department of Education and Science commissioned a feasibility study on the site and it found it was suitable. The staff of the school want what is best for the children of the parish. They also need practical working conditions to enable them to carry out their professional duties. They have been frustrated over the years. The school has six teachers, a shared remedial teacher, a full-time and part-time resource teacher and up to 150 pupils.

In January 1998 the board of management applied to the Department for a grant to carry out major structural works. In 1999 it received a reply offering a grant for toilets and a staff room, which was unacceptable. Everyone in the area and the Department of Education and Science accepts that a replacement school is required. Approval for a new school was granted in February 2001.

I have raised this matter on the Adjournment for four years. The existing building dates back to 1909. The school is housed in a converted church. It consists of six small classrooms, three of which are only 35 sq. m. There is a small ancillary room which is used as a library and a small office and cloakroom. There is also a small central hall which can be accessed from the classrooms. Some of this hall space had to be sacrificed to accommodate the secretary's office. There is no staff room and the toilets are located outside. The playing space outside is also limited and teachers are concerned about the safety of children.

Three of the classrooms are 7 m. by 5 m. and accommodate classes of between 25 and 40

[Mr. Neville.] pupils. The partitions between the classrooms are wafer thin as they consist of narrow timber boards or glass. They are not sound proof which causes difficulties for teaching and learning. The timber floors have begun to sag in many areas due to the design of the building. The ceilings are high and temperature extremes are common. The fact the school is situated on a steep slope also presents safety problems. There are many unavoidable drops and steps on the site which are hazardous and a cause of great concern to teachers and parents in terms of the safety of the pupils.

The Minister claimed that delay in acquiring the site is the cause of the problem. It took from February 2001 to November 2002 to acquire the site. However, the Department has been aware of the problems in this school since 1998 and had knowledge of them from the various feasibility studies. The primary school community in Kilfinane cannot be penalised for a delay over which it has no control.

There is evidence of dry rot and many of the windows cannot be opened leading to a lack of adequate ventilation. The playing space is inadequate. Sinks are provided in only three of the rooms and there is no staff room or proper library. The Minister of State, Deputy Noel Ahern, informed me last June that he would convey my strongly expressed views to the Minister. He said the project was at an early stage and that he needed to obtain approval for architectural planning if it was to start progressing quickly. I am disappointed that this is not being done in 2004.

Mr. Treacy: I thank the Deputy for raising this matter as it gives me the opportunity to outline to the House the strategy of the Department of Education and Science for capital investment in education projects and also to outline the position regarding Kilfinane national school, Kilfinane, County Limerick.

Kilfinane national school is a co-educational primary school with a current enrolment of 134 pupils. Enrolments have decreased in recent years, from 163 pupils in the school year 1998-99 to 134 pupils in September 2003. The school has a current staffing of a principal, five mainstream teachers, one shared learning support teacher and one permanently based resource teacher. The original school, which was constructed in 1909, is subject to a preservation order.

The school authorities applied to the Department of Education and Science for capital grant aid to fund an extension and officials in the school planning section of the Department considered this application. The outcome of the

deliberation was that the long-term accommodation needs of the school should be based on a teacher allocation of principal and five mainstream teachers plus a shared remedial teacher. A feasibility study was commissioned to examine the options for development at the school, that is, to establish if it would be preferable to upgrade and extend the present building or provide a new school on a greenfield site.

The feasibility study outlined a number of problems associated with remaining on the present site, for example, limited expansion possibilities and any planning application would have to reflect the listed status of the building. A possible new site was identified in the area and it was found to be generally suitable for the construction of a new school. The Office of Public Works, which acts on behalf of the Department in site acquisitions, was requested to commence negotiations for the purchase of the site. However, the diocese decided to purchase the site for the school and the Department understands that the diocese has now purchased the site. Once the site has been procured, the next step in the process is the commencement of architectural planning for a new school. Consideration will be given to this in the context of an overall review of projects which the Department referred to when publishing the 2004 school building programme.

At that time, the Department outlined that its strategy would be grounded in capital investment based on multi-annual allocations. Officials from the Department of Education and Science 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. The Department expects to be in a position to make further announcements on this matter in the course of the year. The 2004 school building programme at primary and post-primary level amounts to €387 million and outlines details of more than 200 large-scale projects proceeding to construction, 120 projects recently completed or under construction and more than 400 projects at different stages of the architectural planning process.

I thank the Deputy for giving me the opportunity to outline to the House the method used by the Department of Education and Science in determining in an open and transparent way how projects are included for funding in the school building programme. This school and all others will be treated in a fair and equitable manner.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 30 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 11, inclusive, answered orally.

Search and Rescue Service.

12. **Ms Burton** asked the Minister for Defence the search and rescue bases now maintained and operated by the Air Corps; the role he expects the Air Corps to play in search and rescue operations; and if he will make a statement on the matter. [9271/04]

28. **Mr. Rabbitte** asked the Minister for Defence if a date has been set for the handover of the search and rescue service in the north west from the Air Corps to a private company; if a decision to withdrawn the Air Corps is being reconsidered; and if he will make a statement on the matter. [9268/04]

43. **Mr. McCormack** asked the Minister for Defence the position regarding search and rescue services on the west and north west coast; and if he will make a statement on the matter. [9345/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 12, 28 and 43 together.

The Irish Coast Guard has overall responsibility for the provision of maritime search and rescue services within the Irish search and rescue region. The Air Corps provides the search and rescue, SAR, service off the north west coast while CHCI, a private operator, provides the service from Dublin, Shannon and Waterford.

Late last year, I announced my decision to withdraw the Air Corps from the search and rescue service. This decision was only made following a considered assessment of the capacity of the Air Corps to return to and maintain a full 24-hour service in the north west. As Deputies will recall, the service had been restricted following an unusually high incidence of sick leave among the winch crews.

There is no plan to reconsider the decision to withdraw from the search and rescue service. The Air Corps would have been unable to return to a full 24-hour service until March 2005. Moreover, the Air Corps operation, because of its small size, would continually be at risk from the loss of small numbers of experienced personnel and this is not acceptable within an emergency life saving operational service. The Air Corps will continue to provide its current limited service, while the coast guard makes alternative arrangements for the return of a full SAR service in the north west. I have been informed by my colleague, the Minister for Communications, Marine and

Natural Resources that he expects the new arrangements to be in place by May 2004.

Air Corps pilots will continue to train in search and rescue techniques and it is envisaged that they will provide support in limited non-maritime search and rescue services.

Defence Forces Recruitment.

13. **Ms McManus** asked the Minister for Defence if he has satisfied himself with the level of female membership of the Defence Forces, if he has plans to encourage the recruitment of a greater number of women; and if he will make a statement on the matter. [9289/04]

Minister for Defence (Mr. M. Smith): The Government is committed to a policy of equal opportunity for men and women in the Defence Forces, including the Reserve Defence Force, and to the full participation by women in all aspects of Defence Forces activities.

Women are eligible for service in the Army, Air Corps, Naval Service and Reserve Defence Force, and to compete for promotion on an equal basis and under the same general conditions as those which apply to men. Female officers are generally being promoted at the same stage in their career as male officers. All female personnel undergo the same training and receive the same military education as their male counterparts.

The military authorities advise that the trend for general service recruitment has been that 9% of all applicants have been female and that on average 9% of enlistments have been female. It is obviously not possible to predict what the relevant percentages will be in any future intakes of recruits, but there is no reason to assume that this pattern will change to any great degree.

Some 15.4% of applicants for the 2003 cadetship competition were female. Some 15.5% of successful candidates were female. Under the terms of the Employment Equality Act 1998, the Defence Forces are prohibited from operating recruitment policies that discriminate on grounds of gender. In order to encourage increased participation by women in the Defence Forces, I decided in March 1998 to reduce the height requirement for all female recruits to 5' 4" and this height requirement now also applies to male recruits.

The Defence Forces actively encourage female applicants by carrying out the following activities. Where possible, all graphical advertisements and booklets produced for the Defence Forces show both male and female personnel and emphasise the fact that all applicants are assessed on an equal basis. Stands at recruiting fairs are generally staffed by male and female personnel. When the Defence Forces are invited to give talks at all female or at mixed schools, every effort is made to have a female speaker.

Over the past six years, the strength of female personnel in the Defence Forces has grown from 244 at the end of 1997 to 484 at the end of 2003. In percentage terms, this represents an increase from 2.11% to 4.61% of total strength.

The following table indicates the strength of females in the Defence Forces:

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMs	Cs	CQMs	Sgts	Cpls	Total NCOs	Ptes	Cadets	Total
Army	0	0	0	0	1	11	30	33	75	0	0	3	1	10	87	101	206	15	397
Air Corps	0	0	0	0	0	0	1	2	3	0	0	1	0	0	7	8	9	1	21
Naval Service	0	0	0	0	0	0	2	14	16	0	0	0	0	0	1	1	44	5	66

Guards of Honour.

14. **Mr. Cuffe** asked the Minister for Defence if the Defence Force's guard of honour, which will greet the US President on his arrival, will be inspected and possibly disarmed by US security personnel as allegedly occurred during former US President Ronald Reagan's visit at Dublin Airport; and if he will make a statement on the matter. [9306/04]

Minister for Defence (Mr. M. Smith): No request for the provision of a guard of honour for the visit of the US President has been made to date. A guard of honour, if requested, will be provided in accordance with standard military procedures and the exact format will be decided by senior military personnel on the day. Normal procedure does not allow for inspection by security personnel of guards of honours prior to rendering honours. There is no question of US security personnel disarming the guard of honour.

Defence Forces Property.

15. **Dr. Upton** asked the Minister for Defence the Defence Forces property that has been handed over or it is planned to transfer for the purposes of the new affordable housing initiative agreed in Sustaining Progress; and if he will make a statement on the matter. [9286/04]

Minister for Defence (Mr. M. Smith): The Government decided in July 2003 that Magee Barracks, Kildare, and Gormanston Camp, County Meath, would be among the State lands released to the Department of the Environment,

Heritage and Local Government for inclusion in the Sustaining Progress affordable housing initiative.

In addition, the Government agreed in December 2003 to the release of a further series of State lands for inclusion in the initiative including Department of Defence sites at St. Bricins Hospital, Dublin, and at the Camp Field, Collins Barracks, Cork. The modalities of the transfer of these sites to the relevant local authorities are under active consideration.

Naval Service Strength.

16. **Mr. Howlin** asked the Minister for Defence the total establishment level for the Naval Service as set out in the White Paper on Defence; the current number of personnel; the steps that are being taken to ensure that personnel numbers are brought up to the recommended level, particularly in regard to commissioned officer and NCO level; and if he will make a statement on the matter. [9279/04]

Minister for Defence (Mr. M. Smith): As part of the modernisation process, in December 2000 I authorised a new organisation for the Naval Service which saw an increase in personnel numbers from 959 serving at that time to a new establishment of 1,144. The strength of the Naval Service, as advised by the military authorities, was 1,063 as at 29 February 2004.

Detailed figures for the establishment and strength of the Naval Service, as advised by the military authorities, as at 29 February 2004 are set out in the following table.

	Officers	NCOs	Privates	Total
Establishment	189	537	418	1,144
Strength	137	465	461	1,063

It is proposed to recruit a further 12 cadets to the Naval Service from the 2004 cadetship competition. The Naval Service proposes to have an initial intake of 40 general service recruits in the near future. The requirements for any further intakes will be reviewed on an ongoing basis. The ongoing recruitment campaign for enlistment in the Defence Forces, which I have approved, is designed to address any shortfall in personnel in the Defence Forces, including the Naval Service. The Government remains fully committed to the policy of ongoing recruitment to ensure that an overall PDF strength of 10,500 is achieved and maintained.

Some 93 recruits were enlisted in the Naval Service in 2003. Fourteen cadets and eight direct entry officers were also recruited during 2003. In 2002, 100 recruits, nine engine room artificers and six electrical artificers were enlisted in the Naval Service. In addition 13 qualified personnel, comprising four watch-keeping officers, four marine engineers and five electrical engineer

officers were also appointed. Some 16 cadets were also enlisted from the 2002 cadetship intake. In 2001, 62 recruits, six cadets, one marine engineer, two watch-keepers and three electrical artificers were recruited to the Naval Service.

Where the need arises, competitions are organised to recruit specialist personnel by direct entry. Competitions have been advertised in recent years for marine engineer officers, watch-keeping officers, electrical engineer officers, electrical artificers and engine room artificers in the Naval Service.

Internal State Security.

17. **Mr. Eamon Ryan** asked the Minister for Defence if the heightened security situation following the Madrid bombing will require additional spending by his Department; and if he will make a statement on the matter. [9311/04]

Minister for Defence (Mr. M. Smith): Before answering, I would again like to extend my condolences to all those who died and were

[Mr. M. Smith.]
injured in the terrible events which occurred in Madrid on 11 March. Obviously these events bring home to all of us the extent to which those who use terror are prepared to go to achieve their objectives and the need for vigilance on everyone's part to ensure the safety and security of the whole community.

In Ireland, the Garda Síochána has the primary responsibility for law and order, including the protection of the internal security of the State. Among the roles assigned to the Defence Forces is the provision of aid to the civil power — meaning in practice to assist, when requested, the Garda Síochána. Duties include the protection and guarding of vital installations, the provision of certain security escorts, etc. When called upon, the Defence Forces act in support of the Garda.

The level and demand for Defence Forces assistance depends on ongoing security assessments undertaken by the Garda. As this threat can vary over time and depending on the circumstances pertaining, it is not possible to predict the additional costs which may arise in the future in respect of security duties undertaken by the Defence Forces. At this time, there has been no general request from the Garda for the Defence Forces to undertake any specific additional duties arising out of the Madrid bombings. However, the Defence Forces will continue to render such assistance as may be appropriate when requested by the Garda.

Decentralisation Programme.

18. **Mr. Gilmore** asked the Minister for Defence the position regarding the proposed decentralisation of the Civil Defence school from Dublin to Roscrea which, according to the review of An Agreed Programme for Government, was to have taken place in late 2003; if premises have been acquired in Roscrea; the number of staff currently employed in the defence school in Dublin, broken down by grade; and the number of such staff who have agreed to transfer to Roscrea; and if he will make a statement on the matter. [9291/04]

Minister for Defence (Mr. M. Smith): In the context of the White Paper on Defence, the Government decided to decentralise the Civil Defence branch of my Department to Roscrea, County Tipperary.

The Office of Public Works, which has responsibility for the provision of official accommodation for Government Departments, is in discussion with the owners of suitable premises at Benamore in Roscrea for the newly established Civil Defence Board. I expect that the move will take place during the summer.

The Civil Defence Board has a staff of 22 in the following grades:

Grade	
Director General	1
Assistant Principal	1
Technical Officer Grade II	1
Communications Officer	1
Higher Executive Officer (Instructor)	2
Higher Executive Officer	4
Executive Officer	2
Staff Officer	1
Clerical Officer	4
Services Officer	1
Watchman	2
Range Attendant	1
Storekeeper-Clerk	1

Some ten members of the staff have indicated a desire to relocate to Roscrea.

Defence Forces Equipment.

19. **Mr. Howlin** asked the Minister for Defence when a decision will be made on the provision of light utility and medium lift helicopters for the Air Corps; and if he will make a statement on the matter. [9278/04]

39. **Mr. M. Higgins** asked the Minister for Defence if it is intended to publish the report of the joint military-civil board established to review the overall rotary wing requirements for the Air Corps which was submitted to his Department towards the end of 2003; and if he will make a statement on the matter. [9277/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 19 and 39 together.

When I announced my decision to withdraw the Air Corps from the search and rescue service, I also announced my decision to proceed with the procurement of light utility helicopters and the disposal of the current Alouette, Dauphin and Gazelle aircraft. The procurement of modern light utility helicopters will provide a significant boost in available flying hours at reduced maintenance cost, compared to the existing aircraft in the Air Corps helicopter wing. It will also provide increased capability in the roles currently undertaken by the existing Air Corps LUH helicopters.

My decision to proceed with the tender competition was based on the recommendations contained in the report of the joint military and civil board, which examined the rotary wing requirements of the Air Corps. The report of the board also dealt with the procurement of medium lift helicopters for the search and rescue service in the longer term. However, as the Air Corps will no longer be providing this service, this part of the report will not be implemented.

The report of the board is an internal document to my Department and in the normal course would not be published. However, as is the case with all such records, the report would

be releasable subject to the provisions of the Freedom of Information Act. The report contains confidential and commercially sensitive information and will inform the tender competition for the procurement of the light utility helicopters. As such, it will not be releasable until the conclusion of that process. The detailed tender documentation for the procurement of the light utility helicopters is currently being compiled within my Department and I expect to initiate that competition shortly.

Reserve Defence Force.

20. **Ms Lynch** asked the Minister for Defence the progress made to date with regard to the planned reorganisation of the Reserve Defence Force; and if he will make a statement on the matter. [9281/04]

Minister for Defence (Mr. M. Smith): On 15 January, 2003 I approved, in principle, the report of the Reserve Defence Forces review implementation board for the implementation of the recommendations of the special steering group on the reserve, which had reported to me in September 1999.

The Permanent Defence Force is now organised in a three brigade structure and a Defence Forces training centre. The Reserve Defence Force will be similarly reorganised and restructured and it is envisaged that the implementation of these changes in the Reserve Defence Force will take place over a period of approximately six years.

The White Paper on Defence recognised that a notable and important feature of the existing FCA organisation is its countrywide, geographical spread. This particular aspect will, in general terms, be retained in the future. The full organisational and establishment details of the new reserve will be determined in the course of the ongoing detailed implementation process. Plans are being prepared within each brigade for the amalgamation of FCA units in line with the proposals outlined in the steering group report. The objective of this process is to ensure that better training and other facilities will be provided to members of the Reserve Defence Force. No decisions have yet been taken on the location of proposed newly amalgamated units but the military authorities have advised me that all proposed amalgamations will provide an optimal environment for personnel in the relevant areas to partake in the new enhanced Reserve Defence Force.

Members of the FCA are already seeing the benefits of the reorganisation process in terms of better clothing and improved equipment and more and better quality training. As the process develops we will see additional benefits in terms of a clearer role for the reserve, a better overall organisation structure, and opportunities for suitably qualified reserve personnel to serve overseas. We will also see benefits from the closer integration of the reserve with the Army.

I am very mindful of the need to preserve and to retain the very many traditional and well established strengths of the current reserve system, not least the admirable spirit of individual voluntary commitment, close social links with local communities and a good depth and scope as regards nationwide geographical spread. Planning is ongoing by the military authorities but no final decision on the amalgamation of FCA units will be taken until I have had the opportunity to examine and approve the final amalgamation proposals.

EU Presidency.

21. **Aengus Ó Snodaigh** asked the Minister for Defence if he will report on the meeting of the EU defence directors in Thurles on 22 and 23 January 2004; the mandate of the defence directors; the persons who attended the meeting; the persons representing the Government at the meeting; the names and positions of other Irish delegates; the items on the agenda; and the decisions made. [9255/04]

27. **Aengus Ó Snodaigh** asked the Minister for Defence if he will report on the meeting of the EU defence directors in Thurles on 26 and 27 February 2004; the persons who attended the meeting; the persons representing the Government at the meeting; the names and positions of other Irish delegates; the items on the agenda; and the decisions made. [9256/04]

41. **Mr. Cuffe** asked the Minister for Defence if he will report on the meetings of defence directors, which have taken place under Ireland's EU Presidency; and if he will make a statement on the matter. [9307/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 21, 27 and 41 together.

Two informal meetings of EU defence directors have been held during the Irish Presidency. Both meetings took place in Dublin — the first on 22 and 23 January and the second on 25 and 26 February.

Defence directors are senior officials from the Defence Ministries of the EU member states and acceding states. It has become established practice for such officials to meet on an informal basis during the course of each Presidency. The meetings provide a useful opportunity for officials to discuss issues relating to the development of the EU's capability to carry out Petersberg Task operations, that is, peace support, crisis management and humanitarian operations.

As I reported to the House in reply to Parliamentary Question No. 3 on 5 February last, the first such meeting of directors, which was held on 22 and 23 January, provided an opportunity to discuss the most important policy priorities of our Presidency work programme. Discussions took place on: the development of the EU's capabilities to carry out Petersberg Task operations; progress on the creation, in the course

[Mr. M. Smith.]

of 2004, of an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments; developing and defining a 2010 headline goal; the development of an EU rapid response capability with a primary focus on supporting the United Nations in crisis management; and relations between the EU and NATO with particular regard to the capabilities development and operational planning.

The second meeting of defence directors held in Dublin on 26 February concentrated more specifically on the creation of the agency in the field of defence capabilities development, research, acquisition and armaments, as agreed by the Thessaloniki European Council of June 2003. This meeting was attended by officials of Defence Ministries with expertise in defence procurement issues.

The meeting included a presentation from the agency establishment team, AET, which was created on foot of a decision of the General Affairs and External Relations Council on 17 November 2003, to take work forward on the financial, legal and administrative aspects of setting up the agency. An information briefing was also given by a representative of the European defence industry group — a forum set up by the European defence industry to provide advice and policy recommendations. A presentation was also made by the Helsinki task force — an informal task force of military experts from EU member states who provide technical advice to the European Union military committee on EU capability shortfalls.

After the meeting, the Presidency reported on the outcome to representatives from Norway, Turkey, Iceland, Bulgaria and Romania. This report was in furtherance of the reciprocal arrangements in place between the EU and NATO on ESDP issues. As the meetings were informal in nature, no formal decisions were taken at either meeting.

Senior officials from the 15 member states and the ten acceding countries, as well as representatives from the Council general secretariat and the EU Commission attended both meetings, which were chaired by an assistant secretary from my Department with responsibility for European security and defence policy issues. The other Irish representatives included civil and military officials from my Department, as well as a representative from the Department of Foreign Affairs. Other invited guests who attended the meeting on 25 February included representatives of the agency establishment team, the European defence industry group, the western European armaments group and the headline goal task force.

Overseas Missions.

22. **Ms Burton** asked the Minister for Defence the reasons a proposed Naval Service mission to

service the Irish contingent in Liberia did not proceed; and if he will make a statement on the matter. [9270/04]

Minister for Defence (Mr. M. Smith): There was no cancellation of any Naval Service mission to Liberia. A Naval Service vessel provided support for the initial Defence Forces reconnaissance group, which visited Liberia to assess the situation prior to the decision to deploy the Defence Forces to UNMIL. In February, the Naval Service initiated preparations for a mission on the basis that it might be required to provide a re-supply or support mission to Liberia. However, it was decided by the military authorities that, in the normal course, re-supply missions to Liberia would be undertaken using chartered aircraft. Hence there was no requirement for a Naval Service vessel to service the Irish contingent in Liberia. If a requirement arises for a Naval vessel to undertake such a mission, this will be considered at the appropriate time.

As Deputies will be aware, I have agreed to allow members of the Irish contingent in UNMIL the opportunity to avail of a subsidised leave flight on these charter flights to Ireland during their tour of duty in UNMIL.

Internal State Security.

23. **Mr. J. O’Keeffe** asked the Minister for Defence the security and financial arrangements between the Army and the banks and other financial institutions; and if he has proposals to review these arrangements. [9218/04]

Minister for Defence (Mr. M. Smith): The roles of the Defence Forces as assigned by Government are set out in the White Paper on Defence, which was published in February 2000. To aid the civil power — meaning in practice to assist, when requested, the Garda Síochána which has the primary responsibility for law and order, including the protection of the — is among the assigned roles. The Defence Forces, pursuant to their role of rendering aid to the civil power, assist the Garda as required in duties, which include cash escorts. Cash escorts include deliveries to banks, post offices and other institutions.

The number of requests for cash escorts received by the military authorities from the Garda Síochána for 2002 and 2003 were 2,516 in 2002 and 2,298 in 2003. The financial arrangements involve a payment of €2.86 million by the banks in respect of Army escorts. The costs of these escorts are reviewed annually. The current contribution covers the marginal additional cost of providing escorts in terms of transport and allowances. I have recently requested my officials to review the current arrangements having regard to the arrangements which, I understand, were agreed between the Department of Justice, Equality and Law Reform and the financial institutions, to ensure that there

is no significant variance in methodology or level of cost recovery. It should be noted that there has been a significant reduction in the demand on the Defence Forces for assistance in aid to the civil power following the reduced security threat arising from the Good Friday Agreement.

European Rapid Reaction Force.

24. **Mr. Sargent** asked the Minister for Defence the agenda for the EU Defence Ministers' meeting in April 2004; the plans to discuss a German, French and UK proposal to create a rapid deployment force and the way in which this new force relates to the already established European rapid reaction force; and if he will make a statement on the matter. [9313/04]

Minister for Defence (Mr. M. Smith): An informal meeting of Defence Ministers of the European Union and acceding states is scheduled to take place in Brussels on 5 and 6 April 2004. A number of such informal meetings have been held in recent years. The meetings have been a useful forum for informal discussions focused on promoting dialogue between Defence Ministers in the context of the continued development of the European Security and Defence Policy.

Discussion items currently on the draft agenda include: the ongoing development of the EU's capabilities to carry out Petersberg Task operations — that is, peace support, crisis management and humanitarian operations; progress on the creation in 2004 of an intergovernmental agency in the field of defence capabilities development as agreed by the European Council held at Thessaloniki in June 2003; development and definition of a 2010 headline goal; the development of an EU rapid response capability with an emphasis on supporting the United Nations in crisis management; and relations between the EU and NATO with particular regard to capabilities development and operational planning in the light of a possible EU takeover of the current UN-authorized NATO-led SFOR mission. Given the developmental nature of European Security and Defence policy, and in line with established practice, the agenda will be finalised closer to the date of the meeting.

Strengthening the United Nations is both an Irish national and European priority. Real world experience, with the successful termination of operation ARTEMIS in the Democratic Republic of Congo, has shown the potential for the EU to conduct rapid response operations in support of UN objectives.

In December 2003, the General Affairs and External Relations Council, GAERC, concluded that work on the EU military rapid response capability should be initiated, aimed at complementing the headline goal with a precise definition and subsequent identification of modalities for EU rapid response elements. In this respect, the Council welcomed the proposals to further develop the EU's military capability to

support the UN in crisis management at short notice and on a short-term basis.

The Council requested the political and security committee to continue guiding the necessary EU developments in this field. It also requested the Secretary General — High Representative, Mr. Javier Solana, to report to the Council in March 2004 on the progress made on possible amendments to the Helsinki headline goal catalogue and on any necessary adjustments of strategic planning to support EU rapid response operations.

As part of this process, a proposal was put forward by the UK, France and Germany, which is seen as a useful contribution to the ongoing debate on the development of the rapid response capabilities with particular reference to EU-UN co-operation. Consideration of the proposal is currently at a preliminary stage. It is intended that Secretary General — High Representative Solana will make a presentation at the meeting on the progress made to date on rapid response.

Decentralisation Programme.

25. **Mr. Gilmore** asked the Minister for Defence if, in regard to proposals for decentralisation, a survey has been undertaken to establish the number of persons employed in his Department who are willing to move to the new locations announced by the Minister for Finance in his budget speech; the results of such a survey; and if he will make a statement on the matter. [9292/04]

Minister for Defence (Mr. M. Smith): No survey of the type described by the Deputy has been conducted in my Department.

Military Police Investigations.

26. **Ms B. Moynihan-Cronin** asked the Minister for Defence the progress made to date on the investigation into the circumstances in which a number of civilians came into contact with an unexploded tear gas canister near firing ranges at the Curragh; and if he will make a statement on the matter. [9290/04]

Minister for Defence (Mr. M. Smith): The investigation by the military police into this matter is nearing completion. A small number of interviews with relevant parties remain to be completed. Once these have been completed, a military police report on the incident will be compiled and will be submitted to the military authorities. As I have previously indicated to the House, I have asked that the investigation be expedited and that a report be submitted to me as soon as possible. Once the current investigation is completed, I will consider whatever recommendations may be made to me regarding the ongoing management and control of military ranges.

Question No. 27 answered with Question No. 21.

Question No. 28 answered with Question No. 12.

Overseas Missions.

29. **Mr. McGinley** asked the Minister for Defence if he has plans to amend the Army Pensions Acts to enable compensation to be awarded to the families of military personnel serving abroad who lose their lives on missions not mandated by the United Nations; and if he will make a statement on the matter. [9343/04]

Minister for Defence (Mr. M. Smith): As I indicated in my reply to Question No. 90 on 11 March 2004, the question of extending my Department's special extra-statutory lump sum compensation scheme to members of the Permanent Defence Force serving with the Organisation for Security and Co-Operation in Europe, OSCE, and other such overseas missions is under consideration in my Department.

Ministerial Transport.

30. **Mr. M. Higgins** asked the Minister for Defence the number of official trips undertaken to date by the new the Bombardier Learjet 45; the destinations in each case; and if he will make a statement on the matter. [9276/04]

Minister for Defence (Mr. M. Smith): In July 2003 the Government decided to approve the purchase of a Bombardier Learjet 45 light business jet for the ministerial air transport service, MATS. The Learjet operates in tandem with the Gulfstream IV in providing a ministerial air transport service for members of the Government. The Learjet 45 arrived at Casement Aerodrome, Baldonnell on 19 December 2003 and the Air Corps then embarked on an intensive training programme. The Learjet entered operational service as part of the ministerial air transport service on 19 January. It has undertaken a total of 21 ministerial air transport missions to the end of February 2004.

The destinations were as follows:

Date — Destination

19 January — Brussels

20 January — Brussels

21 to 23 January — Monrovia

24 January — Zurich

25 January — Zurich

26 January — Brussels

28 January — Brussels-London

2 February — Brussels

6 February — Cork

9 February — Berlin

10 February — Paris

11 February — Belfast

12 February — Brussels

13 February — Paris

18 February — Brussels

19 February — Derry

20 February — Berlin

22 February — Brussels

23 to 24 February — Paris-Brussels-Belfast

25 February — Budapest-Brussels

26 February — Budapest

It should be noted that the Gulfstream IV aircraft remains in service and has carried out 19 missions during the same period. Also, due to the demands arising from the EU Presidency it has been necessary on nine occasions to make use of the Beech King aircraft, which is now primarily used in a training role.

Defence Forces Strength.

31. **Mr. Costello** asked the Minister for Defence the total number of personnel from the other ranks commissioned as officers in the Defence Forces in each of the past five years; if there are plans to increase the numbers commissioned from the ranks; and if he will make a statement on the matter. [9275/04]

Minister for Defence (Mr. M. Smith): A total of 28 non-commissioned officers have been commissioned as officers in the Army, Air Corps and Naval Service in the past five years. Potential officers courses, POC, are held for non-commissioned personnel from time to time within the Defence Forces. Personnel who successfully complete such courses are commissioned as officers in the Permanent Defence Force. Participants on such courses are selected on a competitive basis. In addition, from time to time non-commissioned personnel who hold appropriate qualifications are commissioned to fill specialist appointments where vacancies arise. Eligible non-commissioned personnel may also apply for the annual cadetship competitions. The requirement for potential officer courses and commissioning from the ranks, CFR, competitions is reviewed from time to time and is being specifically addressed in the context of the integrated personnel management system, IPMS, which is one of the major policy initiatives provided for in the White Paper on Defence. The IPMS will make specific and ongoing provision for the introduction of regular schemes to commission enlisted personnel as officers in the Army, Air Corps and Naval Service.

Draft conditions governing the appointment of enlisted personnel of the Permanent Defence Force to be officers of the Naval Service are under discussion with the representative associations. As the discussions with the representative associations are ongoing, it would not be appropriate to comment on any of the specifics of the proposed draft conditions. However, it is the intention that a potential officers course will be run as soon as these discussions are completed.

National Archives.

32. **Mr. Sargent** asked the Minister for Defence his views on the recent release from the National Archives of a confidential document prepared by the Army intelligence section for the Chief of

Staff in October 1973, entitled *Military Implications of Ireland's Entry into EEC*. [9312/04]

Minister for Defence (Mr. M. Smith): The document referred to is more than 30 years old and reflects the views of the authors on the very different security environment, which obtained at that time. The world has since been transformed by the fall of the Berlin Wall and the dissolution of the Warsaw Pact, and by developments in UN peacekeeping and European security and defence policy.

Defence Forces Strength.

33. **Mr. Sherlock** asked the Minister for Defence the number of medical doctors serving as officers in the Defence Forces; the way in which this compares to the establishment level; the steps being taken to fill outstanding vacancies; and if he will make a statement on the matter. [9266/04]

Minister for Defence (Mr. M. Smith): The military authorities advise that the current establishment for medical officers in the Permanent Defence Force is 51 and the current strength is 20. In common with other public sector health service providers, the medical corps encounters difficulty in the recruitment and retention of medical personnel. The Department of Defence, in consultation with the director of the medical corps, is endeavouring to seek ways to recruit additional medical personnel, notwithstanding these difficulties.

Over the past number of years, the medical corps has had difficulty in attracting more than one or two medical officers per year into the service. Part of the difficulty in attracting applicants may be due to the unique nature of military medical officer appointments. Service in the medical corps is not a professional training employment comparable to non-consultant hospital doctor appointments or vocational training schemes in general practice.

Where no military medical or dental officer is available, suitable local arrangements are made with civilian medical and dental practitioners to ensure that the appropriate level of professional care is available to members of the Defence Forces.

Drug Testing Programmes.

34. **Mr. Broughan** asked the Minister for Defence the number of Defence Forces personnel tested so far under the new drug testing programme; the numbers who tested positive; the action that is taken when a member tests positive; and if he will make a statement on the matter. [9273/04]

Minister for Defence (Mr. M. Smith): Drug abuse has long been recognised as a serious and escalating problem in our society and while there have been relatively few instances of drug related

problems within the Defence Forces, it is recognised that the Defence Forces, as a component of the wider community, mirror the community at large. The implications of drug abuse in an organisation where personnel have access to firearms are too obvious to require elaboration.

A compulsory substance testing programme was introduced on 1 February 2002, as part of a Defence Forces substance abuse programme, following a long consultative process involving the Office of the Attorney General, the Deputy Judge Advocate General and the Defence Forces representative associations.

Prior to the launch of the programme, an education programme and awareness briefings were conducted throughout the Defence Forces. All personnel were issued with a booklet devised to inform them of the purpose of the new compulsory random drug testing programme, the administrative procedures involved and the sanctions for those who test positive. All necessary measures, including pre-enlistment screening, education, compulsory random drug testing, monitoring and sanctions, will be taken to maintain a drug free environment within the Defence Forces.

The primary objective of compulsory random drugs testing is deterrence. In order to provide a credible level of deterrent, the testing programme has been devised to maximise the possibility of random selection for testing. A trained drugs-testing team is responsible for taking urine samples for compulsory random testing throughout the Defence Forces. Testing commenced on 14 November 2002 and the programme is now in its second year of operation. The target of testing 10% of the Permanent Defence Force has been achieved. A member of the Permanent Defence Force, randomly selected, may be required, at any time, to provide a urine sample which will be tested for evidence of use of controlled drugs, or the abuse or misuse of other substances, or for the detection of the metabolites thereof. A member of the PDF who refuses to provide a urine sample, or who provides a urine sample which tests positive, shall be liable to retirement, discharge or relinquishment of commission or withdrawal of cadetship as appropriate under the provisions of Defence Forces regulations.

A total of 1,611 all ranks have been tested to date. There have been five positive tests. Where personnel have confirmed positive test results, they are discharged or retired in accordance with the relevant regulations.

Internal State Security.

35. **Mr. Sherlock** asked the Minister for Defence if the Defence Forces have been asked to provide support for the Garda during the planned visit of President George Bush to Ireland; the role he expects the Defence Forces

[Mr. Sherlock.]
to play; and if he will make a statement on the matter. [9267/04]

37. **Mr. Gormley** asked the Minister for Defence if he has satisfied himself that the Defence Forces can adequately protect the US President Bush and the EU heads of State at several different locations simultaneously during the upcoming EU-US summit in June 2004; and if he will make a statement on the matter. [9303/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 35 and 37 together.

The Garda Síochána has the primary responsibility for law and order, including the protection of the internal security of the State. Among the roles assigned to the Defence Forces is the provision of aid to the civil power — meaning in practice to assist, when requested, the Garda Síochána. Duties include the protection and guarding of vital installations, the provision of certain security escorts etc.

The level and demand for Defence Forces assistance depends on ongoing security assessments undertaken by the Garda. The Defence Forces and the Garda have ongoing consultations on such issues as a matter of course. There has been extensive prior planning by the Garda and the Defence Forces in the conduct of security for the visit of EU heads of State and specific roles and areas of responsibility have been identified for the Defence Forces. The planning process for the proposed visit by President Bush is in the early stages. However, in the event of a request being made by the Garda for security support, the Defence Forces will render such assistance as may be appropriate. Obviously it would not be appropriate for me to comment on the specific security arrangements for either event at this time.

Overseas Missions.

36. **Mr. J. O’Keeffe** asked the Minister for Defence the financial arrangements with the United Nations in respect of Irish troops serving overseas in UN and related missions; if all payments due are up to date; if not the amounts involved; and his proposals in this regard. [9219/04]

Minister for Defence (Mr. M. Smith): Ireland is entitled to reimbursement of troop and other costs by the UN in respect of Defence Forces participation in UN-mandated missions in Lebanon, Cyprus, East Timor, Ethiopia and Eritrea — UNMEE, and Liberia. The level of reimbursement in respect of troop costs is US\$1,131.30 per person per month. The total amount of money due to my Department by the United Nations as at 29 February 2004 in respect of troop and other costs associated with the participation of Defence Forces personnel in UN missions is approximately €10.8 million. Since 1 January 2003, the UN has repaid arrears of €4.3

million approximately, mainly in respect of UNMEE.

Continual efforts are made to recover from the United Nations the moneys owed. These efforts are strenuously pursued on an ongoing basis by the Department of Defence and the Department of Foreign Affairs in conjunction with the permanent mission of Ireland to the United Nations in New York. Both my colleague, the Minister for Foreign Affairs and I take every opportunity to raise with the UN Ireland’s concerns regarding arrears.

Question No. 37 answered with Question No. 35.

Hearing Impairment Claims.

38. **Ms McManus** asked the Minister for Defence the number of claims for damages for deafness determined in court or settled out of court at the latest date for which figures are available; the total amount paid out to date in terms of damages or legal costs; the total number of such claims outstanding; and if he will make a statement on the matter. [9288/04]

Minister for Defence (Mr. M. Smith): By 29 February 2004, a total of 16,702 claims had been received in my Department from current and former members of the Defence Forces in respect of loss of hearing allegedly caused during their military service. Some 330 claims have been determined in court and 14,753 have been disposed of out of court, mainly through settlement, leaving a total of 1,619 claims outstanding at that date. €274 million has been paid in respect of hearing loss claims including €91.5 million in plaintiffs’ legal costs.

Question No. 39 answered with Question No. 19.

Question No. 40 answered with Question No. 10.

Question No. 41 answered with Question No. 21.

Casement Aerodrome Incident.

42. **Mr. Rabbitte** asked the Minister for Defence the investigation that has been held into the circumstances in which political graffiti is reported to have been written on a visiting RAF helicopter at Baldonnel; and if he will make a statement on the matter. [9269/04]

Minister for Defence (Mr. M. Smith): An RAF helicopter visited Casement Aerodrome, Baldonnel, on 5 March, 2004. Prior to its departure on 6 March 2004, it was noticed that the letters “SF” were visible in the soiled dust on the tail section of the aircraft. A full military police investigation into the incident is currently ongoing. Obviously, it would be inappropriate to

comment further in this regard until such time as the investigation is completed.

Question No. 43 answered with Question No. 12.

Decentralisation Programme.

44. **Mr. Eamon Ryan** asked the Minister for Defence the way in which the decentralisation plans are proceeding for his Department; and if he will make a statement on the matter. [9310/04]

Minister for Defence (Mr. M. Smith): The Government decision on decentralisation announced by the Minister for Finance in his Budget Statement provides for the transfer of my Department's Dublin based Civil Service staff to Newbridge, County Kildare. The Government decision on decentralisation also provides for the transfer of Defence Forces headquarters staff to the Curragh, County Kildare. Civil-military working groups have been set up to consider the practical aspects of the transfer of staff to Newbridge and the Curragh. The Deputy will also be aware that, in the context of the White Paper on Defence, the Government decided to decentralise the Civil Defence branch of my Department to Roscrea, County Tipperary. I expect that the move will take place this summer.

Bullying in the Workplace.

45. **Ms M. Wallace** asked the Tánaiste and Minister for Enterprise, Trade and Employment the manner in which the Safety, Health and Welfare at Work Act 1989 covers bullying in the workplace; if her Department has provided funding to support this aspect of the legislation to voluntary organisations operating in the community; and if she will make a statement on the matter. [9419/04]

46. **Ms M. Wallace** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps taken by the anti-bullying unit of the Health and Safety Authority to deal with the issue of bullying in the workplace; if statistics have been provided to her by the Health and Safety Authority to demonstrate a 100% increase in 2003 in inquiries received by the authority with regard to bullying in the workplace; the funding available either through her Department or through the Health and Safety Authority to deal with this issue; and if she will make a statement on the matter. [9420/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): I propose to take Questions Nos. 45 and 46 together.

The Health and Safety Authority's Code of Practice for the Prevention of Workplace Bullying 2002 and section 6 of the Safety, Health and Welfare at Work Act 1989 refer to the employer's responsibility to ensure, as far as is

reasonably practicable, that the working environment is free from danger to the safety, health and welfare of the employee. Section 9 of the 1989 Act sets out duties on employees to protect their own safety, health and welfare and that of their co-workers or those who might be affected by another's actions, or omissions, while at work.

Employers must also prepare a safety statement under section 12 of the 1989 Act, based on an identification of the hazards and an assessment of the risks to safety and health at the place of work to which the statement relates. In preparing a safety statement, an identification of hazards and a risk assessment must be carried out in relation to the existence of workplace bullying.

The authority's code of practice points out that "The preparation and implementation of an effective Anti-Bullying Policy is necessary so as to ensure that, should bullying occur, there are procedures in place, supported by management, to deal with it." It further advises that:

A policy dealing with the prevention of workplace bullying should be produced following consultation with the employee representatives. It should be written, dated and signed at senior management level and updated when appropriate. It should be made available to all staff and highlighted as part of the induction process. It should also be publicised among existing staff on an ongoing basis. Reference should also be made to the Anti-Bullying Policy in the Safety Statement.

The Health and Safety Authority's anti-bullying unit was set up in 2001 in response to the recommendations of the task force on bullying and it concentrates on ensuring that organisations have an anti-bullying policy in place. It also assists those who do not have an adequate anti-bullying policy, to upgrade what they have, to bring it in line with the authority's Code of Practice for the Prevention of Workplace Bullying and the Labour Relations Commission's code of practice detailing procedures for addressing bullying in the workplace. The unit also attempts to ensure that policies are implemented by assessing records and evidence, although this is a limited function.

Statistics from the Health and Safety Authority indicate a 100% increase in inquiries to the unit in 2003. These include calls and letters from persons alleging bullying, from persons accused of bullying, from employers, human resource professionals, trade unions, solicitors and relatives of bullying victims.

Funding of the anti-bullying unit is provided through the annual grant of the Health and Safety Authority from my Department. My Department has no provision for funding to voluntary organisations in regard to the matter of bullying.

Community Employment Schemes.

47. **Mr. Hogan** asked the Tánaiste and Minister

[Mr. Hogan.]
for Enterprise, Trade and Employment if changes will take place to the structure of local FÁS community schemes from July 2004; if it will be a requirement for each local group to form a limited company as well as to have two directors on the scheme; and if she will make a statement on the matter. [9480/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): There are no specific plans in place to make structural changes to the community employment programme in July of this year. However, the future structure of the programme is under review by a group of senior officials and FÁS and this group is expected to report to Ministers on the outcome of its deliberations in the near future. The outcome of this review will inform any future adjustments in the structure and the terms and conditions of participation on community employment.

It is a requirement since 1998 that community employment sponsors must incorporate as a company or co-operative. This requirement was introduced primarily to protect the personal liability of members of the sponsoring committee. There are no plans to change this requirement.

Decentralisation Programme.

48. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the sections of her Department that have already been relocated outside of Dublin to date; and the extent to which the workers transferred were the original workers attached to her Department. [9484/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Patents Office, which is an office of my Department, was decentralised to Kilkenny in 1998. A total of 63 staff relocated to Kilkenny at that time. A total of 15 were staff from within the Department, 43 staff transferred from other Departments and five specialist staff were recruited to the Patents Office directly.

EU Funding.

49. **Mr. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the final audit report for the Youthstart employment project at St. Benedict's resource centre, Kilbarrack, Dublin 5, is now available; and if a copy will be forwarded to Deputy Broughan as the local public representative. [9510/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): St. Benedict's resource centre Ltd., operated one of 44 projects which received European Social Fund assistance through my Department under the Youthstart strand of the EMPLOYMENT

community initiative. This initiative ran from 1996 to early 2000.

The project promoted by St Benedict's resource centre Ltd., was among the 18 projects selected by the Department for audit in order to comply with European Commission audit requirements. The audits were conducted on behalf of the Department by Chapman Flood Mazars. The report on the St. Benedict's project was furnished to the Department on 16 December 2002. The main findings of the report have been discussed with the board of St. Benedict's resource centre Ltd. My Department is continuing to examine the issues arising from the report with board. In the circumstances, it would not be appropriate to make the report publicly available at present.

Defence Forces Property.

50. **Mr. G. Mitchell** asked the Minister for Defence if Gormanston is to close; the plans which exist for its future; and if he will make a statement on the matter. [9479/04]

Minister for Defence (Mr. M. Smith): On 1 July 2003, the Government agreed that Gormanston Camp, County Meath, would be among the State lands released under the Sustaining Progress affordable housing initiative. The intention is that this initiative will be targeted at those who in the past would have expected to purchase a house from their own resources but find that they are unable to do so in the current market.

The modalities regarding the transfer of Gormanston Camp are under active consideration in consultation with the Department of the Environment, Heritage and Local Government, which is the lead Department for the development of the affordable housing initiative. It is understood that Meath County Council is carrying out an infrastructural feasibility study of the site, which will determine the appropriate scale of future development at Gormanston.

Decentralisation Programme.

51. **Mr. Eamon Ryan** asked the Minister for Defence the sections of his Department that have already been relocated outside of Dublin to date; and the extent to which the workers transferred were the original workers attached to his Department. [9485/04]

Minister for Defence (Mr. M. Smith): The finance branch of my Department was decentralised to Galway in 1989. Of the 176 staff who relocated, 43 were already serving in my Department.

In the case of the Defence Forces, the directorate of military police and the directorate of reserve forces, comprising 13 military personnel in all, were decentralised from Dublin to Kickham Barracks, Clonmel, County Tipperary, in 2002.

Defence Forces Equipment.

52. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself that troops serving overseas have access to the most up to date military and life-preserving equipment, with particular reference to operations in Liberia and other similar locations; and if he will make a statement on the matter. [9498/04]

Minister for Defence (Mr. M. Smith): The safety and health of Irish personnel serving overseas is always of paramount concern to me and it is my policy and practice to ensure that Defence Forces personnel are appropriately trained and equipped to carry out their mission.

With regard to Liberia, a wide range of equipment and force protection assets were deployed with the contingent. This equipment is of the highest quality. The contingent is equipped with 22 new Mowag Piranha armoured personnel carriers. The piranha, with its high hardness steel plate armour, mobility and firepower, represents the highest level of protection deemed appropriate by the military authorities for the theatre of operations in Liberia. In addition, each soldier is equipped with personal body armour of the highest quality. Within the context of protection, deterrence is seen as a critical factor. The Irish contingent is also equipped with six armoured reconnaissance vehicles, each of which carries a 20 mm cannon or a 90 mm gun. The equipment modernisation programme, which is ongoing, ensures that the Defence Forces are fully equipped with the most modern of equipment for their day to day roles at home and overseas.

Defence Forces Accommodation.

53. **Mr. Durkan** asked the Minister for Defence the extent to which Army overholders' housing requirements have been met or are likely to be met in the near future; and if he will make a statement on the matter. [9499/04]

Minister for Defence (Mr. M. Smith): Personnel, on being discharged from the Permanent Defence Force, are obliged to vacate married quarters within a short period of the dates of their discharge. The provision of housing is primarily a matter for the local authorities and married military personnel have an equal claim on such housing as other members of the community in the same income category.

The individuals overholding 54 married quarters were written to in August 2002 and requested to vacate the properties. To date five of the quarters have been vacated and two others have been purchased by the occupants. A further nine of the properties have been offered for sale and a number of those sales are likely to be finalised in the near future.

My Department is continuing to examine all options, including affordable housing and voluntary and co-operative housing schemes, in respect of the re-housing of those overholders

who would in the normal way be eligible for local authority housing. The Department will remain in contact with the overholders pending resolution of the issue.

European Security and Defence Policy.

54. **Mr. Durkan** asked the Minister for Defence the extent to which he has discussed with his EU colleagues Ireland's participation in European and defence security procedures; and if he will make a statement on the matter. [9500/04]

Minister for Defence (Mr. M. Smith): I refer the Deputy to the reply I gave to Question No. 27 on 5 February 2004.

During the Italian Presidency an informal meeting of Defence Ministers was held in Rome on 3 and 4 October 2003 and an EU Defence Ministerial *en marge* of the General Affairs External Relations Council, GAERC, was held in Brussels on 17 November 2003.

Meetings of Defence Ministers provide a useful forum for Ministers to exchange views on the continued development of the European Security and Defence Policy, ESDP, in particular the development of EU capabilities to carry out Petersberg Task operations.

Two meetings of EU Defence Ministers will be held during Ireland's Presidency. The first informal meeting will take place in Brussels on 5 and 6 of April 2004 and the second will be held in the framework of the General Affairs and External Relations Council on 17 and 18 of May 2004. As part of my preparations for Ireland's Presidency of the EU I met informally with a number of my counterparts both *en marge* of previous ministerial meetings and through visits to capitals. The purpose of these discussions was to exchange views on Ireland's mandate for the Presidency.

Army Barracks.

55. **Mr. Durkan** asked the Minister for Defence the position in respect of all lands, buildings or equipment arising from the closure of various military barracks in 1998; and if he will make a statement on the matter. [9501/04]

Minister for Defence (Mr. M. Smith): The Government, on 15 July 1998, approved a programme of evacuation and sale of six barracks considered surplus to military requirements. The barracks in question are located at Ballincollig, Fermoy, Castleblayney, Naas, Kildare and Clancy Barracks, Dublin.

The sale of approximately 91 acres comprising lot 1, Murphy Barracks, Ballincollig, to O'Flynn Construction for €41 million was completed in 2003. In addition, the sale of lot 2 to the sitting tenant for €1.05 million — my Department's reversionary interest in approximately 6.2 acres of the barrack lands — was completed last year. A further area comprising more than 27 acres at Murphy Barracks will be handed over to Cork County Council for community use. Agreements

[Mr. M. Smith.]

have also been reached for the sale of a site, comprising circa 2.7 acres to the Southern Heath Board and a further plot of circa 1.7 acres to the Department of Education and Science. Receipts in excess of €2.8 million will accrue to my Department in respect of those disposals.

An area comprising circa 0.545 of an acre has been set aside on foot of a request from the Office of Public Works for a plot of ground to facilitate extension of the existing Garda station located on Main Street, Ballincollig. My Department is in correspondence with the OPW on arrangements for transfer of the lands concerned, including the matter of a consideration therefor.

A total of 19.218 acres at the former Fitzgerald Camp, Fermoy, were sold to Cork County Council in 2001 for €973,889 for development in conjunction with the IDA. Castleblayney Military Post, Monaghan, comprising approximately ten acres, was sold to the North Eastern Health Board for €761,843.

A total of seven acres at Devoy Barracks, Naas, County Kildare, were ceded free of charge to Naas Urban District Council, while a further 14 acres were sold to that authority for €8,888,167. The balance of the barracks lands — one acre — was sold to Kildare County Council for €380,921.

Magee Barracks, Kildare, comprises an area of 65 acres. At present, approximately 15 acres of the property are being used by the Reception and

Integration Agency of the Department of Justice, Equality and Law Reform to accommodate asylum seekers and a further site comprising approximately one acre is being used by Kildare County Council as a temporary halting site for 20 persons. The Government, on 1 July 2003, decided to release this property to the Department of the Environment, Heritage and Local Government for inclusion in a new affordable housing initiative agreed under the national partnership agreement, Sustaining Progress.

An offer of €25.4 million was accepted from Florence Properties Ltd., for the sale of Clancy Barracks, Dublin, comprising approximately 13.65 acres. A contract of sale was exchanged in December 2003 and completion is imminent.

56. **Mr. Durkan** asked the Minister for Defence if he has plans to increase the strength of the Army, Naval Service or Air Corps with reference to enhancing defence and surveillance capabilities to meet current or anticipated requirements; and if he will make a statement on the matter. [9502/04]

Minister for Defence (Mr. M. Smith): The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Permanent Defence Force, comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. The strength of the Permanent Defence Force as at 29 February, 2004 is as shown in the following table.

Service	Officers	NCOs	Privates	Cadets	Total
Army	1,022	3,069	4,295	97	8,483
Air Corps	139	413	334	10	896
Naval Service	137	465	432	29	1,063

It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment into the Permanent Defence Force will continue to maintain the strength at a level required to meet military needs and as set out in the White Paper, that is, 10,500 members of the Permanent Defence Force at all ranks.

Responsibility for the prevention of illegal activities rests primarily with the civil powers such as the Garda Síochána and the Customs Service. The White Paper on Defence provides for a security role for both the Naval Service and the Air Corps to assist and support the civil authorities in this important work. While the main day to day role of the Naval Service is to provide a fishery protection service in accordance with the State's obligations as a member of the European Union, Government measures to improve law enforcement in respect of drugs — including the establishment in 1993 of a joint task force involving the Garda, the Customs Service and the Naval Service — have helped to maximise the effective use of Naval Service

resources in combating drug trafficking. The Air Corps provides air support and on occasion carries the customs national drugs team in an observation capacity for the purpose of monitoring vessels suspected of drug trafficking or other such illegal activities. There is close co-operation between the civil authorities and the Naval Service and the Air Corps in this important area. I am satisfied that the extent of Naval Service and Air Corps reconnaissance, in conjunction with the Garda and the Customs Service, has had a major and beneficial impact in deterring drug trafficking and other such illegal activities.

The Army also continues to provide aid to the civil power as the need arises. I am satisfied that the Defence Forces can meet these requirements within the overall numbers as provided for in the White Paper.

Question No. 57 answered with Question No. 5.

National Emergency Plan.

58. **Mr. Durkan** asked the Minister for Defence

if he has put in place an adequate early warning system to prevent a possible terrorist attack; and if he will make a statement on the matter. [9505/04]

59. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself that the national emergency plan is capable of dealing adequately with all emergencies that may arise; and if he will make a statement on the matter. [9506/04]

60. **Mr. Durkan** asked the Minister for Defence the extent to which he has upgraded and updated plans in the event of a national emergency, particularly those precipitated by acts of terrorism; and if he will make a statement on the matter. [9507/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 58 to 60, inclusive, together.

Emergency planning for major accidents and emergencies has been ongoing for many years. This has been carried out at local level and co-ordinated on a regional basis in accordance with the Government major emergency planning framework. As chairperson of the Government task force on emergency planning, I have requested all authorities to review their emergency plans and revise them as appropriate. This has led to the examination and evaluation of emergency plans to ensure that the arrangements are current and effective.

The emphasis of the work of the Government task force on emergency planning has been to ensure that emergency planning challenges continue to be addressed with a view to developing responses to possible threats and to promote co-ordination of response arrangements. The focus for this work continues to be on taking the necessary precautions to, at best, prevent or, at least, minimise the risks from terrorist activities, ensuring that the protection available to the public is maximised, putting the mechanisms in place to support the response agencies and co-ordinating for maximum efficiency and effectiveness.

A critical issue in an emergency situation is the question of issuing adequate and timely warnings to the population and providing the necessary information to the general public on threatened or developing emergency situations. Television and radio broadcasting will be the key means of contact with the public in such circumstances but all other means of communication at the disposal of the State will be utilised. I assure the Deputy that Departments continue to take the lead role in planning for emergencies in areas for which each has statutory responsibility and must ensure that they have the necessary legislation, personnel, equipment and the planning arrangements in place to respond to emergencies, including the responses of bodies under their aegis.

The European Union has played a key part in developing response measures to assist member

states and third countries in the light of possible further terrorist attacks and atrocities. The Department of the Environment, Heritage and Local Government has the lead responsibility for representing Ireland on EU civil protection matters and forms part of a network of all the member states. The EU civil protection mechanism and other international mechanisms provide Ireland with a number of warning and alert systems and mechanisms for providing assistance in emergencies.

As President of the European Council, the Taoiseach, has recently issued a statement on proposals to counter terrorism in the aftermath of 11 March attacks in Madrid. These proposals will inform the discussions and developments taking place at the European Council meeting being held today.

The Government task force on emergency planning continues to meet regularly and co-ordinates Government emergency planning and responses across the State sector. An interdepartmental working group on emergency planning supports the work of this task force and carries out studies and oversight of emergency structures and processes. These mechanisms have been very important to integrate the emergency planning efforts of Departments and other public authorities to provide for co-ordinated emergency responses.

I am satisfied that the various plans developed and reviewed since the establishment of the Government task force on emergency planning are well co-ordinated and have significantly enhanced the response potential of the State in the event of a large-scale emergency. This approach to emergency planning, which continues to be adopted by Government, is very effective. I was pleased to report on such progress in the confidential second annual report to Government on emergency planning, which I presented to Government in October 2003. As chairman of the Government task force on emergency planning, I will continue this work and report regularly to Government and to this House on these matters.

Pension Provisions.

61. **Mr. Durkan** asked the Minister for Defence the position in regard to Army pensions payable to those who qualified pre-1994, with particular reference to the inclusion of service pay in the determination of pension entitlements; and if he will make a statement on the matter. [9508/04]

Minister for Defence (Mr. M. Smith): I presume the Deputy is referring to the question of having military service allowance, MSA, included in the calculation of pensions of Defence Forces' personnel who retired before 1 August 1990. Arising from a recommendation made in 1990 by the Commission on Remuneration and Conditions of Service in the Defence Forces — the Gleeson commission — MSA was made pensionable in the case of personnel retiring on

[Mr. M. Smith.]

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 MSA — 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.

Grant Payments.

62. **Mr. Deenihan** asked the Minister for Agriculture and Food when a forest premium grant will be paid to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [9454/04]

Minister for Agriculture and Food (Mr. Walsh): Payment of the 2004 forestry premium will be made within the next few weeks.

63. **Mr. Neville** asked the Minister for Agriculture and Food when a hardship grant will be awarded to a person (details supplied) in County Limerick following a herd disease outbreak. [9430/04]

Minister for Agriculture and Food (Mr. Walsh): The hardship grant is aimed at assisting eligible owner-keeper(s) with a restricted holding where animals are retained and fed during periods of restriction. The onus is on the owner-keeper(s) to apply for a hardship grant. An essential prerequisite for eligibility under the hardship scheme is that an owner-keeper(s) must lodge a completed application form ER97 with the local district veterinary office during the restriction period. The holding of the person concerned was restricted on 3 October 2003 and derestricted on 5 March 2004. The local district veterinary office has no record of an application form ER97 having been received. Under the scheme, there is no retrospective facility for now lodging a completed application form.

64. **Mr. Murphy** asked the Minister for Agriculture and Food if he will intervene in a case of a person (details supplied) in County Cork; and if his Department will allow the payment. [9451/04]

Minister for Agriculture and Food (Mr. Walsh): A payment of €9,523 under the installation aid scheme issued to the person in question on 8 March 2004.

Departmental Staff.

65. **Mr. Ring** asked the Minister for Agriculture and Food the names of his Department officials who met farmers affected by the landslide in Pullathomas, County Mayo; and the amount of expenses claimed by each official. [9453/04]

Minister for Agriculture and Food (Mr. Walsh): It is not usual practice to provide the names of individual officials. The grades of the four officials from this Department who attended the meeting were: principal officer; agriculture inspector, district superintendent; and supervisory surveyor. In so far as expenses are concerned, the officials were entitled to claim the normal travelling and subsistence expenses.

Departmental Schemes.

66. **Mr. Hogan** asked the Minister for Agriculture and Food if he will take steps to ensure that young farmers will retain the farm entitlements under the Fischler reforms in circumstances in which the transferee is a participant in the farm retirement scheme. [9474/04]

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 both farmers who have retired under the early retirement schemes and the young farmers who replaced them 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 one or more of 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.

Young farmers who leased land from farmers who retired under the early retirement schemes, 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. I should point out, however, that 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. This will not affect

the entitlements of the young farmers who farmed during the reference period.

Mayo Landslide.

67. **Mr. Ring** asked the Minister for Agriculture and Food the reason funding has not been allocated for the erection of protective barriers on Dooncartan mountain in Pullathomas, County Mayo; and when this funding will be sanctioned. [9475/04]

Minister for Agriculture and Food (Mr. Walsh): The question of funding for protective barriers is not a matter for my Department.

Decentralisation Programme.

68. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the sections of his

Department that have already been relocated outside of Dublin to date; and the extent to which the workers transferred were the original workers attached to his Department. [9486/04]

Minister for Agriculture and Food (Mr. Walsh): Table 1 shows the sections of my Department that have already been relocated outside of Dublin to date. Table 2 shows the previous career history of the staff involved in the most recent decentralisation to Johnstown Castle — other than forest service staff — along the lines requested by the Deputy. My Department cannot provide total numbers of job-people changes to achieve the decentralisation as many of these changes would have occurred in other Departments. My Department has not carried out a detailed examination of the pattern in the other offices listed in table 1 because of the time elapsed and the detailed work involved.

TABLE 1

Sections currently in Decentralised HQ Offices

Castlebar 1970's	Cavan 1980's	Portlaoise Early 1990's	Johnstown Castle Late 1990's
Headage Premium Quotas	Accounts Land Services	Special Beef Premium Appeals Office	On Farm Investment Beef Export Refunds Beef Public Storage Other Market Supports

TABLE 2

Staff involved in Decentralisation to Johnstown Castle in 1998

Grade	Relocated	Transferred in	Recruited	Grade Totals
Agricultural Inspectors	4	0	0	4
Administration Officers	0	1	0	1
Area Superintendent	1	0	0	1
Assistant Agric. Inspectors	0	0	3	3
Assistant Principal	2	12	0	14
Cleaner	1	0	0	1
Clerical Officers	12	17	106	135
Executive Officers	14	42	12	68
EO Analysts	1	1	0	2
Higher Executive Officers	4	31	0	35
HEO Systems Analysts	1	0	0	1
Principals	0	3	0	3
Senior Inspectors	2	0	0	2
Senior Superintend Vet Insp	1	0	0	1
Services Officers	1	1	1	3
Staff Officers	4	11	0	15
Supervisory Agric Officers	3	0	0	3
Vet Inspectors	0	0	1	1
Totals	51	119	123	
Grand Total				293

Grant Payments.

69. **Mr. Ring** asked the Minister for Agriculture

and Food if an appeals process will be put in place for those who did not have stock in the year in question, in relation to decoupling. [9527/04]

Minister for Agriculture and Food (Mr. Walsh): Council Regulation, (EC) No. 1782/2003 introducing the single payment scheme, provides that a farmer whose production was adversely affected during the reference period by a case of *force majeure* or exceptional circumstances occurring before the reference period are entitled to request that the reference amount be calculated on the basis of the calendar year or years in the reference period not affected by the case of *force majeure* or exceptional circumstances. Applications to avail of this provision have been submitted by more than 14,000 farmers earlier this year. The applications are currently being processed by my Department.

Farmers not satisfied with the decision in their case have the right to appeal. In this regard, I recently established a single payment appeals committee, chaired by Mr. John Duggan, and comprising appeals officers from the agriculture appeals office. In due course, this committee will also deal with the appeals of individual farmers in respect of other aspects of the implementation of the single payment scheme including the provisional single payment entitlements and individual decisions in relation to the allocation of entitlements from the national reserve. I am confident that this appeals committee will deal with appeals from farmers in an independent, fair and comprehensive manner.

Departmental Schemes.

70. **Mr. Penrose** asked the Minister for Agriculture and Food the position regarding persons who took early retirement due to serious health problems in respect of the impact of the Fischler proposals upon such persons; the position regarding family members of a retiree who wish to continue in farming; if, under the aforesaid proposals, they will at least have first preference to entitlements from the national reserve; if they will be able to activate their parents' quota; if the current lessees will not have to rent the lessor's land to activate all their entitlements; and if he will make a statement on the matter. [9528/04]

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. The early retirement schemes is a voluntary scheme so the discussions do not differentiate between those who may have been forced to retire on health grounds and those who simply elected to retire.

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 one or more of 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. This does not have to be the same land on which the entitlements were established.

Farmers 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 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.

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. In the case of inheritance, including anticipated inheritance where the farmer hands over the holding definitively to his or her successor, the entitlements established by the farmer will pass directly to the beneficiary. Special arrangements have also been made for young farmers who started in farming during the reference years that allows them to have their entitlements based on the number of years they farmed in those years rather than on the average of the three years.

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. Due to the fact that 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 will have to be awaited.

71. **Mr. Penrose** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Westmeath, who is engaged in full-time farming and has no other farming activity for either themselves or their spouse, has not been granted milk quota from the national reserve; and if he will make a statement on the matter. [9529/04]

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. It also examines applications from producers whose herds have been restricted by animal disease in the current quota year.

In considering applications on the grounds of animal disease the tribunal takes account of the producer's total available quota, the quantity and pattern of milk deliveries, and the estimated requirement until the end of the quota year. Furthermore, it also makes allowance for other factors such as the length of time the herd was restricted, the increase in herd size due to the restriction, and the availability of temporary leasing in the producer's co-operative.

The person in question submitted an application for additional quota on the grounds of animal disease but, having considered the application, the tribunal did not recommend an allocation on this occasion. While every application to the tribunal is treated in a fair and sympathetic manner it has not been possible, within the constraints of the limited amount of quota available and the sizeable number of applications received, to meet the demands for quota from all applicants. However, the person concerned may submit an appeal to have the tribunal review the decision in his case.

Bovine Disease Controls.

72. **Mr. Kehoe** asked the Minister for Agriculture and Food the status of the application by a person (details supplied) in County Wexford for a herd number; when a decision will be made; and if he will make a statement on the matter. [9530/04]

Minister for Agriculture and Food (Mr. Walsh): The person indicated submitted an application for a herd number to the local district veterinary office in Enniscorthy on the 15 March last. An official of my Department is arranging to visit the applicant within the next week to assess whether the applicant meets the requirements laid down.

Under the customer service action plan for local offices, all applications for herd numbers are processed within 28 days following the receipt of a fully completed application form and provided

that all the requirements laid down for a herd number are met by the applicant.

Debt Cancellation.

73. **Ms Burton** asked the Minister for Finance if he has seen the report entitled, Can the World Bank and IMF cancel 100% of poor country debts?, submitted to him by the Debt and Development Coalition Ireland in September 2003; and if so, his response to the report's suggestion that the IMF and World Bank have the resources to cancel debt owed to them by poor countries. [9457/04]

Minister for Finance (Mr. McCreevy): Copies of the report were sent to my Department. Under the HIPC process certain countries have had debts cancelled by the Bretton Woods institutions and other agencies. While Ireland is supportive of debt cancellation, it does not follow that agencies such as the World Bank and the IMF have the resources to cancel debts owed to them by all poor countries, however this was to be defined. It should be noted, however, that substantial financial support facilities have been provided to Argentina, Brazil and Turkey by the IMF and World Bank. Indeed, the president of the World Bank confirmed this to a representative of the debt and development coalition on his visit to Ireland last year.

Local Authority Funding.

74. **Mr. Ring** asked the Minister for Finance the reason funding has not been allocated for the erection of protective barriers on Dooncartan Mountain in Pollathomas, County Mayo; and when this funding will be sanctioned. [9481/04]

Minister of State at the Department of Finance (Mr. Parlon): Funding of protective barriers is not a matter for the Office of Public Works. The question of State funding, if any, is more appropriate to the local authority and-or the Department of Environment, Heritage and Local Government.

Prison Committals.

75. **Mr. F. McGrath** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that the US Government has imprisoned five persons (details supplied) who were working to save Cuban and American lives from terrorist organisations which operate in Miami. [9411/04]

Minister for Foreign Affairs (Mr. Cowen): The case raised by the Deputy relates to five Cuban citizens convicted in the US in December 2001 on charges ranging from espionage to first degree murder, and whose appeal is now being heard. As I have previously informed the Deputy, the Government has no standing in this matter which is a bilateral consular question between the Cuban and US authorities.

Foreign Conflicts.

76. **Mr. F. McGrath** asked the Minister for Foreign Affairs the policy position regarding the political situation in both Venezuela and Haiti and the dangerous activities of the USA in undermining democracy in these States. [9429/04]

Minister for Foreign Affairs (Mr. Cowen): The Irish and EU policy positions regarding the political situations in Venezuela and Haiti are set out in the following declarations. Declaration by the Presidency, on behalf of the European Union, on the CNE announcement of 2 March 2004 regarding the process of verification of signatures in Venezuela:

Date: 4 Mar 2004

The European Union has taken good note of the publication on 2 March 2004 by the National Electoral Council (CNE) of the preliminary official results of the process of verification of signatures and of the CNE's decision to organise an appeals process in relation to those signatures which were provisionally rejected, in the framework of the petition for a Recall Referendum concerning the mandate of the President of the Bolivarian Republic of Venezuela.

The European Union recalls the contents of its previous declaration, dated 23 February, 2004, and reiterates its full support for the important statement made by the OAS and Carter Center Missions to Venezuela in their joint declaration of 2 March, 2004.

The European Union shares the concern of the OAS with regard to the application by the CNE of specific verification criteria and their possible impact on the outcome of the process. No effort should be spared, however, to enable the country to find a constitutional, democratic, peaceful and electoral solution to its crisis. The European Union encourages all parties involved to negotiate constructively towards feasible, fair and transparent formulas for an appeals process which will respect the constitutional rights, the sovereign will and the good faith of Venezuelan citizens.

The European Union deeply regrets the development of a climate of violence, which has led to human casualties, and calls on all parties to continue to strive for the implementation of the agreement of 29 May 2003 in a climate of mutual respect, tolerance and restraint, and to fully abide by the Declaration against Violence and for Peace and Democracy of 18 February 2003, within the framework of the rule of law and democratic principles.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia align themselves with this declaration.

Declaration by the Presidency on behalf of the European Union concerning the formation of a new government in Haiti:

Date: 19 Mar 2004

The European Union welcomes the formation of a new Government in Haiti. This now gives reason to hope for substantial progress in establishing democracy and the rule of law, so that the country can break out of the political deadlock experienced in recent years and regain the stability for which it yearns.

The European Union stands ready to support the new government and assist in establishing the rule of law in the country. Being concerned at the serious deterioration in social and economic conditions in Haiti, the European Union is prepared to help relieve the Haitian people's suffering by means of prompt humanitarian aid in keeping with the circumstances.

The European Union welcomes Prime Minister Gérard Latortue's statement concerning the importance of national reconciliation and his willingness to administer a government of national unity. The EU holds reconciliation and co-operation among all Haitians to be prerequisites for Haiti's sustainable development and for an improvement in the standard of living of all its citizens.

The European Union is pleased at the United Nations Security Council's unanimous decision to dispatch a Multinational Interim Force. It welcomes all international efforts to bring security and stability to the country.

The European Union is disturbed at the persistent deterioration in security in Haiti and calls on all Haitians, without exception, to refrain from any kind of violent behaviour.

The European Union pays tribute to the considerable efforts made by the OAS and CARICOM to help bring peace and stability to Haiti. It hopes to see those efforts continue, in close co-ordination with Haiti's new government, the United Nations and the Multinational Interim Force.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the Candidate Countries Bulgaria, Romania and Turkey, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Serbia and Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this declaration.

Human Rights Issues.

77. **Mr. Cuffe** asked the Minister for Foreign Affairs the person who will be representing the African Union at the next meeting of the EU and the African Union on 1 April 2004 at Farmleigh House; and if human rights in Zimbabwe will be on the agenda. [9476/04]

Minister for Foreign Affairs (Mr. Cowen): The meeting between the European Union and Africa, to be held at Farmleigh House on 1 April 2004, will take place in troika format and Africa will, therefore, be represented by the African Union troika comprising Mozambique, the current African Union Presidency, South Africa, the former African Union Presidency, and the African Union Commission. It is expected that Mozambique will be represented by its Minister for Foreign Affairs and Co-operation, Mr. Leonardo Santos Simao, while South Africa will be represented by its Minister for Foreign Affairs, Dr. N. C. Dlamini Zuma. Ambassador Said Djinit, Commissioner for Peace and Security, will head the African Union Commission delegation to the meeting.

The issue of human rights in Zimbabwe will be raised by the European Union and discussed as part of the general discussion on governance issues in Africa.

European Council Meetings.

78. **Mr. Cuffe** asked the Minister for Foreign Affairs the matters on the agenda for the meeting taking place on 2 April 2004 in Dublin between the EU and South Africa; and if the Government will encourage the South African Government to distance itself from the Harare administration. [9477/04]

Minister for Foreign Affairs (Mr. Cowen): The EU views South Africa as a major partner in its relations with Africa, not only in bilateral terms but also because of the role it is playing in the African Union, AU, the Southern Africa Development Community, SADC, and in general in conflict resolution in Africa. The agenda for the forthcoming EU-South Africa ministerial troika to take place in Dublin, reflects this view. Discussions during the meeting will revolve around four main areas, namely: EU-South Africa relations, review of recent developments, peace and security and, multilateralism.

Under the EU-South Africa relations heading, we will focus on the 10th anniversary of freedom in that country. The anniversary is an occasion for celebration, which offers at the same time the opportunity for a period of national reflection. We will also discuss developments in the EU, including the impending enlargement of the Union and the Inter Governmental Conference. In reviewing recent developments, it is envisaged that both sides will exchange information and discuss issues of mutual concern. These will mostly centre on the current crisis in Zimbabwe

and the HIV/AIDS pandemic. Conflict areas on the African continent, such as the Great Lakes, Sudan and Ethiopia-Eritrea will also be taken up. Concerning Zimbabwe, the EU has stated in the Council conclusions on the Zimbabwe common position, adopted on 23 February 2003, that it continues to support the mediation efforts of South Africa and SADC to resolve this crisis. The Zimbabwe crisis affects the entire Southern Africa region and South Africa's active role in seeking a political solution in Zimbabwe is fully acknowledged by the EU.

On peace and security, Foreign Minister Zuma will inform the meeting of developments with regard to the peace and security council of the African Union. The EU will follow up on the request from the Maputo Summit of the AU for an EU peace facility. The peace facility will involve an initial contribution of €250 million from the European Development Fund to provide direct assistance to African peace support operations as well as to improve the institutional capacities of the AU in the areas of peace-keeping and conflict resolution. Promoting effective multilateralism is an important theme of Ireland's Presidency on the external relations front. It is a common foreign policy goal for both the EU and South Africa. Advancement of this goal will be discussed in relation to issues of global concern such as Iraq, the Middle East and international terrorism. We will also examine how co-operation in international fora can be advanced, including in the United Nations Commission on Human Rights.

Human Rights Issues.

79. **Mr. Cuffe** asked the Minister for Foreign Affairs the steps which have been taken by the Government to ameliorate the situation in Zimbabwe concerning the repression of its citizens; and if the Government has had contact with the opposition MDC party. [9478/04]

Minister for Foreign Affairs (Mr. Cowen): The EU is greatly concerned about repression of the citizens of Zimbabwe. In February 2004, the EU's common position on Zimbabwe noted the deterioration in the human rights situation in that country. Faced with this scenario, the Council renewed sanctions on those individuals whom the EU regards as bearing a major responsibility for serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly. The sanctions are targeted against the political elite and include a travel ban and an assets freeze, as well as a general arms embargo. The Council also expressed its deep concern at legislation in Zimbabwe which seriously infringes citizens' right to freedom of association and assembly, namely, the Public Order and Security Act, POSA. Concern was similarly expressed in relation to the application and provisions of the Access to Information and Protection of Privacy Act, AIPPA, which denies

[Mr. Cowen.]
freedom of expression and restricts freedom of the press.

As regards the second part of the Deputy's question, departmental officials have had meetings with representatives of the Movement for Democratic Change, MDC, including with Morgan Tsvangirai, president of the MDC. They have also met with Mr. Gibson Sibanda, vice president of the MDC on the margins of the UN Commission of Human Rights, UNCHR, when Mr. Sibanda expressed his full support for the draft resolution on human rights in Zimbabwe which was drafted by Ireland as EU Presidency. This resolution will be considered at UNCHR on 15 April 2004. The EU is strongly committed to the welfare of the Zimbabwean people, as evidenced by its donation of €294 million of humanitarian assistance to the citizens of Zimbabwe over the 2002-03 period.

Development Co-operation Ireland, DCI, has also made available over €8 million in emergency and humanitarian assistance for the affected countries in southern Africa in 2002, of which €3 million went directly to Zimbabwe. In 2003, DCI also provided funding of over €2 million to five development projects in Zimbabwe.

State Airports.

80. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he was notified in advance, or if permission was sought, for the US Secretary of Defence Donald Rumsfeld to address US troops en route to the war in Iraq at Shannon Airport; if such permission was given; and if he will make a statement on the matter. [9483/04]

Minister for Foreign Affairs (Mr. Cowen): Permission for the aircraft carrying US Secretary for Defence Rumsfeld to land at Shannon airport was granted in accordance with the normal procedures. As regards his meeting with and speaking to US military personnel in transit at the airport, this appears to have been a spontaneous act, and the question of advance knowledge did not, therefore, arise.

Decentralisation Programme.

81. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs the sections of his Department that have already been relocated outside of Dublin to date; and the extent to which the workers transferred were the original workers attached to his Department. [9487/04]

Minister for Foreign Affairs (Mr. Cowen): The Department of Foreign Affairs established a passport sub-office in Cork city in 1987. Two of the original three posts were filled from within the Department. The third officer came from another Department. The staffing complement of the office has increased in the intervening years, as a consequence of its up-grade to full passport issuing-status with responsibility for processing all applications from the Munster area, and in line

with significant annual increases in passport demand since 1987. The office's current staff complement is 56 posts.

The Deputy will be aware of my announcement in February of last year of plans to open a new passport production facility in Balbriggan during 2004. This will involve the relocation of 80 to 90 posts initially, approximately one third of which are expected to be filled by staff recruited from other Departments and offices.

Special Educational Needs.

82. **Mr. R. Bruton** asked the Minister for Education and Science if his attention has been drawn to a new strategy developed by a person (details supplied) in Dublin 15 for the education of persons with dyslexia; if he is undertaking an assessment of this system to see whether it can be used by his Department as a key element in addressing the needs of children with dyslexia; and if he will make a statement on the matter. [9421/04]

Minister for Education and Science (Mr. N. Dempsey): I can confirm that my Department has received correspondence relating to the education of persons with dyslexia from the person referred to by the Deputy. The matter is currently receiving attention in my Department and a response will issue to the person in question in due course.

83. **Mr. F. McGrath** asked the Minister for Education and Science if a plan will be outlined for a person (details supplied) in Dublin 9 with a disability, and a special needs assistant put in place at St. Fiachra's junior school, Beaumont, Dublin 9, in order to provide an educational service for them. [9422/04]

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.

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 Placement.

84. **Mr. F. McGrath** asked the Minister for Education and Science the position regarding a person (details supplied) in Dublin 3 who is seeking a place in the local secondary school; and the outcome of the appeals procedure. [9423/04]

Minister for Education and Science (Mr. N. Dempsey): An appeal has been processed on behalf of the child referred to by the Deputy, under the procedures for appeal to the Secretary General of my Department under section 29 of the Education Act 1998, in respect of the decision of Ard Scoil Rís to refuse his enrolment. The appeals committee has determined not to uphold the appeal regarding his refused enrolment to Ard Scoil Rís, Griffith Avenue, Dublin 9. The parents of the child in question have been informed of this decision.

The National Educational Welfare Board, NEWB, can assist parents who are experiencing difficulty in securing a school place for their child. The welfare board has indicated that it will treat children for whom an appeal under section 29 has been unsuccessful as priority cases in offering such assistance. The NEWB has been informed of the determination of the appeals committee in this case so that it can advise and assist to his parents in securing an alternative school placement.

School Transport.

85. **Mr. McGuinness** asked the Minister for Education and Science, further to Parliamentary Question No. 228 of 10 February 2004, if he has obtained a report on the case; if so, the action he will take; and if the cost of transport will be granted. [9440/04]

Minister for Education and Science (Mr. N. Dempsey): Bus Éireann has advised that the person to whom the Deputy refers is over 18 years of age and has not attended the school referred to by him in Parliamentary Question No. 228 of 10 February 2004 since 1996. On the basis of the information available the provision of

transport to the school referred by the Deputy does not arise.

Schools ICT.

86. **Ms Enright** asked the Minister for Education and Science the amount allocated to the promotion of information technology at secondary schools for each year since 1997; and if he will make a statement on the matter. [9441/04]

Minister for Education and Science (Mr. N. Dempsey): The Deputy will be aware that significant resources have been expended by my Department under the Schools IT 2000 — 1998-2000 and Blueprint for the Future in Irish Education — 2001-03 initiatives to integrate ICT into first and second level education. Capital resources were made available directly to schools in respect of ICT infrastructure and are set out below for post-primary schools.

In addition, a range of ICT current support services were made available to teachers and schools, in particular in the areas of teacher professional development, technical advice and assistance through national and local structures, the promotion of ICT in the curriculum and the dissemination of best practice in the use of the technology in teaching and learning. This current resource was administered in the main through the national centre for technology in education, NCTE. Given the general crosscutting nature of the services, it would neither be feasible nor meaningful to desegregate between national, special national and post-primary schools. The overall expenditure is therefore set out in the following table:

Capital allocations to post-primary schools

	€ million
1998	4.073
1999	4.538
2000	0.671
2001	8.208
2002	7.238
2003	2.356

Current — relevant to national, special national and post-primary schools

	€ million
1998	3.809
1999	9.013
2000	8.257
2001	4.757
2002	6.791
2003	7.699

Institutes of Technology.

87. **Mr. B. O'Keeffe** asked the Minister for Education and Science the total costs of public relations spending in respect of each institute of technology; the contract details agreed; and the companies or persons involved for the year ended 2003. [9442/04]

Minister for Education and Science (Mr. N. Dempsey): Institutes of technology are statutory bodies established under the Regional Technical Colleges Acts 1992-1999 and the Dublin Institute of Technology Acts 1992-1999. Under these Acts, the governance and day to day activities of the institutes are matters for which the governing bodies and the management staff of the institutes are responsible.

School Staffing.

88. **Ms Enright** asked the Minister for Education and Science the pupil per computer ratio at secondary schools; and if he will make a statement on the matter. [9445/04]

Minister for Education and Science (Mr. N. Dempsey): The Deputy will be aware that significant resources have been brought to bear under my Department's Schools IT 2000 — 1998-2000 and Blueprint for the Future of ICT in Irish Education — 2001-03 initiatives to integrate ICT into first and second level education. Large elements of these resources have been directed at assisting in the development of schools ICT infrastructure. Censuses of ICT infrastructure have been taken throughout this process and the most recent taken in the 2002-03 academic year shows that the pupil to computer ratio has fallen in post-primary schools from 16:1 to 9:1.

Special Educational Needs.

89. **Mr. Stanton** asked the Minister for Education and Science the number of special education resource applications, received by his Department before 31 August 2003, which have been considered; and if he will make a statement on the matter. [9446/04]

Minister for Education and Science (Mr. N. Dempsey): In all, more than 5,000 applications for special education resources were received in my Department between the 15 February and 31 August 2003. 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.

Departmental Schemes.

90. **Ms O'Sullivan** asked the Minister for Education and Science if his attention has been drawn to the alarm felt in the 55 schools that have been included in the stay in school retention initiative, due to the reduction from €50,000 per annum to €12,000 per annum per school; his long-term plans for the scheme; the way in which the good works being done under the initiative can continue; and if he will make a statement on the matter. [9447/04]

Minister for Education and Science (Mr. N. Dempsey): In 2002, my Department introduced the school completion programme, SCP, which is a new and significantly expanded programme to deal with early school leaving incorporating the learning, experience and best practice derived from previous early school leaving initiatives, namely the eight to 15 early school leaver initiative, ESLI, and stay in school retention initiative at second level, SSRI.

Evidence generated from the pilot phases of the school completion programme shows that the most effective way of addressing educational disadvantage is through an integrated services approach involving primary and post-primary schools, parents, communities and relevant statutory and voluntary agencies. This is the approach, which my Department is now taking to address the problem of early school leaving, which replaces the previous process of funding individual second level schools under the stay in school retention initiative.

Some 82 projects are currently supported and the remaining 53 SSRI schools not originally selected for the project strand are supported on a phasing out basis under the School Completion Programme. The options for the future of the School Completion Programme are being considered in the context of a broad review of all of the initiatives to tackle educational disadvantage and early school leaving, which is currently underway in my Department.

Decentralisation Programme.

91. **Mr. Eamon Ryan** asked the Minister for Education and Science the sections of his Department that have already been relocated outside of Dublin to date; and the extent to which

the workers transferred were the original workers attached to his Department. [9488/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has approximately 335 staff in Athlone and approximately 195 in Tullamore following previous decentralisation which took place between 1977 and 1995. Some of the staff would have been directly recruited, some promoted and some would have transferred to those locations. My Department does not have statistics to indicate the Department of origin of the staff in question who were already serving civil servants prior to the transfer to Athlone and Tullamore.

School Staffing.

92. **Mr. Durkan** asked the Minister for Education and Science if and when a special needs resource teacher can be provided for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9509/04]

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, 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.

Teaching Qualifications.

93. **Mr. Kehoe** asked the Minister for Education and Science if an Irish student accepts a place on a UK-recognised GTP course, if the qualification at the end of the course will be recognised here; if so, the requirements to be met and the way in which it is validated; and if he will make a statement on the matter. [9518/04]

Minister for Education and Science (Mr. N. Dempsey): The course of study referred to by the Deputy has not been granted general recognition for the purpose of teaching in this State.

The Registration Council is the statutory body which determines, with the approval of the Minister for Education and Science, the qualification requirements for the purpose of registration as a secondary teacher. The council prescribes that each applicant for registration as a secondary teacher must, among other requirements, hold a relevant third level qualification which in the opinion of the council, is adequate to enable the holder to teach at least one of the approved subjects or areas of study approved for the purpose of a course of instruction as set out in the rules and programme for secondary schools together with a suitable training in teaching qualification acceptable to the council which is directed towards the age range 12 to eight years.

Applications for the recognition of qualifications for the purpose of registration are considered by the council at meetings which take place on a periodic basis. In order for the council to assess the suitability of qualifications for teaching purposes, full details of the courses of study pursued must be submitted. If the person to whom the Deputy refers makes contact with the secretariat of the Registration Council at the offices of my Department in Athlone, he or she will be advised as to how to apply for recognition of the qualifications in question. The provisions applying to recognition of qualifications gained outside the State for the purpose of teaching in national schools are set out in my Department's circular No. 25/00 which is available on from the primary teachers' section of my Department in Athlone or can be viewed on the Department's website www.education.ie.

Schools Staffing.

94. **Mr. O'Shea** asked the Minister for Education and Science the reason a person (details supplied) in County Waterford was not informed by the County Waterford VEC that his Department had sanctioned a permanent whole-time position for them on 23 February 2000; and if he will make a statement on the matter. [9519/04]

Minister for Education and Science (Mr. N. Dempsey): The decision to offer a person a

[Mr. N. Dempsey.] permanent whole-time teaching position, following sanction from my Department, is an operational matter to be dealt with by the particular VEC.

Departmental Funding.

95. **Mr. McGuinness** asked the Minister for Education and Science if a course will be funded in Belfast for a person (details supplied) in County Kilkenny. [9520/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has received a request for funding towards the cost of attending the course referred to by the Deputy. A response will issue to the person in question as quickly as possible.

96. **Mr. McGuinness** asked the Minister for Education and Science if there is a grant to students at third level to cover the cost of a thesis; if councils reimburse the fees involved on submission of an invoice; if there is a grant, if the conditions have changed; and if he will make a statement on the matter. [9521/04]

Minister for Education and Science (Mr. N. Dempsey): Clause 5 of the 2003 higher education grants scheme and the vocational education committee's scholarship scheme provides for the payment of a grant in respect of the charge for student services, registration and examinations.

Where a candidate qualifies for a maintenance grant and is pursuing an approved course to which the free fees initiative applies or, would have qualified for a lecture fee grant but for the free fees initiative, the paying agent shall, where applicable, award the candidate a grant in respect of the charge for student services, registration and examinations up to €670. Where a candidate qualifies for a maintenance grant and is pursuing an approved course at postgraduate level, the paying agent shall award a grant in respect of the charge for student services, registration and examinations of up to €670 provided the charge and the tuition fee does not exceed the maximum fee limit. This grant shall be paid directly to the college-institution by the paying agent. There is no specific provision in the student support maintenance schemes to cover the costs of a thesis and it is not planned to introduce any such provision.

Site Acquisitions.

97. **Mr. McGuinness** asked the Minister for Education and Science the progress made in purchasing a site and providing a new building for the school of the Holy Spirit, Kilkenny; and if he will make a statement on the matter. [9522/04]

Minister for Education and Science (Mr. N. Dempsey): I am pleased to advise the Deputy that a site for the school of the Holy Spirit has

been identified. The matter of the transfer of ownership is currently being addressed.

On the proposed large-scale building project for the school, it is listed in section 8 of the 2004 school building programme which is published on my Department's website at www.education.ie. The project has been assigned a band 1 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

The proposed project will be authorised to progress to advanced architectural planning during 2004. Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme which in turn will give greater clarity regarding projects that are not progressing in this year's programme. I will make a further announcement in that regard during the year.

School Transport.

98. **Mr. Boyle** asked the Minister for Education and Science if he plans in the next 12 months to reform both the school transport system and the guidelines and eligibility for parents to access the system; and if he will make a statement on the matter. [9523/04]

Minister for Education and Science (Mr. N. Dempsey): In view of the rapidly escalating cost of providing the school transport service, which has more than doubled since 1997, my Department is in the process of finalising a review designed to identify efficiencies and savings which can contribute to a containment of the cost of this service. No decision has been taken regarding the implementation of any specific recommendation contained in the review.

Fisheries Protection.

99. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the ongoing unauthorised movement of mussel seed and mature mussels from the public fishery area of Carlingford Lough; the measures he is proposing to take to end this illegal movement; when these measures will be implemented; and if he will make a statement on the matter. [9473/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The State operates a system whereby all movements of bivalve molluscs, including mussels, for relaying purposes, must be authorised with a view to the control of animal disease and the protection of human health. My Department has been informed of allegations of unauthorised movement of mussel seed and mature mussels from the public fishery in Carlingford Lough.

As the Deputy will appreciate, allegations of this nature, and the background which gave rise to them, require full investigation. My

Department is currently carrying out this investigation.

Decentralisation Programme.

100. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the sections of his Department that have already been relocated outside of Dublin to date; and the extent to which the workers transferred were the original workers attached to his Department. [9489/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): In 1976, approximately 50 staff in the accounts branch of the then named forest and wildlife service were decentralised to Castlebar, County Mayo. As a result of departmental reconfiguration over time and, in particular, the establishment of the State forestry agency, Coillte, the accounts branch of my Department based in Castlebar today consists of 18 staff.

Given the number of years that have elapsed and the extent of reconfiguration of departmental boundaries since this decentralisation, my Department is not in a position to source the specific information requested by the Deputy in relation to the Castlebar decentralisation.

In addition, approximately 100 of my Department's staff are situated at almost 20 regional locations outside Dublin. This number includes my Department's accounts branch, Irish coast guard staff, sea fishery officers, marine surveyors, engineering staff and administrative support staff. Typically these staff were engaged on the basis of employment at specified locations outside Dublin.

101. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will clarify the current position with regard to the relocation of the Central Fisheries Board from Glasnevin to Carrick-on-Shannon; if his attention has been drawn to the serious difficulties for the work of the board presented by the proposed temporary move to Swords and Abbotstown; and if he will upgrade the Glasnevin premises for the temporary period until the full move to Carrick-on-Shannon can proceed. [9496/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Central Fisheries Board will be decentralised to Carrick-on-Shannon, County Leitrim, as part of the Government's decentralisation programme. The central implementation committee, under the chairmanship of Mr. Phil Flynn, is currently drawing up an overall implementation plan for decentralisation. This will, I understand, include the timeframe over which decentralisation will take place for the Departments and agencies involved.

In the meantime, I am advised that the accommodation occupied by the Central

Fisheries Board in Glasnevin does not meet minimum health and safety standards. Management of the board have gone to great lengths to identify alternative suitable accommodation from which to operate until such time as decentralisation to Carrick-on-Shannon is effected. Any disruption to service is secondary to the health and well-being of the staff of the board. I understand refurbishment of the premises in Glasnevin is not feasible without relocating staff off-site for some considerable time. The safety of staff should be the paramount consideration in determining the earliest date for relocation to Swords and Abbotstown.

Legislative Programme.

102. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources when he will bring forward the postal services Bill. [9497/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I am committed to progressing legislation required for an employee share ownership plan once the conditions of such an agreement are delivered.

Civil Registration System.

103. **Cecilia Keaveney** asked the Minister for Health and Children about the civil registration modernisation programme on marriage; and if he will make a statement on the matter. [9439/04]

Minister for Health and Children (Mr. Martin): The new procedures for marriage are set out Part 6 of the Civil Registration Act 2004. It introduced universal procedures for notification, solemnisation and registration of marriages. The new provisions amount to a substantial modernisation of the provisions that currently apply, many date back to the 19th century.

The administration of the registration system is statutorily a matter for An tArd-Chláraitheoir or the Registrar-General of Births, Deaths and Marriages and the Superintendent Registrars and Registrars who operate under his general direction.

The Register-General is committed to ensuring that the new provisions are brought into operation as soon as possible. Over the coming months, the General Register Office will undertake the wide range of measures required to achieve this, including all necessary consultations with the churches and other bodies. It will also inform the public of the changes to the new marriage procedures.

Departmental Funding.

104. **Mr. O'Dowd** asked the Minister for Health and Children about the assistance that can be given to the north eastern branch of the Samaritans based in Drogheda in respect of the purchase of a new premises in Drogheda that will cost over €300,000. [9415/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In the past funding was made available to several local branches of the Samaritans. I am not aware of an application from its north eastern branch. Applications are considered on their merits in the context of available funding.

Services for the Elderly.

105. **Mr. C. Lenihan** asked the Minister for Health and Children the assistance available to persons caring for an elderly relative in their home; and the plans his Department has to encourage this phenomenon to ensure that the escalating cost of nursing home accommodation does not become a burden to the Exchequer and families. [9416/04]

107. **Mr. C. Lenihan** asked the Minister for Health and Children his Department's policy to encourage children to look after their parents when they reach an advanced age; and the anticipated measures required to make this a real option for families. [9418/04]

Minister of State at the Department of Health and Children (Mr. Callely): I propose to take Questions Nos. 105 and 107 together.

My Department's policy is to maintain older people, in dignity and independence, in their home for as long as possible in accordance with their wishes. The policy was first enunciated in the care of the aged report published in 1968 and confirmed in the report entitled *The Years Ahead — A Policy for the Elderly* published in 1988. Numerous research studies show that the vast majority of older people have a preference to remain living in their own home for as long as possible rather than moving into long-term residential care. The preferred option for most families is to help care for their elderly relatives at home for as long as possible with the assistance of local health service staff.

Since my appointment as Minister of State, I have encouraged the Eastern Regional Health Authority and the health boards to introduce personal care packages for older people as an alternative to long-term residential care. Personal care packages are specifically designed for an individual and could include the provision of a home help service, home subvention payments, arrangements for attendance at a day centre or day hospital and other services such as twilight nursing. Personal care packages allow older persons the option of living in their home rather than going into long-term residential care.

This year an additional €1.25 million was made available to the authority and health boards for the introduction of personal care packages. This is in addition to the significant expenditure currently being paid for home help and other services aimed at supporting people at home.

Housing Grants.

106. **Mr. C. Lenihan** asked the Minister for

Health and Children if there will be greater grant aid for the refurbishment of homes to allow elderly relatives to be cared for in their children's homes when this is desired and desirable to relatives and parents. [9417/04]

Minister for Health and Children (Mr. Martin): My Department does not have such a grant scheme. My colleague, the Minister for the Environment, Heritage and Local Government, is responsible for housing grants and the Deputy may ask him about such a scheme.

Question No. 107 answered with Question No. 105.

Hospital Waiting Lists.

108. **Mr. Ring** asked the Minister for Health and Children the number of persons on waiting lists for hip operations in all health board regions; and the number of persons nationally waiting for hip operations. [9450/04]

Minister for Health and Children (Mr. Martin): The total number of adults waiting more than three months for orthopaedic procedures, including hip operations, either as an inpatient or as a day case at 30 September 2003, the latest date that figures are available, is shown in the following table:

Health Agency	Number of Adults Waiting for Orthopaedic procedures
Eastern Regional Health Authority	1,531
Midland Health Board	99
Mid-Western Health Board	45
North Eastern Health Board	300
North Western Health Board	291
South Eastern Health Board	112
Southern Health Board	216
Western Health Board	429
Total	3,023

The national treatment purchase fund is continuing to target those adults and children waiting longest for treatment. In most instances adults waiting more than six months for an operation and children waiting more than three months will be facilitated by the fund.

As part of a major phase two development at Mayo General Hospital, I have provided funding to begin the development of the orthopaedic service. It consists of a new 33 bed orthopaedic unit and operating theatres. Last month a new orthopaedic consultant took up his appointment.

Pharmacy Qualifications.

109. **Ms Burton** asked the Minister for Health and Children about a person (details supplied) born in Malaysia who wishes to practice pharmacy here and be recognised by the Pharmaceutical Society of Ireland. [9458/04]

Minister for Health and Children (Mr. Martin):

The PSI is responsible for the registration of pharmacists and the recognition of pharmacy qualifications. The Deputy should ask the person concerned to contact it in respect of their application to practice here.

Hospital Services.

110. **Mr. McGuinness** asked the Minister for Health and Children, further to Parliamentary Question No. 726 of 27 January, if a response will be expedited to the issue raised; the number of scans that were referred elsewhere out of hours in the past six months; if he will investigate the circumstances of a case in which a person (details supplied) in County Kilkenny was referred to Beaumont overnight for a scan; his views on whether these circumstances are acceptable; if the South Eastern Health Board will take action on the issue; and if he will make a statement on the matter. [9469/04]

Minister for Health and Children (Mr. Martin):

With regard to Parliamentary Question No. 726 of 27 January, the board informed my Department that a reply will issue to the Deputy shortly. The provision of CT services at St. Luke's Hospital, County Kilkenny, is a matter for the board. My Department has asked its CEO to reply directly to the Deputy.

Health Board Services.

111. **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. [9470/04]

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 its CEO to investigate the matter and reply directly to the Deputy.

Decentralisation Programme.

112. **Mr. Eamon Ryan** asked the Minister for Health and Children the sections of his Department that have already been relocated outside of Dublin to date; and how many workers transferred were the originally attached to his Department. [9490/04]

Minister for Health and Children (Mr. Martin):

On foot of a Government decision in 1992, a portion of my Department, namely, the General Register's Office, decentralised to Roscommon in 1996. In order to retain an acceptable level of service to the public, and to allow for the modernisation of the service provided by the GRO, including the introduction of new legislation and information technology, it was decided to proceed with the decentralisation on a phased basis. There are now 40 staff employed in the decentralised office. Of this number, three

staff transferred from my Department, six staff were directly recruited and the balance of 31 transferred from other Departments.

Hospital Services.

113. **Mr. Durkan** asked the Minister for Health and Children if a person (details supplied) in County Kildare will be offered an earlier appointment with a consultant of the Adelaide and Meath Hospital, in view of the fact that the appointment is over eight months away and the person is in constant pain; and if he will make a statement on the matter. [9513/04]

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 asked its CEO to investigate the matter and reply directly to the Deputy.

Health Board Services.

114. **Mr. Boyle** asked the Minister for Health and Children if his attention has been drawn to the impending retirement of specialists in the alleviation of cleft lip and palates in the SHB region; and if he will guarantee future provision in this important area. [9524/04]

Minister for Health and Children (Mr. Martin):

Provision of these specific services is a matter for the board. My Department has asked its CEO to reply directly to the Deputy.

Medical Aids and Appliances.

115. **Mr. McGuinness** asked the Minister for Health and Children the reasons for the delay in providing a new wheelchair for a person (details supplied) in County Kilkenny; and if the matter will be expedited. [9525/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of aids and appliances, including wheelchairs, is a matter for the relevant health board. My Department's has asked the CEO of the Southern Health Board to examine the matter and reply directly to the Deputy, as a matter of urgency.

Hospital Services.

116. **Mr. Penrose** asked the Minister for Health and Children if a person (details supplied) in County Westmeath will have a coronary angiogram carried out as quickly as possible. [9526/04]

Minister for Health and Children (Mr. Martin):

Responsibility for the provision of hospital services to residents of County Westmeath rests with the Midland Health Board. My Department has asked its CEO to investigate the matter and reply directly to the Deputy.

Vaccination Programme.

117. **Mr. Naughten** asked the Minister for Health and Children, further to Parliamentary Question No. 334 of 2 March, when the detailed examination of the schemes will be undertaken; if he will provide the Irish Vaccine Injury Campaign with a copy of the overview of other schemes; and if he will make a statement on the matter. [9539/04]

Minister for Health and Children (Mr. Martin):

The developmental work that can be undertaken by my Department in 2004 is concentrated on four major themes: advancing the health reform programme; supporting the health aspects of the EU Presidency; legislation on health reform and other pressing areas such as professional regulation; and monitoring of service plans and budget management by health boards or the ERHA.

The preliminary overview of schemes already undertaken is a working document that forms part of the deliberative process. It would not be appropriate for publication at this stage.

Driving Licences.

118. **Mr. F. McGrath** asked the Minister for Transport if, as a matter of urgency, he will consider using the new plastic card formatted driving licence as an opportunity to introduce an organ donation scheme, involving the person applying to be presumed an organ donor unless they sign an opt-out form. [9425/04]

Minister for Transport (Mr. Brennan): I refer the Deputy to my reply to Parliamentary Question No. 438 of 23 March. At present the paper format driving licence contains an optional section where the licence holder may indicate consent to be an organ donor.

I propose to introduce a plastic card licence and tenders are being considered by my Department. Consideration will be given, as part of the development of the card system, to whether optional information on organ donation might be recorded. It is more appropriate for a prospective organ donor to consent to donation as is currently provided for.

Driving Tests.

119. **Mr. Hogan** asked the Minister for Transport when a driving test will be arranged for a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [9449/04]

Minister for Transport (Mr. Brennan): A driving test will be arranged in due course for the person concerned.

Taxi Ranks.

120. **Mr. Gilmore** asked the Minister for Transport whether it is his Department or the local county or town council that makes decisions

on the location or relocation of taxi ranks. [9456/04]

Minister for Transport (Mr. Brennan): Section 15 of the Road Traffic Act 2002 provides for the making of by-laws by local authorities appointing the places in a taximeter area where taxis may stand for hire. The making of such by-laws is a reserved function of each local authority.

National Car Test.

121. **Dr. Cowley** asked the Minister for Transport the changes made or proposed in 2004 to the test facility hours for NCT centres. [9426/04]

Minister of State at the Department of Transport (Dr. McDaid): The opening hours of NCT test centres is a matter for the management of National Car Testing Service Limited. Regard is given to the broad range of customer service parameters for the service set down in the car testing contract. These include the company being able to test within 28 days of a request for an appointment. Test centres must be open for a minimum of 20 hours each week between 9 a.m. and 5 p.m. from Monday to Friday. They are also subject to local demand with one early opening from 8 a.m. and one late closing at 8 p.m. each week and at least four hours at weekends.

Driving Tests.

122. **Mr. O'Shea** asked the Minister for Transport the proposals he has to substantially reduce the waiting period for driving tests in both Dungarvan and Waterford (details supplied). [9467/04]

Minister for Transport (Mr. Brennan): At present there are 13 driver testers assigned to the south eastern region covering ten driving test centres, including Dungarvan and Waterford. The level of service at these test centres is broadly in line with the national average.

The overall number awaiting a driving test nationally has risen because of an above average increase of 21% in applications in 2003 compared to 2002. Indications are that applications have fallen to normal levels and I anticipate that waiting times will improve over the coming year.

A bonus scheme for driver testers to help address the backlog was introduced in May 2003 and terminated in November 2003. The possibility of introducing a further bonus scheme in 2004 is being considered. In addition, eight retired driver testers were re-employed with effect from 13 October 2003. Driver testers continue to deliver additional tests by working overtime on Saturdays and weekends.

Preparation of legislation to establish the driver testing and standards authority is at an advanced stage. It will be responsible for driving tests and will have more flexibility to respond to variations in demand. I expect to submit the text of the Bill to Government shortly.

Decentralisation Programme.

123. **Mr. Eamon Ryan** asked the Minister for Transport the sections of his Department that have already been relocated outside of Dublin to date; and the extent to which the workers transferred were the original workers attached to his Department. [9491/04]

Minister for Transport (Mr. Brennan): My Department's driver testing and licensing section has a staffing complement of 58 and is based in Ballina, County Mayo. In 1989 the function was decentralised from the Department of the Environment, Heritage and Local Government. Due to the passage of time it is not possible to indicate how many of the workers that transferred to Ballina were originally attached to the Department of the Environment and Local Government. My Department also has a staffing complement of 130 engaged in the provision of driving tests at centres located throughout the country.

Road Safety.

124. **Mr. Broughan** asked the Minister for Transport if, in view of the death toll on roads and the serious slippage on the already terrible 2003 figures, he has plans to review the process of investigation into road deaths and serious injury to heighten public awareness of the dreadful consequences for families and communities. [9516/04]

Minister for Transport (Mr. Brennan): The increase in the number of fatalities resulting from road collisions since the start of the year is a cause of serious concern, particularly in view of the significant reduction in the number of road accidents, fatalities and serious injuries achieved in recent years.

Under the Government road safety strategy, road accident fatalities fell from 472 in 1997 to 341 in 2003, the lowest number of road deaths in almost 40 years. This reduction was achieved in a period which also witnessed very significant increases in the number of vehicles, drivers and journeys on our roads.

Against this background, and in the light of the recent increase in road accident fatalities, I am particularly anxious to ensure that we redouble our efforts to achieve further significant reductions in road accident fatalities. To this end I will shortly be publishing a detailed three year road safety strategy.

As regards the investigation of road accidents, the position is as follows. The primary immediate investigative role in relation to road accidents is vested in the Garda Síochána. Priority in such an investigation must be given to the determination of the causes of road accidents and in particular to the determination of whether a breach of the road traffic laws contributed to the occurrence.

The Garda Síochána is the body empowered to make such a determination and to launch criminal proceedings against any person who the gardaí consider should be accused of the commission of an offence.

Given the pivotal role played by the gardaí in accident investigation, they are tasked with the preparation of detailed reports in relation to each accident they attend. These reports are forwarded to the National Roads Authority and subsequently to each local authority for the purpose of the establishment of accident trends and causes generally and to facilitate the carrying out of remedial works relating to road infrastructure where such action is deemed to be necessary.

The National Safety Council is mandated with responsibility for road safety education, advertising and awareness campaigns. The council has developed hard-hitting advertising campaigns targeting the key target areas of speed, drink driving and seat belt wearing. I have no immediate proposals to establish alternative arrangements for investigating road accidents.

Metro System.

125. **Mr. Broughan** asked the Minister for Transport when he will announce a metro system for Dublin. [9517/04]

Minister for Transport (Mr. Brennan): The programme for Government contains a commitment to develop a metro with a link to Dublin Airport. I have received the revised outline business case for phase 1 from the Railway Procurement Agency. It includes line from the airport to Dublin city centre. I am finalising my proposals on a metro in the context of the wider needs of the greater Dublin area and I expect to bring them to the Government shortly.

Rail Services.

126. **Ms Shortall** asked the Minister for Transport the plans he has to financially support Iarnród Éireann rail freight operations because the expansion of rail freight is a core objective of the European Commission's September 2001 White Paper on Transport (details supplied), the EU's Marco Polo programme on intermodal freight transport and the strategic rail review; and if he has explored the EU provisions that might regulate the granting of such assistance. [9536/04]

Minister for Transport (Mr. Brennan): On 16 March the EU Council of Ministers and the European Parliament reached agreement in a conciliation conference on the second railway package. Subject to formal adoption of the conciliation agreement by both institutions, this legislative package includes provision for the full

[Mr. Brennan.]

liberalisation of access to the international rail freight market in the EU from 1 January 2006. It also provides for full liberalisation of national rail freight markets from 1 January 2007. From that date access to the Irish Rail network will be open to other operators. They will have a right of access to the network. Terms and conditions will be worked out with Irish Rail and will conform with the provisions of the proposed directive. I have no plans to provide additional funding to Irish Rail to specifically support its rail freight operations.

Irish Rail is restructuring its rail freight business as part of an overall plan to address its difficult financial position. It will develop its profitable traffic, such as bulk freight and trainload traffic, and will reshape the loss making container business.

The company has had some success with the plan and has attracted additional traffic, particularly from the west of Ireland. It is negotiating with prospective customers and continues to examine new sources of business. All of this will serve to reduce the impact of freight on the road network.

Rail Accidents.

127. **Mr. Naughten** asked the Minister for Transport if he received the final report on the Cahir rail accident; and its recommendations. [9537/04]

Minister for Transport (Mr. Brennan): I refer the Deputy to my reply to Parliamentary Question No. 818 on 27 January. I said that that the chief railway inspecting officer expected to submit his final report to me by the end of March. Due to a short delay in the availability of certain technical evidence he expects to submit it by the end of April.

Driving Tests.

128. **Mr. Kehoe** asked the Minister for Transport the reason a person (details supplied) in County Wexford must retake a driving test when only their licence has been lost and the licence certificate number is available; and if he will make a statement on the matter. [9540/04]

Minister for Transport (Mr. Brennan): The certificate of competency referred to was issued on 2 February 1998 to the person concerned following the passing a driving test in category B. The Road Traffic (Licensing of Drivers) Regulations 1999, S.I. 352, provide that a certificate of competency shall cease to be valid two years after the date of issue. All successful test candidates are advised of that fact on completion of the test.

To be granted a driving licence, a person must submit a certificate of competency with his or her

application for a driving licence to the licensing authority within two years of the date of issue of the certificate of competency. A further certificate of competency can be obtained only on successfully completing a further driving test.

European Council Meetings.

129. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has discussed with his EU counterparts the possibility of a terrorist attack and the means with which to deal with it; and if he will make a statement on the matter. [9504/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 19 March, I chaired an extraordinary meeting of the Justice and Home Affairs Council of the European Union, at which a draft declaration on combating terrorism was agreed and forwarded for consideration at today's extraordinary meeting of the European Council. The draft declaration contains a range of measures aimed at enhancing member states' responses at Union level to the terrorist threat arising from the Madrid bombings.

Domestically, I am informed that the Garda Síochána has excellent lines of communication and co-operation with police forces and security services in the European Union, which are used on an ongoing basis and in response to particular events, including the Madrid bombings.

I am further informed that such ongoing sharing of intelligence enables the Garda Síochána to put in place a rapid operational response where circumstances so warrant.

Criminal Prosecutions.

130. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of times which the amendment effected by section 5 of the Criminal Justice Act 1999 has been availed of since its introduction; if he has satisfied himself with that; the plans he has to ensure greater use of the mandatory sentence; and if he has further satisfied himself that the measure has been effective in countering the activities of drug dealers. [9409/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda Authorities that, as of 6 November 2003, the number of persons convicted under section 15(a) of the Misuse of Drugs Acts 1977 and 1984, as inserted by the Criminal Justice Act 1999, since it became law on 26 May 1999, stood at 276. Under that provision, the number of persons who had received prison sentences of ten years or more by that date stood at 12. More up to date figures on the matter have been sought from the Garda authorities and will be supplied to the Deputy as soon as they are available.

I have already indicated my concern at the low number of sentences of ten years or more imposed and am reviewing the operation of the relevant provisions. That process will be informed by the results of the study which my Department has commissioned into convictions for the new drug-trafficking offence created by the 1999 Act.

Grant Payments.

131. **Ms M. Wallace** asked the Minister for Justice, Equality and Law Reform the amount of

Year	Course	Amount
		€
2003	Harmony in the Home	2,000
	Confronting Bullying	1,000
2002	Harmony in the Home	10,000
2001	Harmony in the Home	6,349 (£5,000)
2000		Nil

I can assure the Deputy that any future application for funding received from that group will be considered in the normal way.

European Council Meetings.

132. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will raise the case of five persons (details supplied) who were working to save Cuban and American lives from terrorist organisations which operate in Miami at future EU Justice Ministers' meetings. [9411/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The case raised by the Deputy relates to five Cuban citizens who were convicted in the US in December 2001 on charges ranging from espionage to first degree murder, and whose appeal is now being heard. As I have previously informed the Deputy, the Government has no standing in the matter, which is a bilateral consular question between the Cuban and US authorities.

Road Traffic Offences.

133. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the plans he has to exempt the emergency services, including all ambulance services, from the fixed-penalty notice directives when in the course of their important work; and if he will make a statement on the matter. [9412/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Legislation regarding speeding is contained within the Road Traffic Acts 1961 to 2003 and regulations made thereunder. This legislation is a matter for my colleague, Deputy Brennan, the Minister for Transport.

money his Department has provided for a group (details supplied) in the past four years, in view of its excellent work with regard to harmony in the home and confronting bullying; if his Department can increase the funding available for the work carried out by that group; and if he will make a statement on the matter. [9410/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that the grant funding made available to the group mentioned is outlined in the tabular statement below.

Prison Staff.

134. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding a person (details supplied) in County Kildare seeking to return property to his Department in view of the fact that no personnel of the section of his Department have contacted the person with a view to collecting the material involved; his views on security regarding such items; and if he will make a statement on the matter. [9413/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to by the Deputy had his probationary services terminated in 1998 because of a failure to provide regular service. On 7 August of that year, my Department wrote to advise the individual that he had been removed from the payroll and that he should immediately return his prison officer uniform and identification card to Mountjoy Prison. Those items remain the property of the Minister for Justice, Equality and Law Reform and, while satisfied that the matter has had no implications for security to date, arrangements are now being made by the Prison Service to have the property in question collected without further delay.

Grant Payments.

135. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application by Presentation Convent family centre, Listowel, County Kerry for a grant to build a new centre; and if he will make a statement on the matter. [9459/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for capital grant

[Mr. McDowell.]

assistance under the equal opportunities child care programme 2000 to 2006 was received from this community-based group in the middle of 2002.

All applications for grant assistance undergo a thorough assessment and appraisal process against the programme criteria by Area Development Management Limited, which has been engaged by my Department to undertake the work on my behalf.

As a large-scale project, the application required a thorough review by an 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, Area Development Management Limited, and the external building specialist with regard to the application. On completion of the assessment process, applications are normally 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.

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 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 child care programme to ensure that all capital projects which have already received grant allocations will proceed. The Deputy will appreciate that over 1,100 capital grants have been allocated already, totalling over €114 million. Many of those projects are either awaiting planning permission or the completion of tender processes before reasonable assurance can be given 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 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 that information is essential if

the best use is to be made of the significant capital funding being provided by the Government to support the child care needs of parents who may be in employment, education or training. I hope 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 remind the Deputy that the equal opportunities child care programme 2000 to 2006 is a seven year development programme. The progress of the programme was commented upon very favourably by the mid-term evaluators of both the regional operational programmes and the national development plan for 2000 to 2006. Expenditure under the programme must take place in a planned manner and covers the period until the end of 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. In the interim, it would not be appropriate for me to comment further on the application.

Reception and Integration Agency.

136. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if he will give an outline of the responsibilities of newcomers to Ireland, which it is his intention the Reception and Integration Agency will assist newcomers to Ireland to take on board as part of their participation in the economic, social and cultural aspects of Irish society, as referred to by him in his response to Question No. 16 of 26 February 2004. [9460/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I indicated to the Deputy in my response to Question No. 16 of 26 February 2004, the Reception and Integration Agency, or RIA, of my Department is responsible for the co-ordination and implementation of integration policy in the case of persons with refugee status or with leave to remain in the State. As the Deputy will be aware, that cohort of immigrants constitutes a relatively small proportion of the entire immigrant population in the State.

As regards the specific responsibilities of immigrants to the State and, in particular, those immigrants who are likely to become long-term residents of the State by virtue of being recognised as refugees or by virtue of being given leave to remain, I draw the Deputy's attention to the report by the interdepartmental working group on the integration of refugees in Ireland, *Integration — A Two Way Process*. That 1999 report defined integration as "the ability to participate to the extent that a person needs and wishes in all of the major components of society, without having to relinquish his or her own cultural identity." Moreover, the report goes on to state that, as a two-way process, "integration places an obligation on both society and the individual refugee. From the refugee's

perspective, integration requires a willingness to adapt to the lifestyle of Irish society without abandoning or being expected to abandon one's own cultural identity. From the point of view of Irish society, it requires a willingness to accept refugees on the basis of equality and to take action to facilitate access to services, resources and decision-making in parity with Irish nationals”.

Grant Payments.

137. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform if a grant will be provided to St. Brigid's Community Centre, Hawley Park, Tralee, County Kerry to develop a purpose-built child care facility; and if he will make a statement on the matter. [9471/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for capital grant assistance under the equal opportunities child care programme 2000 to 2006 was received from this community-based group on 30 December 2003.

All applications for grant assistance undergo a thorough assessment and appraisal process against the programme criteria by Area Development Management Limited, which has been engaged by my Department to undertake the work on my behalf.

I have made inquiries with the child care directorate and have been informed that the application is currently under appraisal. When the appraisal process is completed, the application will be considered by the programme appraisal committee, chaired by my Department, for a funding recommendation before I make a final decision on the application.

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 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 child care programme to ensure that all capital projects which have already received grant allocations will proceed. The Deputy will appreciate that over 1,100 capital grants have been allocated already totalling over €114 million. Many of those projects are either awaiting planning permission or the completion of tender processes before reasonable assurance can be given 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 that information is essential if the best use is to be made of the significant capital funding being provided by the Government to support the child care needs of parents who may be in employment, education or training. I hope 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 remind the Deputy that the equal opportunities child care programme 2000 to 2006 is a seven-year development programme. The progress of the programme was commented upon very favourably by the mid-term evaluators of both the regional operational programmes and the national development plan for 2000 to 2006. Expenditure under the programme must take place in a planned manner and covers the period until the end of 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.

In the interim it would not be appropriate for me to comment further on this application.

Drug Court.

138. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if he will report on progress to date on the expansion of the drug court in the Dublin region. [9472/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The pilot drug court programme was launched in the Dublin District Court on 9 January 2001, and the first sitting took place on 16 January 2001. Dublin's north inner city was chosen as the location from which to operate the pilot drug court.

The pilot drug court programme marked a major policy initiative in the criminal justice system and was designed as an alternative measure for dealing with less serious and non-violent drug offenders. The project was evaluated by expert consultants at the end of the 18-month period in July 2002. They recommended that the pilot project be extended and the catchment area be widened to include the Dublin 7 area for the period of the extended pilot project to focus on the research and development activity necessary to roll out the drug court more widely, while continuing and expanding the current pilot to test and refine further the emerging model and to address difficulties which had been identified.

[Mr. McDowell.]

I welcomed the recommendations contained in the report and supported the extension of the drug court to the full Dublin 7 catchment area. That will allow time for further consideration, in consultation with the relevant Departments and agencies, of how the drug court concept should be further developed and resourced.

Decentralisation Programme.

139. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform the sections of his Department that have already been relocated outside of Dublin to date; and the extent to which the workers transferred were the original workers attached to his Department. [9492/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Questions Nos. 466 to 468, inclusive, of 24 February 2004.

Registration of Title.

140. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if steps will be taken to expedite an application for registration by a person (details supplied) in County Westmeath, as same is urgently required; and if he will make a statement on the matter. [9534/04]

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 which was lodged on 22 August 1997. Dealing No. D1997XS006276J refers.

I am further informed that the application has been the subject of ongoing queries with the lodging solicitor since 13 March 1998 and that the queries which issued on 6 February 2003 were replied to on 23 January 2004.

I understand that, owing to the complicated nature of these types of cases, which require examination of an applicant's entitlement to the property concerned, it is not possible to estimate a date of completion at present.

However, I can assure the Deputy that the application is receiving attention and will be completed as soon as possible.

Closed Circuit Television Systems.

141. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform if the technical specification and codes of practice documents for community-based closed circuit television schemes have been circulated to participating towns; if he will provide a copy of those documents; and if he will make a statement on the matter. [9535/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed that, while delays have been encountered in finalising the code of practice and technical specification documents regarding my Department's community-based

CCTV scheme, both documents are now almost complete.

When they are finalised, my Department will issue copies of both the technical specifications and the code of practice to all entities which have expressed an interest in the community-based CCTV scheme. Any applications subsequently received will then be evaluated and processed.

Given that the documents have not yet been finalised and are therefore subject to change, it is not possible to provide the Deputy with a copy of the technical specifications or the code of practice now.

Human Rights Issues.

142. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he proposes to amend the Housing (Private Rented Dwellings) Act 1982 in view of the judgement of the European Court of Human Rights on 24 July 2003 in a case (details supplied), to bring the Act into compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms regarding the right of a surviving partner of a same sex couple to inherit a tenancy on the death of the official tenant; and if he will make a statement on the matter. [9424/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Housing (Private Rented Dwellings) Act 1982, confers a right to retain, as a tenant, possession of a formerly rent controlled dwelling for the lifetime of the person who was the tenant at the commencement of the Act on 26 July 1982 and for the lifetime of the person's spouse. My Department is currently examining the judgment referred to in the question to consider if any action is required regarding the 1982 Act.

Rights of People with Disabilities.

143. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the accessible system to be provided to enable blind persons to exercise their constitutional right to cast their ballots at elections in secret; the consultation that he has engaged in to ensure the suitability of any such proposed system and the user testing that has taken place or will take place; and the way in which verification of the vote will be made available to blind persons in the upcoming elections and in future elections. [9443/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Since its first use in 2002, several improvements have been made to the voting machine to improve its user friendliness for the visually impaired and other users. The new features 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. As with previous elections, a large copy of the ballot paper will be displayed in the polling station and a voter with a visual impairment may also avail of assisted voting facilities.

In addition, my Department is examining the development of 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. My Department will be consulting with the National Disability Authority and the National Council for the Blind, which have already provided constructive input into the improvements made to the voting machine, regarding the development of that voting machine feature.

Existing arrangements for visually impaired voters will continue to apply in an electronic context. Those include postal voting, voting at an alternative polling station where such is requested and companion or assisted voting.

Grant Payments.

144. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in processing an application by a person (details supplied) in County Galway for a thatching grant; when the application will be processed; and if he will make a statement on the matter. [9448/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An inspection was recently carried out, and notification of approval to a grant will be issued to the applicant shortly.

145. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the reason funding has not been allocated for the erection of protective barriers on Dooncartan Mountain in Pollathomas, County Mayo; and when that funding will be sanctioned. [9482/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): It is now a matter for Mayo County Council to determine the allocation from the significantly increased funding provided by my Department in 2004 which the council considers appropriate for works designed to prevent a recurrence of the landslide at the location.

Decentralisation Programme.

146. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the sections of his Department that have already been relocated outside Dublin to date; and the extent to which the workers transferred were the original workers attached to his Department. [9493/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department has participated in two previous decentralisation

programmes. In 1983, the vehicle registration unit decentralised to Shannon, while under a later decentralisation programme in 1989 several sections moved to Ballina.

The information sought on the status of the staff who originally took up employment in those offices is not readily available at this stage, and its compilation would involve a disproportionate amount of time and work.

Departmental Correspondence.

147. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will reply to an e-mail sent to his office on 20 January 2004 from a person (details supplied); the procedure for dealing with electronic correspondence; and if he will make a statement on the matter. [9538/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Electronic correspondence is given equal priority to other correspondence received in my Department. While there is no record in my Department of the e-mail dated 20 January 2004 referred to in the question, a reply was issued to an e-mail dated 3 March 2004.

Regarding the issue raised, the superannuation of employees of local authorities and health boards is a matter for the employers concerned. Any queries regarding the superannuation entitlements of an individual employee should be directed to the person's employing authority. I understand that the query in this case relates to a person who is an employee of a health board.

Grant Payments.

148. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if, regarding an application for funding under the capital assistance scheme for a property at Custom House, Athlone, County Westmeath, on behalf of ONE, a decision will be made as quickly as possible and funding granted; and if he will make a statement on the matter. [9541/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A grant of €365,746 has been approved in this case.

149. **Mr. P. Breen** asked the Minister for Community, Rural and Gaeltacht Affairs when CLÁR funding will be made available for recreational facilities for national schools; and if he will make a statement on the matter. [9455/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cúiv): I am currently finalising the details for the implementation and management of the scheme for the enhancement of outdoor school play facilities and expect to be able to announce the first round of projects selected shortly thereafter.

[Éamon Ó Cuív.]

As I indicated in my reply to a similar question last month, my colleague, the Minister for Education and Science, has made funds of up to €0.5 million available to the scheme, which will supplement the €1 million allocation from my own Department this year.

Departmental Staff.

150. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é an grád nua fostaíochta is cóir a bheith ag duine (sonraí curtha ar fáil) atá fostaithe ag Foras na Gaeilge in Áis, Sráid na bhFiníní, Baile Átha Cliath, mar nach ann don ghrád iompróir páipéir a thuilleadh agus an eol don Aire cathain a bheas an t-ardú cuí faoin mbinsemharcáil ag dul dó. [9468/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tuigtear dom ó Fhoras na Gaeilge go bhfuil soiléiriú faighte faoi ghrád an oifigigh atá luaite ag an Teachta agus go mbeidh an t-ardú cuí ata dlíte dó faoi bhínsemharcáil á íoc leis go luath.

Decentralisation Programme.

151. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs the sections of his Department that have already been relocated outside Dublin to date; and the extent to which the workers transferred were the original workers attached to his Department. [9494/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy is aware, my Department was established in June 2002. The Gaeltacht division was decentralised to Na Forbacha, County Galway in 1980. The total staff now employed by the Department in that location is 46. The detailed records sought by the Deputy are not readily available given the passage of time and the various changes of Departmental functions which have occurred since.

152. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs the sections of her Department that have already been relocated outside Dublin to date; and the extent to which the workers transferred were the original workers attached to her Department. [9495/04]

Minister for Social and Family Affairs (Mary Coughlan): My Department has decentralised offices in Sligo, Letterkenny, Longford, Waterford and Dundalk.

In 1989 My Department decentralised the delivery of pension services from Dublin to Sligo. A total of 319 staff were relocated. The number of staff serving in this office has now risen to 552 owing to scheme changes and additional workload over the period. Of the original 319 staff involved, 100 were relocated from within the Department.

In 1990-91 my Department decentralised the delivery of child benefit and treatment benefit office to Letterkenny. A total of 176 staff were relocated. Owing to increased claim loads the number of serving staff has risen to 190. Of the original 176 staff, 64 were relocated from within the Department.

In 1993-94 my Department decentralised long-term illness schemes and certain other services to Longford. A total of 178 staff were relocated. With an increased claim load there are 283 staff serving in this office. Of the original 178 staff who moved to this location, 93 were relocated from within the Department.

In 1995 my Department decentralised part of the client data services to Waterford. A total of 28 staff were relocated. Of these 19 were relocated from within the Department. In 2002 my Department decentralised the accounts branch to Dundalk. A total of 95 staff were relocated. Of these, 36 were relocated from within the Department.

Social Welfare Benefits.

153. **Mr. Durkan** asked the Minister for Social and Family Affairs if supplementary welfare assistance or exceptional needs payment will be offered in the case of a person (details supplied) in County Kildare who has one dependent child and is on a vocational training opportunities scheme course; and if she will make a statement on the matter. [9514/04]

Minister for Social and Family Affairs (Mary Coughlan): The South Western Area Health Board was contacted on behalf of the person in question and has advised that her application was refused on the grounds that, on this occasion, the need was not considered to be of an exceptional nature. If she is not satisfied with the decision, it is open to her to appeal the decision to the health board appeals officer.