



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

*Tuesday, 30 March 2004.*

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## DÁIL ÉIREANN

*Dé Máirt, 30 Márta 2004.*  
*Tuesday, 30 March 2004.*

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

*Paidir.*  
*Prayer.*

### Ceisteanna — Questions.

#### Special Advisers.

1. **Mr. Kenny** asked the Taoiseach the names, duties and responsibilities of the special or political advisers or assistants appointed by the Attorney General; and if he will make a statement on the matter. [2850/04]

**The Taoiseach:** Mr. Loughlin Deegan, a qualified solicitor, was appointed to the position of special adviser to act as a liaison between the Attorney General and myself and other Departments on items relevant to the programme for Government as well as to keep the Attorney General informed on items arising in the Dáil and Seanad or media which could impinge on, or be relevant to, the role of the Attorney General.

Mr. Deegan attends meetings of advisers and monitors Dáil and Seanad business, especially the Order of Business and daily Question Time. He also attends meetings of the Government legislation committee. He does not provide legal advice or legal services.

**Mr. Kenny:** As the Taoiseach is aware, the Attorney General is not elected and is not a political entity in the way that Deputies and Senators are. He does not have a programme or an agenda to implement, nor should he. He is the protector of the public interest, the legal adviser to the Government and a constitutional office holder. Did I understand the Taoiseach to say that Mr. Deegan operates as a liaison officer between himself and the Attorney General? What impact does a political adviser to the Attorney General have, particularly in view of the fact that the latter does not have a political agenda to implement and is a person of considerable experience having spent 25 years as a senior counsel? What advice or assistance can Mr. Deegan give to the Attorney General in terms of carrying out his constitutional remit?

**The Taoiseach:** He does not give legal advice to or provide legal services for the Attorney General. On behalf of the Attorney General, he monitors what is going on. The Attorney General cannot monitor what is happening in all Departments, keep in touch with the legislative programmes of all Ministers and with everything being dealt with by his office or monitor what is going on in the Dáil and Seanad. Mr. Deegan brings such matters to the attention of the Attorney General, otherwise the latter or someone else would have to monitor them. It is not for a political purpose that Mr. Deegan does this, it is so that the Attorney General can deal with the issues. Everyone understands that enormous demands are placed on the Attorney General and his office in terms of requests for information and data from all Departments. For a number of years, Attorneys General have appointed individuals to liaise with them on these matters.

The Attorney General's office is the key contact point between Departments and agencies in respect of the legislative programme in trying to ensure that it is dealt with in a smooth fashion. Somebody must liaise with Departments and agencies on that issue and Loughlin Deegan does so.

**Mr. Kenny:** The Taoiseach has gone considerably outside the scope of what is a so-called political adviser in this instance. He stated that Mr. Deegan monitors what is going on. Are we not paying €20 million of public money for a communications unit which monitors what is going on and provides information in that regard to members of the Government? Does Mr. Deegan, in his capacity as political adviser to the Attorney General, possess or have access to the information gathered by the communications unit? The unit monitors what is going on and the public pays for that service. Why should Mr. Deegan have to sit in the Office of the Attorney General wearing a set of headphones and monitoring what is going on?

If he is the critical element in the legislative programme, Mr. Deegan would have known that the Taoiseach was assuming the high office of the Presidency of the European Union. The Taoiseach has made good progress in that regard and I congratulate him. However, would Mr. Deegan not be aware that Committee Stage of the terrorism Bill introduced here two years ago has not yet been taken? The Bill to which I refer deals with the funding of terrorism, the taking of hostages etc. How does he monitor what is going on? Does he have access to the communications unit? Does he relay the information provided by that unit to the Attorney General and does he then liaise with the Taoiseach in respect of what the Attorney General says? Does Mr. Deegan have a political value, given that the Attorney General, Mr. Brady, has considerable political and legal experience? What element of assistance

[Mr. Kenny.]  
does Mr. Deegan offer in terms of the smoother running of Government.

**The Taoiseach:** The Attorney General's office is independent and, therefore, Mr. Deegan is not a political adviser in any form. He acts as a special assistant and liaises between the Attorney General, me and other Departments and colleagues on items that are relevant to the programme for Government. He also keeps the Attorney General informed on items arising in the Dáil, the Seanad, committees and the media which are relevant only to the role of the Attorney General. Practically all matters are in some way relevant to the Attorney General, but Mr. Deegan does not offer political advice, he liaises on issues relating to the administration of the Attorney General's office. There is no political benefit involved. There is an administrative benefit in having a person who assists the attorney and his office by monitoring and keeping them abreast of what is happening thereby allowing them to do their job. There must be available to the Attorney General, a person to liaise on matters relevant to the legislative committee and other issues. Often, much of what happens is not relevant to that office.

**Mr. Kenny:** If that appointment is relevant only to the Attorney General, would Mr. Deegan monitor public comment and discussion on, for example, the citizenship referendum in terms of the proposal to amend Article 9 of the Constitution as distinct from Article 2 in respect of which the Attorney General will obviously have to provide legal advice to Government? Does he monitor media coverage and does he know the communications department's views, as regards the Attorney General, on that matter?

**The Taoiseach:** That information would be available to the Attorney General but, in so far as advice or work on it is concerned, that is a matter solely for the Attorney General.

**Mr. Kenny:** I know that.

**The Taoiseach:** He provides no advice and is not involved in the preparation of any such advice. He, perhaps, would gather some information but he would have no role in the preparation of advice.

**Mr. Rabbitte:** When was the liaison officer appointed? The position is not one traditionally associated with the Office of the Attorney General. Was such a person in place during the term of office of the current attorney's predecessor? Admittedly, the previous attorney would have required a great deal of monitoring as he had a number of other jobs. Did he have the benefit of such a person or did this position arise from a failure to monitor the then Minister for Education and Science, Deputy Woods, when he agreed a deal which exposed the State to

extraordinary potential costs, computed by the Comptroller and Auditor General to reach approximately €1 billion?

Is it that type of breakdown between the Office of the Attorney General and a line Minister that has led to this appointment or was that a contrived breakdown of communications involving the then Attorney General who said he had been excluded in that regard? Is this appointment designed to mend the bridges in that regard for the future?

**The Taoiseach:** As far as I can recall, Mr. Deegan is the third appointment to this position. There may have been more appointments but Mr. Deegan is the third appointment I know of in this regard. Deputy Rabbitte makes the point that there is a necessity to appoint a liaison officer. Whether everything works perfectly at the end of the day is another matter. It is essential there is a person available to monitor the Government legislation committee, a complex job in its own right, and other ongoing matters which relate directly to the Attorney General. The appointment is useful in that regard and it ensures the Attorney General is not constantly chased. That would not be the best way of administering that office.

**Mr. Rabbitte:** I am genuinely not clear on why a person in the Attorney General's office, a permanent officer in the employment of the State, could not perform that task. What is the difference?

**The Taoiseach:** The reality is that management structures within the Attorney General's office, which brought together all sections of that office, have only been in place since Mr. Gleeson's time in office. That office was not technologically driven and the current form of legislation committee did not exist, nor did the link-back structures with the Departments.

This House processes 50% more legislation than a decade ago never mind the volume of committees now in place, which also amount to approximately three times more than a decade ago. There is an enormous volume of work and the structures are entirely different from what they were ten years ago. That is why this position is essential.

**Mr. Durkan:** To whom does the adviser in question report in the course of the monitoring undertaken? Is it to the Attorney General or to his own office? Does he liaise with the legal agent in each Department, does he initiate or do they initiate? To whom does ultimate responsibility fall regarding the initiation of a proposal?

**The Taoiseach:** He reports only to the Attorney General. He is responsible to him, and any work he does is on behalf of the Attorney General. As part of the Government legislation

committee, he reports to the Attorney General on any liaising he does.

**Mr. Durkan:** What about the legal agents?

**The Taoiseach:** Not normally.

**Mr. Durkan:** So there is no contact with the legal agents?

**The Taoiseach:** He will have contact, but he does not have any involvement with the advice, and therefore legal agents would not——

**Mr. Durkan:** The legal agent in a Department surely has some standing, particularly regarding the legality of legislation or proposed legislation and with regard to liability which might fall on a Department on foot of proposed legislation.

**The Taoiseach:** They have all those responsibilities, but with regard to the responsibilities in preparing legislation and dealing with advice they would not deal on legal matters other than with some of the legal officers and the Parliamentary Counsel people although they might deal with the individual concerned on administrative matters.

#### Departmental Investigations.

2. **Mr. Rabbitte** asked the Taoiseach if the Government has directed an audit of the Statute Book in order to ascertain the number of enactments vulnerable to challenge on the grounds set out in the judgments of the courts in cases (details supplied) as constituting an impermissible delegation of legislative power of the State; if a programme of curative measures is considered necessary; and if he will make a statement on the matter. [3671/04]

**The Taoiseach:** As a result of an examination by the Attorney General of recent court judgments on the delegation of legislative power, the Government has directed that each Department undertake an audit of the part of the Statute Book for which it has responsibility regarding delegations of legislative powers which may be affected by the decision of the Supreme Court of 27 January 2004, and the decision of the High Court of 29 January 2004, in *Mulcreavy v. the Minister for the Environment, Heritage and Local Government and Dún Laoghaire-Rathdown County Council*, with a view to identifying any remedial action that might be necessary.

The audit will take into account the judgments made in the cases referred to by the Deputy and some judgments in similar cases. It is not possible, at this stage, to say what curative measures, if any, will be necessary. Another recent decision, in the *Leontjava and Chang* cases, which were heard together, relating in part to delegation of legislative powers, is under appeal to the Supreme Court, which has reserved judgment in the matter.

**Mr. Rabbitte:** Does the Taoiseach agree that the kind of powers about which we are talking, which, up to now at least, have enabled Ministers to make orders, regulations, by-laws, statutory instruments, or delegated secondary legislation, are littered throughout the Statute Book? This has been the practice. Arising from the cases I instanced to which the Taoiseach referred, and to the subsequent Carrickmines case since the question was tabled, which was a point I raised in the context of the electronic voting order, and which the Taoiseach and the Government had to subsequently agree required them to enshrine in primary legislation the authority to implement electronic voting and the Bill has now been published, are those types of instances not littered throughout the Statute Book? Might there not therefore be other enactments vulnerable to challenge in circumstances where there is no adequate statement of principle or policy in the parent Act that the Minister is in no way governed or confined in the implementation of orders? Could that render those enactments vulnerable? When might the Attorney General be able to report on the assessment submitted to him by each Department currently involved in the audit to which the Taoiseach referred?

**The Taoiseach:** On the timing, the Departments were made aware that this was a matter of urgency. I hope their report to the Attorney General will be completed promptly. The Attorney General will then have to consider the extent to which changes will have to be made. It is his view that it is the prerogative of the legislature to solve any problem that currently exists by way of primary legislation. In other words, should the effect of a transfer of functions order, by implication, amend the scheme of primary legislation, the problem may be amended by primary legislation. I do not know whether that will require a large number of Bills. There are differences of opinion on this. It relates mainly to where secondary legislation has been used to amend something contrary to what was intended in the primary legislation or, as in the *Mulcreavy* case where there were two Ministers or more and perhaps an agency. That examination will take place and will ultimately determine how many legislative changes are needed.

Some of the issues have been highlighted by the judiciary in cases over the past 20 to 25 years and there has been considerable narrowing down as a result by the Attorney General's office. It is hoped there are not now as many cases as we first thought. However, I am not certain about that.

**Mr. Sargent:** As the Taoiseach mentioned the Carrickmines Castle case, would he accept a synopsis of it would indicate that a joint application was made by Dún Laoghaire-Rathdown Council and the Minister for the Environment, Heritage and Local Government, Deputy Cullen, to effectively destroy a national

[Mr. Sargent.]

monument and then the Minister gave approval to himself for the action to go ahead? Does he not believe that the original National Monuments Act 1994 did not envisage that the Minister would make applications and then apply to himself for approval—

**An Ceann Comhairle:** The Deputy is well outside the scope of this question.

**Mr. Sargent:** The essence of the question is whether curative measures are to be brought in. That is the point I am asking the Taoiseach about when he says in his reply—

**An Ceann Comhairle:** The Deputy is asking the Taoiseach to interpret legislation that was enacted many years ago.

**Mr. Sargent:** I am simply trying to elicit from the Taoiseach, when he says he has not got plans for curative measures, whether the new national monuments Bill envisaged will ensure there is not a conflict between the Minister applying for and then approving an action that effectively seeks to destroy something he is charged with protecting. If he is not to have any other curative measure, will the new legislation at least ensure that this conflict is not continued?

**The Taoiseach:** We do not yet have the list of curative measures. Obviously, when the report is completed there will be a list of the curative measures required. It will mean, if the scheme of the legislation provides for two or more Ministers or agencies as participants in the decision making process, that this can only be altered through primary legislation. It has been the practice in this House for decades to allow the courts to decide these matters. That is the course to be followed in this case.

**Mr. J. O'Keeffe:** Does the Taoiseach think there should, perhaps, be a new approach as regards secondary legislation? Part of the problem of secondary legislation is that it goes through automatically, is lodged in the Oireachtas Library, and unless there is a motion within 21 sitting days, it is never debated by the House. Even if an Opposition party member tables a motion, it must then be debated in Private Members' time. Is there a case for some kind of filtering system whereby secondary legislation, or parts of it, could be referred to an all-party committee which could report to the Dáil if it felt that Dáil debate was necessary, and, in particular, where it appeared a substantive change was being made? Would the Taoiseach consider a new approach along those lines?

**The Taoiseach:** The Deputy has a point regarding such processing. That is now being done in the European legislation committee.

**Mr. J. O'Keeffe:** It is a good precedent.

**The Taoiseach:** It is, and I agree with it. I have no argument against the principles outlined in the judgment. Primary legislation should basically be quite broad. Legislation coming before the House should relate to principles which one should not be able to oppose. The courts tell us that, in secondary legislation, we should not amend an Act so as to make it contrary to the primary legislation. That is what is being ruled out, and I have no argument against that.

In the years to come I would not like to see a position develop whereby, every time legislative change is being considered, it must involve primary legislation. I fear that the system might view the judgment in that way. A great many Acts, statutory declarations or orders are straightforward. In that light, the suggestion by Deputy Jim O'Keeffe is valid. I accept that primary legislation should not be contradicted, although legal personnel might come up with an opposite argument. I hope the judgment does not undermine the basis of primary legislation, as that would only clutter the business of the House for years to come. As I have long argued, the House should spend more time debating the principles of primary legislation rather than the detail.

As Deputy Jim O'Keeffe is aware, better perhaps than I am, an appeal has been made to the Supreme Court on the issue of the statutory instruments. The argument of the eminent judge involved is that statutory instruments should be part of legislation. I disagree with that because I do not see how this House could work on that basis. I will have to accept and abide by the Supreme Court decision on the appeal, but I do not see the sense in the original argument. We must await the decision.

**Mr. Rabbitte:** From what the Taoiseach has said, I presume he agrees with the principle that changing the law is a matter for Parliament and not for Executive action. I refer him to the case of the Public Service Superannuation (Miscellaneous Provisions) Bill, which is still before the House, in respect of the superannuation of public servants, for example, and which will impact on the superannuation Acts. The Taoiseach is aware that these date from a code of law going back to William IV and under which civil servants are paid their superannuation entitlements. That Bill before the House makes changes which are not insignificant in the entitlement, for example, of teachers and several other categories of public servant.

Part of the code to which I refer is the Superannuation and Pensions Act 1976 which purports to allow the Minister for Finance to make changes, by order, in superannuation provisions. In exercise of this purported power, he made changes in the operative regulations of the superannuation regulations of 1980, which involved substantial change to statute law. Public and civil servants would like to be assured that when the Minister for Finance changes the law

3 o'clock

by ministerial order, it is not then vulnerable to challenge. I do not know if there is a system for prioritising what matters come under the Attorney General's scrutiny arising from the court cases concerning the Aliens Act cases and the Carrickmines protest. However, these cases are relevant to legislation currently before the House.

**The Taoiseach:** I do not want to go into individual Acts. However, whether legislation concerns social welfare, tax or pensions, so long as the basis and the principles of it are established, then as time progresses and matters move on, a Minister should be entitled to change it by order. This process should be protected so long as the principles and the basis of the legislation are not changed. Time moves on——

**Mr. Rabbitte:** I do not disagree with the Taoiseach on the overall process. However, in this case the principles are actually being changed. Extending pension rights to people aged 65 years, or for whatever different categories of public servant there are, is more than just updating superannuation entitlements.

**The Taoiseach:** This will be for new admissions to the public service and not for existing public servants. These arguments go back to the introduction of the 65 years of age retirement provision and the reason for it. However, a Minister can make orders for new cases in legislation, so long as it does not change the principles. The principle behind this legislation is that people are entitled to superannuation. The Minister is simply changing the age for entitlement. He is not changing it so that people will only receive 60% or 70% of their pension. The ministerial order will not take away from the primary legislation. If someone fights this in court, one never knows what the court's verdict will be. A normal ministerial order is not an unreasonable action, so long as it does not change the basis of the superannuation Act.

**Mr. Rabbitte:** Many teachers, as well as Members, will have a different viewpoint.

**The Taoiseach:** It is subject to people changing too.

**Mr. Kenny:** Will the Taoiseach comment on the use of Henry VIII provisions in legislation and whether they are constitutionally sound? In February, the response to five different questions on the matter was that the interpretation of the law and the provision of legal advice is a matter for the Attorney General, in so far as the functions relate to those of Government. Has the use of Henry VIII provisions in legislation ever been discussed with the Taoiseach? He left many legacies behind him——

**Mr. Rabbitte:** Henry VIII or the Taoiseach?

**Mr. Kenny:** Henry VIII and the Taoiseach have both left legacies.

**The Taoiseach:** I do not want to comment specifically on Henry VIII provisions but there are approximately 500 Acts on the Statute Book that predate 1922. I gave a detailed response to this some months ago. Many of these Acts go back several hundred years. The statute law revision unit is examining whether these will be re-enacted or deleted. I do not know how many go back to the reign of Henry VIII but all pre-1922 Acts are being examined.

**Mr. Kenny:** Now that this work can be done in a smoke-free environment, the position of these Acts may become a little clearer. How long will the unit's work take — ten or 15 years?

**The Taoiseach:** The smoke-free environment will help. I do not have the specific notes on the statute law revision unit's work. The unit is trying to categorise the legislation in different areas. It hopes to re-enact what it requires to put as much as possible of the re-enacted legislation into a number of Acts and to clear the Statute Book for other areas. While many of the Acts are still law, in effect, they are dated and would never be used. The unit is examining Acts that could actually be used. It will probably bring forward a report on the Acts that it thinks could be used. I am not sure what percentage of the 500 Acts could be used, but I imagine that many of them must involve old issues that are not relevant today. Certain Acts in the criminal justice area probably are relevant. I think the unit will deal with the Acts that are appropriate.

**Mr. J. Higgins:** Does the Taoiseach agree that, in certain court cases in recent years, it has appeared that the Judiciary, in interpreting the law, has been acting as an extension of the Dáil rather than as pure judges of crucial issues? What does he think should be done to avoid giving huge latitude——

**An Ceann Comhairle:** That question does not arise from Question No. 2.

**Mr. J. Higgins:** Question No. 2 asks: "if the Government has directed an audit of the Statute Book in order to ascertain the number of enactments vulnerable to challenge on the grounds set out in the judgments of the courts in cases (details supplied)". Many issues arise from that question, including the discretion of the President in referring legislation to the Supreme Court before it is signed. Something should be put in place to ensure that the Judiciary does not make the laws of the country.

**The Taoiseach:** The judgment in the case under discussion must be taken into account. As I said earlier, curative measures will have to come before the House. Under the Constitution, it is open to individuals to challenge legislative

[The Taoiseach.]

matters before the courts. Individuals have that right. The eminent members of the Judiciary are able to hand down judgments that we are honour-bound to take into account in this House.

**Caoimhghín Ó Caoláin:** Following on an earlier response, will the Taoiseach clarify that all pre-1922 legislation is being examined in the context of the current updating of the entire raft of legislation? When will a list of such Acts be published? When will we be advised of the details of the 500 Acts in question? Such information is necessary so that Members can know the scale and extent of the address of the legislation involved. Is there any prospect that ground rents will be addressed in the context of the trawl of pre-1922 matters that continue to vex?

**An Ceann Comhairle:** The Deputy's final question is well outside the scope of Question No. 2 and the Taoiseach's answer to it.

**Caoimhghín Ó Caoláin:** The Taoiseach might be happy to inform the House.

**An Ceann Comhairle:** The Deputy's final question would be more appropriate to the Minister for Justice, Equality and Law Reform.

**The Taoiseach:** As I have said, 500 pre-1922 Acts are being examined. The statute law revision unit is examining such legislation as part of a project that is examining all Acts. As I have said, the unit will probably give advice on how to deal with such legislation. I hope that re-enactment can be taken collectively in many of the cases and that many of the other cases can be cleared. Our intention is to clear the Statute Book of any moribund or irrelevant Acts.

**Caoimhghín Ó Caoláin:** Or vexatious.

**Mr. Sargent:** I asked earlier if the Taoiseach could outline any of the curative measures that are planned. He replied by saying that primary legislation will be required for curative measures to be put in place. Whether in the matter of the Carrickmines judgment, the unconstitutionality of immigration legislation or any other conflict in the courts, is that primary legislation to be seen as part of a wider raft of primary legislation or is it specific to the court case which found the matter to be unconstitutional? Is it the case that the Government should address the legislation as it stands on its own or is it to be treated as a section of a wider range of legislation? Does the Government have a policy on this?

**The Taoiseach:** The Deputy is asking whether there will be just one Act to deal with all these judgments. I am not certain yet, but I imagine there would need to be primary legislation in different areas, particularly where decisions have been made over the years. The note I read out was from the Office of the Attorney General

stating that these matters could be corrected by primary legislation. Whether an individual Act would be required in each case has not been decided. The report on curative measures is not yet available.

**Mr. Sargent:** My question was not answered. In the matter of the Carrickmines judgment, I mentioned the National Monuments (Amendment) Act 1994. The national monuments Bill is on the legislative programme. Is this Bill intended to encompass the court finding or will the court finding give rise to a separate Bill? Can we expect two Bills rather than one?

**An Ceann Comhairle:** That is well outside the scope of the question.

**The Taoiseach:** If there is a relevant Act it may be possible for new judgments to be dealt with therein. In other cases primary legislation may be necessary, although I hope there will not be too many such cases.

**Mr. Rabbitte:** I see we will deal with 67 questions to the Minister for Foreign Affairs in two minutes.

**An Ceann Comhairle:** It is not the intention of the Chair to call further questions to the Taoiseach this afternoon.

**Mr. Rabbitte:** The courts did not rule that all secondary legislation is invalid. It is merely the case that if the principle or policy is not enshrined in the parent Act, it may be vulnerable. In terms of Deputy Jim O'Keeffe's suggestion, will the Taoiseach elaborate on the possibility of the Dáil addressing the question of secondary legislation in that fashion? Does the Taoiseach see any role for the Upper House in this regard? There is an increasing emphasis on secondary legislation of whatever type. It would be preferable for Ministers and those in the permanent Government not to be required to come to the House with primary legislation unless absolutely necessary. At the same time, there is an important principle here. Does the Taoiseach see any possible role in terms of the reforms being discussed for the Upper House in that regard?

**The Taoiseach:** As I stated in reply to the points made by Deputies O'Keeffe and Rabbitte, it was originally envisaged that legislation would be based on fundamental principles and amendments made either by statutory instrument or orders for secondary legislation. This happens in different jurisdictions in different ways. The case has been well made that we sometimes wander too far away from the primary Act, and that must stop. There is a large amount of secondary legislation and many statutory instruments and orders in different formats and based on different Acts. The change in the system

was introduced in the Statute of Limitations (Amendment) Act a few years ago.

The more legislation that is consolidated the better. When we choose, for whatever reason, to amend primary legislation — or secondary legislation such as statutory instruments — it would be much better to consolidate it every five years using new technology. Consolidation can be extraordinarily difficult when one is dealing with maritime law, for example. I have recently dealt with such cases, but it is a nightmare trying to keep track of all the Acts, not to mention the UN Law of the Sea Conference in Geneva that went on for 30 years. We should try to consolidate our Acts as we proceed.

Deputy Jim O'Keeffe's point was that we could perhaps do so if a committee of the House had a function to clear secondary legislation, such as statutory instruments and ministerial orders, on an ongoing basis. If that committee saw matters that were serious, it could bring them to the attention of Parliament.

In recent years, the House has made good progress on scrutinising legislation but the legislative period is becoming narrower each year due to the increasing volume. The volume of legislation is enormous compared with ten, 15 or 20 years ago. When I was first elected to the House, the budget debate continued for approximately six months and filled up much of the debating time. Now, however, it is difficult for backbenchers to contribute to the budget debate because circumstances have changed so much. It would not be a bad idea, therefore, to have a committee to examine statutory instruments and ministerial orders.

### Priority Questions.

#### School League Tables.

117. **Ms Enright** asked the Minister for Education and Science his proposals with regard to the introduction of a scheme to release information in relation to schools; and if he will make a statement on the matter [9885/04]

**Minister for Education and Science (Mr. N. Dempsey):** In my view it is desirable that parents have information about schools that is meaningful, fair and fully rounded. At present, this information can often be anecdotal and based on hearsay. More recently, we have seen the introduction of an unofficial form of league tables based upon third level entry patterns. All this simply reflects that we have steered away from a real and honest public debate about this issue in favour of catchphrases and soundbites. We have allowed a vacuum to develop and it has been filled by superficial and limited information.

It is not good enough to suggest that the issue is one of crude league tables based upon raw examination results or nothing. I do not support that form of league table which has come into

being in the absence of a well-constructed alternative. I do not want to see third level entry data continue as the only published yardstick of our schools' effectiveness. We are all aware that league tables based solely on academic results are a flawed measure of the effectiveness and quality of schools. Their use can distort the pattern of school enrolment and the access of students to education as well as the provision of curricula and participation in examinations. They can adversely affect the motivation of students and teachers alike. Their use can also lead to distortions and inequalities in the education system. It is not enough to say what we are against; we must also discuss what we want. For my part, I want a real debate about the real issues, including maximising the information for parents.

**Ms Enright:** As regards the Minister's initial net point, that has been Fine Gael policy since the late 1990s, so we are coming from the same perspective in that sense. What does the Minister intend to achieve through the publication of league tables? I take his point that the current method of compiling such tables, by using information obtained from third level institutions through the Freedom of Information Act, gives us a one-sided approach. What does the Minister intend to do if a school is doing particularly well in the league tables? Obviously, the fear for such a school is that it may receive less funding. Likewise, if a school is faring poorly, will the tables be used as a yardstick for assessing a school's failure to put other matters in place?

Does the Minister agree they could be used to assess the Department in terms of what it provides to schools, for example, PE halls and the implementation of the junior certificate science syllabus, which all schools were not in a position to implement? If schools are evaluated, they should be judged on whether they can offer the entire curriculum. Will the Minister confirm whether league tables will assess a student's baseline as he or she enters school and follow him or her through the system so that a fair result can be achieved? A school in a disadvantaged area cannot be compared to a fee paying school, which does not take in students from all backgrounds. How will the Minister ensure fairness in this regard?

**Mr. N. Dempsey:** I welcome the Deputy's acceptance of the net point. Most people in education agree on steering clear of only using examination results as a measure of a school's performance. The purpose of the scheme is to recognise schools that do what they are supposed to, taking into account all the circumstances mentioned by the Deputy, and provide maximum information so that parents and students are enabled to make well informed choices regarding schooling. The scheme will not provide that because a school fulfils its role in producing well rounded, successful students, it should be hammered and allocated less money.

[Mr. N. Dempsey.]

The Deputy referred to a number of factors that might be taken into account. While I have not put forward a policy document, I have initiated a debate on this issue but a number of issues raised by the Deputy will be considered, including the socio-economic background of students, the facilities available, extracurricular activities and other provisions that are not currently academically measured. These are value-added measures.

I do not like using the phrase "league tables" because it is shorthand and conveys the wrong meaning. However, I would like to ensure, taking all factors into account, that we have a reasonable picture of how well a school is doing and, in cases where they are not doing as well as they should, the Department could assist them to raise their standards.

### **Special Educational Needs.**

118. **Ms O'Sullivan** asked the Minister for Education and Science if he is refusing to sanction more than 4,000 applications for special needs resources received before 31 August 2003 that have been assessed and reviewed within his Department until a survey of special needs has been completed; when he expects the survey to be completed; and if he will make a statement on the matter. [9889/04]

**Mr. N. Dempsey:** I am committed to the sustained development of supports and services for children with special educational needs. Approximately 1,000 applications for resources for new entrant pupils were considered on a priority basis for the current school year. Each application was responded to by, or shortly after, 1 September last. As a consequence, a further 131 resource teacher posts and 282 special needs assistant posts were allocated to primary schools. In addition, my Department is continuing to respond to emergency applications as they are received.

The balance of more than 4,000 applications received between 15 February and 31 August 2003 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 special needs 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 special needs provision.

It is intended to advise all applicant schools of the result of their applications as soon as possible. This notification will take account of the outcome of discussions on a weighted system of allocation of special education teacher support. In that regard, my officials have initiated discussions with representative interests on the development of a weighted model. The development of a weighted system is complex and time consuming, involving

not only discrete allocations for individual schools, but shared allocations between smaller schools. I am, however, hopeful of a conclusion in the near future.

While it would be premature to anticipate the outcome, the basic purpose of the weighted system is to ensure each school has the level of resources required to cater for its pupils with special educational needs. Pending the conclusion of discussions with the representative interests, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources allocated for special educational needs within the school.

**Ms O'Sullivan:** While nobody objects to the Minister carrying out a review, more than 4,000 children whose psychological assessments have been reviewed by the Department and on which a decision is ready to be made are being held up indefinitely. These children are young and need special supports. I have a letter relating to an eight year old whose assessment was forwarded to the Department more than a year ago but he still has not received support, and I could produce many similar letters. How can the Minister stand over a scenario where young children who have been assessed as needing special support are being held up by his Department without a decision?

**Mr. N. Dempsey:** Supports are available in many schools as part of the exercise we have carried out. The 1,000 applications processed for the most needy children at the beginning of the current school year related to children who were entering schools for the first time or who were attending schools in which support was not available for special needs children. The 4,000 applications on hand in the Department will be dealt with in the near future in the context of the change I am introducing to the system, which will ensure in future children with a higher incidence of special needs and their parents will not have to go through the trauma of psychological assessments, schools will not have to be in almost constant contact with the Department and the Department will not be snowed under with applications that can be dealt with by schools.

Unfortunately, adopting a streamlined system that will be much easier on parents, pupils, schools and the Department takes a little time to get right. I accept people are waiting but I hope they will not have to wait much longer and a much improved and more customer friendly provision for special needs in schools will be in place. It has to be done but, unfortunately, this group of children are being delayed as a result. However, if I do not do this now, the same thing will happen year in, year out and I am not prepared to stand over that.

**Ms O'Sullivan:** I accept that the Minister may change the system for the future but it is entirely

heartless to hold up 4,000 people. The letter I have states——

**An Ceann Comhairle:** It is not appropriate to quote.

**Ms O'Sullivan:** What will the Minister do regarding schools that do not have spare resource capacity and children who do not receive the help they need? There are hundreds of these children throughout the State. Is the Minister committed to children with special needs when he allows such a scenario to happen?

**Mr. N. Dempsey:** I am absolutely committed to them and that is why I am trying to ensure they do not have to go through this again. I have had numerous meetings with a variety of interested parties to try to put in place a system that meets the requirements of special needs higher incidence children so that their parents do not have to get a psychological assessment report and that, from next September, schools will be able to cater for the special needs of children from day one. I am not heartless.

**Ms O'Sullivan:** In the meantime, such children have been left for one year without support.

#### **Teacher Union Conferences.**

119. **Mr. F. McGrath** asked the Minister for Education and Science if he will provide an update on his talks with the three teacher unions (details supplied) regarding his attendance at their Easter conferences. [9887/04]

121. **Ms O'Sullivan** asked the Minister for Education and Science the reason he has declined invitations from the ASTI, INTO and TUI to address their annual teachers conferences in April 2004 unless they agree to his demand to change the format of the conferences; if he accepts that this is a major departure from the traditions established by his predecessors; if he has made alternative plans to address these unions; and if he will make a statement on the matter. [9890/04]

**Mr. N. Dempsey:** I propose to take Questions Nos. 119 and 121 together.

I welcome the opportunity to set the record straight on the question of my attendance at the forthcoming teacher union conferences. The teacher unions are important bodies in Irish education and it is highly desirable that they should have a significant role in the debate on the major issues facing our education system. It is equally desirable that there be clear and transparent communication between the Minister of the day and the unions.

The traditional format of the Minister's attendance at teacher conferences does not lend itself to either dialogue or communication. It is more about heat than light and a changed format is long overdue. I wrote to the three teacher unions in February outlining my views and

suggesting a revised format. Both the Teachers' Union of Ireland, TUI, and the Association of Secondary Teachers Ireland, ASTI, indicated that they were not disposed to a change of format. The Irish National Teachers' Organisation, INTO, was constructive in its response and, following discussions with my officials, revisions to the traditional format were agreed with that union. Subsequently my officials met representatives of the TUI and ASTI. As of now, there is no agreement in place with these unions which would enable me to attend their conferences.

**Mr. F. McGrath:** Does the Minister accept that the INTO, TUI and ASTI have made and continue to make a major contribution to education and society? Does he agree that teachers are at the front line in the delivery of quality services to pupils, especially children with disabilities or those in disadvantaged areas?

Does the Minister accept that the teachers unions should decide the structure of their conferences without interference from the Minister or politicians? Does he agree that the integrity and independence of trade unions, in this case the teacher unions, should always be respected and defended? Does he accept that, in general, unions seem to be under threat in the current political and economic climate? Does he accept that the protection of the independence and integrity of unions leads to a more healthy and democratic society?

Does the Minister accept that teacher bashing does not contribute to Irish education? For example, many link the decline in Scottish rugby and football to the loss of goodwill in the Scottish education service because of the serious industrial dispute some time ago. What will the Minister do to create goodwill among the three teacher unions?

**Mr. N. Dempsey:** On at least 30 occasions in the past 12 months, I stated publicly that our education system owes a huge debt of gratitude to all teacher, past and present, for the education system. That is not publicised that often, but I have the records and can stand over it. I have nothing but the height of regard for teachers. I accept that the vast majority of teachers do a good job. Like politicians, they are not all perfect and the sooner we face that reality the better.

I have no desire to decide on the structure of the teacher union conferences. Traditionally and probably for as long as the unions are in existence, the Minister for Education and Science has had a slot to address the conferences. I merely requested that the slot be used in a different way and that, instead of the President or the General Secretary of the union making a speech which may or may not have referred to the points raised by the Minister in his preceding speech, there would be dialogue and greater engagement and communication. In my first letter, I suggested that a "yes" style format would

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be the way to do that, but two of the unions rejected that out of hand. Perhaps they adopted Deputy Finian McGrath's approach to this, that nobody would tell them anything. I reiterate that I made a request and I did not tell anybody to do something.

One union believed it was important that the Minister should be present and that it should discuss how it might accommodate a change. It had no difficulty with it and we have agreed that change. The two other unions were approached subsequently and some discussion took place with one union on the format agreed with the other union. The executive of the other union will meet on Thursday, so the position is not finally decided.

The independence of trade unions is not under threat from me. As the Deputy stated, we live in a democratic society and, as an elected representative of the people, I have a democratic right to ask the unions to do things in a different way to have greater engagement and a more productive session. I want to attend the teacher union conferences to state my views and listen to their views. There seems to be some difficulty in moving away from the traditional format that generates more heat than light. My door is still open. I have asked both unions if they would indicate whether they intend to engage as unions in the "yes" process. I have indicated to both that I would like to know that before we finalise discussions, but that is not a precondition and the unions can say no if they wish.

If anybody can point out a specific instance where I engaged in teacher bashing, I would be delighted to see it. I have never said anything derogatory about teaching or the teaching profession. I dedicated the EU Presidency to it. I will launch a book dedicated to learning and teaching in this country, which is a mark of my esteem for teachers. As I must take a stand on union matters, there has been a tendency to paint that as teacher bashing.

I was not aware of the Scottish example to which the Deputy referred, but I am aware that, at one of the "yes" meetings, someone spoke of the decline in Welsh rugby and I had it checked out. A Welshman I met on Saturday confirmed that the decline in Welsh rugby over time could be traced to a lack of——

**Ms O'Sullivan:** How much time is left in this slot?

**An Leas-Cheann Comhairle:** Three and a half minutes.

**Ms O'Sullivan:** I object to the fact that I get only three minutes when I am supposed to share the time.

Why did the Minister not discuss this privately with the unions? Why did he deliberately court public confrontation with the unions on the issue of attending the teacher conferences? Would it

have been in the spirit of partnership if he had tried to engage with the unions on this issue and perhaps come to an agreement with which both parties would have been happy before this became a public matter?

In light of Deputy Finian McGrath's question and the extent to which teachers give voluntarily of their time above and beyond the call of duty, does the Minister fear his ongoing confrontation with them will cause the sorts of problems experienced with Welsh teachers to which he has just referred? The Minister did not want to make benchmarking payments to teachers who were not in school for a few days before Christmas despite that school management made the decisions involved rather than individuals.

**Mr. N. Dempsey:** While I have never sought confrontation with the unions, I will not back off on a benchmarking agreement which was freely entered into. That is what they did. While I have a duty and a responsibility to teachers, I also have a duty to pupils and parents. I cannot become a spokesman for teachers or any other education interest group except in particular circumstances. I want the effective, efficient education system which produces well-rounded young people that I hope teachers want also.

I do not deliberately court controversy. I wrote a letter privately to the unions on 17 February and it remained with them for some time. While it was being dealt with quietly behind the scenes, my Department's press office received a phone call from a media outlet which stated one union had been in contact about a letter. The union had informed the media outlet that there was no way it would accede to the Minister's request to change union procedures.

**Mr. F. McGrath:** Which union?

**Mr. N. Dempsey:** I will not say in the House. My press office was provided with many quotes as part of an attempt to stir things up. The other two unions went about their business calmly. While the matter came into the public arena, it was not through me.

I wanted to make the benchmarking payment to teachers as quickly as possible, but I could not until the agreements with the unions were finalised formally. From my experience of travelling around the country, I am aware that teachers individually complied with the benchmarking agreement. It should also be noted that 25% of second level schools and 20% of primary schools had not complied with the standardisation of the school year by the closing date at Christmas. I owe it to the 75% of compliant secondary schools and the 80% of compliant primary schools to ensure that those who have not complied are taken to task. Benchmarking was payable on the basis of a signed agreement. While many teachers complied with the agreement's terms, I could not make payments prior to the final agreement of the

unions. If I did, I would have been in trouble with the unions for operating outside the terms of Sustaining Progress. I am not looking for confrontation, but I will not back down if I feel I have to defend a particular interest in the education system.

#### **Further Education.**

120. **Ms Enright** asked the Minister for Education and Science the details of the change in policy instigated by his Department regarding funding for colleges for further education; and if he will make a statement on the matter. [9886/04]

**Minister of State at the Department of Education and Science (Miss de Valera):** Most colleges offering post-leaving certificate courses are operated under the management of the vocational education committees. Funding is provided for pay and non-pay costs on the basis of the approved number of places on approved courses run by the colleges.

In the current academic year, enrolments on post-leaving certificate courses in certain schools and colleges have exceeded the number of places approved by my Department. Teacher allocations for 2004-05 and capitation grants have been allocated on the basis of the approved number of places or the numbers enrolled. During the 2003-04 academic year, almost 28,700 places were approved by my Department. It is considering appeals from vocational education committees, schools and colleges for the recognition of the excess numbers enrolled for the purposes of teacher allocations and grants. A decision on the matter will be taken shortly in light of the totality of demands for teaching resources across the system.

**Ms Enright:** Excess numbers have been enrolled every year, but this is the first in which the cap has been enforced by the Minister of State. Why is that the case? Is she aware that the colleges are not receiving capitation grants for every student enrolled and that teacher allocations are less than they should be as a result of the cap? Colleges are losing out on the allocation of posts of responsibility. Will the Minister of State confirm or deny that the cap is downward rolling? That means a decline in any subsequent year will result in lower caps. In effect, all further education colleges have now received their maximum intake and cannot grow or expand.

I wish the Minister to note that further education colleges play a valuable role. They target students who, for a variety of reasons, may not be able to attend other third level institutions. They also offer a different type of course. How will new courses in further education be initiated and how will the sector react proactively and quickly to the needs of industry? Will colleges have to turn away students from this point on as numbers are capped?

Representatives of the further education sector have written to Department to ask either the Minister or the Minister of State to attend a meeting to discuss this matter over the coming weeks. Will the Minister of State confirm that the invitation will be accepted?

**Miss de Valera:** I thank the Deputy for raising the question as it provides me with an opportunity to underline a number of points. Post-leaving certificate courses provide the young people and adults who take part in them with a tremendous opportunity to return to education. It is important to note that these courses are seen as providing development from the bottom up. They respond to a need within the community. There is concern about the numbers who wish to take up post-leaving certificate courses and the extent to which vocational education committees and schools wish to make provision.

We must examine the numbers interested in taking up post-leaving certificate courses. There are two interesting statistics to note. During the academic year 1997-98, there were 21,278 enrolments on these courses and 28,656 during 2002-03. A total of 37,900 places was sought in the year 2002-03. While we should welcome the need for further courses given the bottom-up nature of the development they provide, growth must be managed. I have ensured that my Department takes part in discussions with the Irish Vocational Education Association, IVEA, and, to that end, a meeting took place yesterday. Tomorrow, officials from my Department will take part in a meeting with the Teachers' Union of Ireland, TUI.

I willingly accept that post-leaving certificate courses represent an important element of our further education provision. We recognise the growth in the numbers of those seeking to enrol on courses. Our aim is to manage that growth.

**Ms Enright:** I asked eight specific questions, of which the Minister of State has answered only one. There are seven left to answer in the minute the Minister of State has left. I ask her to deal with the questions which have been asked.

**Miss de Valera:** I am attempting to do so. It is important to understand the context. The most important question the Deputy asked has been asked by those who are working in the post-leaving certificate sector. They wish to know what is happening in terms of the allocation of teachers in the current and subsequent academic years. Unfortunately, we do not have unlimited funds to look after all these programmes. The number of participants in many of these courses is growing. We must be able to manage this and this can only be done through discussion. This is why I feel the IVEA and TUI discussions are particularly important.

**Ms Enright:** The Minister of State made this point prior to the discussions.

**Miss de Valera:** I have responsibility for further education. I want to see an improvement in every possible way in the provision——

**An Leas-Cheann Comhairle:** The time for this question has expired.

**Miss de Valera:** ——for young people and adults who have an opportunity to take on these programmes.

**Ms Enright:** Cutting numbers does not achieve this.

**Miss de Valera:** We must work through this change systematically.

**Ms Enright:** The Minister's response has not answered the questions that exist. How will her objectives for the provision of these services be facilitated if she is cutting back the numbers?

**Miss de Valera:** It is not a question of cutting back in numbers. We are attempting to look at the overall position in the context of available funds. One need only consider the statistics I outlined in my response, there is no falling back on numbers.

**Ms Enright:** From here on in, that is.

**Miss de Valera:** We want to take on board the issues of immediate importance to those who wish to provide the post leaving certificate courses and those who wish to avail of them. Everyone is aware of the PLC review, the McIver report. The purpose of this is to examine and make recommendations on structures and resources.

**An Leas Cheann Comhairle:** We have exceeded the time allotted to Priority Questions. We now turn to non-Priority Questions. It is necessary to remind Members that the Minister's initial reply is subject to an upper limit of two minutes, and supplementary questions and answers to them are limited to one minute. The Chair intends to apply these limits.

*Question No. 121 answered with Question No. 119.*

### Other Questions.

### Career Guidance.

122. **Mr. Stanton** asked the Minister for Education and Science his plans to improve the pupil-career guidance counsellor ratio in second level schools; the current ratio; and if he will make a statement on the matter. [9719/04]

**Mr. N. Dempsey:** I am pleased to inform the Deputy that as part of my recent announcement of an extension of the guidance enhancement

initiative for a further two years, I am creating an additional 30 guidance posts under this initiative from the commencement of the coming school year. These 30 posts will be additional to the 630 whole-time equivalent career guidance posts already in place in the second level system.

Under current arrangements, my Department makes a specific ex-quota allocation of teaching posts in respect of guidance to schools in the second level system. In the case of schools in the free education scheme, the level of allocation ranges from eight hours per week in the case of schools with enrolments below 200 pupils to 44 hours per week — the equivalent of two whole-time posts — in the case of schools with an enrolment of 1,000 pupils or more. In the case of schools outside the free education or block grant schemes, 11 hours per week are allocated in respect of the schools in the 350-499 enrolment category and a full post is allocated in the case of schools with 500 or more pupils.

In addition to allocation based on enrolments, 50 whole-time equivalent guidance counselling posts were allocated in the 2001-02 school year under the guidance enhancement initiative. The focus of this initiative was to enhance the provision of guidance to young people at risk, to improve links between schools and the world of work and to improve the take-up of science subjects. A total of 103 second level schools benefited directly under the initiative.

My decision to extend the guidance enhancement initiative for a further two years and to allocate a further 30 posts to the initiative reflects the importance I attach to the area of guidance and my commitment to ensuring the continued development of our guidance services in schools.

**Mr. Stanton:** I thank the Minister for his response. Does the Minister agree we are still playing catch up in this area? We need to move to a better ratio across the system than that of 1:500. Does the Minister have long-term plans to permanently improve the overall ratio? What is his final target? Is it 1:200 or 1:250, or does he have a target?

The Minister seems to focus on guidance. Will he outline his views on the importance of counselling in schools? Young people are facing many difficulties and pressures. I am a guidance counsellor and I have an interest in this area. I believe the Minister is also a guidance counsellor. What is the Minister's vision for counselling in schools? What timescale does the Minister have for improving the ratio of guidance counsellor to student? Can the ratio be decreased to 1:250 or better in the next two years?

**An Leas-Cheann Comhairle:** The Deputy's time has elapsed.

**Mr. Stanton:** What will the Minister do to improve the quality of counselling in schools, including examining the qualifications and

expertise of counsellors working with young people at risk?

**Mr. N. Dempsey:** Deputy Stanton, the Minister of State, Deputy de Valera, and I are former guidance counsellors.

**Mr. Naughten:** The Minister should know how appalling it is.

**Mr. N. Dempsey:** I was one of the career guidance counsellors cut from the school system in 1985 when the then Minister decided that schools with 250 pupils should not have a full-time guidance counsellor. My guidance and counselling hours were reduced from full time to only three hours. I do not want to revert to this. As resources and personnel permit, I would like to return to the circumstances that existed in 1985. I strongly believe that in times of financial and personnel constraint, there is a need to strengthen ancillary services, although this is an integral part of education.

**Mr. Stanton:** Does the Minister agree that the high drop-out and failure rate at third level could, in some instances, be caused by the lack of guidance counsellors at second level? Guidance counsellors often do not have enough time to give proper guidance to students at second level when, despite their young age, they must make important decisions. Does the Minister agree that the ratio must be returned to 1:250 now and not at a time in the distant future? Young people are under tremendous pressure for points in the leaving certificate and have to deal with personal issues both in school and outside it. What is the Minister's timescale for achieving the 1:250 ratio? Will it be this year, next year or ten years' time? Surely the Minister has a target in mind for this important area.

**Mr. N. Dempsey:** While I accept that the Deputy is not suggesting this, I would not like to blame the second level guidance and counselling service for the rate of drop-out from third level.

**Mr. Stanton:** I did not blame them.

**Mr. N. Dempsey:** I have acknowledged that the Deputy did not do this. While there is a view that some blame is attached to second level, third level institutions could do much more in this regard.

The national education psychological service must be strengthened. I want to bring this to its full complement. I want to introduce and honour a commitment on the chaplaincy service. While I want to improve guidance and counselling, I cannot make predictions on how fast I will be able to provide an extended service. The Department is providing 30 additional posts this year.

**An Leas-Cheann Comhairle:** The Minister's time has concluded.

### Early School Leavers.

123. **Mr. Broughan** asked the Minister for Education and Science if his attention has been drawn to a new study by a person (details supplied) which reveals that, based on recent data from the Central Statistics Office, almost 380,000 of today's adult population left school with only a primary education, that half of these early school leavers are neither employed nor looking for work, and that the low levels of educational attainment make it more difficult for these school leavers to retain jobs in the labour market; and if he will make a statement on the matter.  
[9772/04]

**Miss de Valera:** The link between low levels of educational attainment and unemployment is well documented. My Department's White Paper on Adult Education, Learning for Life, identified the need for targeted interventions so as to encourage and support the participation of certain priority groups in adult education. In particular, the White Paper highlighted the allocation of additional resources to address adult literacy needs and the need to provide increased opportunities for adult learners, prioritising the needs of those with less than upper secondary education.

The report of the task force on lifelong learning complemented the policies and recommendations of the White Paper on Adult Education. The cross-sectoral approach of the task force report supports and reinforces the recommendations on adult education policy and provision. These policies are implemented by my Department through the provision of supports for a range of second chance education programmes, for young people and adults alike, who have either left school early or need further vocational training to enhance their employment prospects. These programmes are provided mainly by the vocational education committees but also in schools and colleges and by community-based education groups. A range of courses provided by FÁS and other education and training providers complement the programmes supported by my Department.

**Ms O'Sullivan:** Was the Minister of State as shocked as I was by the statistics in the study which indicate that half of the 380,000 early school leavers are neither employed nor looking for work at a time when we have to get workers from far corners of the world? This huge challenge should be met within our system. Sustaining Progress commits to the establishment of a workplace basic education strategy. One of the proposals in that agreement is to establish a basic education fund, which in effect would offer workers the opportunity for education at work. The FÁS study shows that well educated workers are more likely to receive training and education than those who have dropped out of school at an

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early age. Will the basic education fund be established?

**Miss de Valera:** The Deputy is correct in saying that the national development plan and the programme for Government target further education. Both those documents commit to continue to invest in adult literacy and to increase the investment in adult learning generally. Certain statistics, particularly those from the OECD, prove that Ireland has not done badly in terms of literacy. However, the Government has placed specific emphasis on the need to address adult learning, lifelong learning and specifically adult literacy. Consequently we have been able to increase the number and types of courses including a very welcome and successful course through the "Read Write Now" series on television, which I hope will shortly commence its fifth series.

The Deputy asked specifically about literacy programmes within the workplace. NALA has pinpointed the need for this and studies in other countries, such as Sweden, have proved that this is appropriate. This is certainly the direction we wish to take. Studies have been carried out to determine how we can best approach the question of adult literacy. We have increased funding from £1 million in 1997 to €19 million in 2004. We hope to be able to further promote adult literacy in the workplace particularly and we are working with NALA in this regard.

**Ms O'Sullivan:** The basic education fund has not been established. Will the Minister of State commit the Government to establishing the fund so that there will be money to run these courses in the workplace?

**Miss de Valera:** The Government funds the work done by NALA and is very happy to support that agency. We have pinpointed the need to address literacy in the workplace. The fund has not yet been established and I am investigating that matter. I am not in a position to give the commitment today.

**Ms O'Sullivan:** I hope the Minister of State will establish the fund, as it is needed.

### **School Transport.**

124. **Mr. Naughten** asked the Minister for Education and Science his plans to implement the recommendations of the Oireachtas Joint Committee on Education and Science report on school transport; the reason for the delay in considering these recommendations and if he will make a statement on the matter. [9726/04]

**Miss de Valera:** Following a review of the school transport scheme and taking into consideration the recommendations of the joint Oireachtas committee report on school transport, a number of improvements were introduced in 2001. These included reducing the qualifying

distance for eligibility for school transport for primary school pupils aged ten and over from three to two miles, so that all primary pupils are treated equally for eligibility purposes. The number of eligible primary pupils required to establish a new bus service was reduced from ten to seven. The threshold for maintaining a service was reduced to four eligible pupils provided at least six fare-paying pupils are using the service.

The scope of the remote area grants, payable to pupils in certain circumstances, was extended and the rate payable increased. The travelling and waiting time for post-primary pupils was reduced from three to 2.5 hours. Where feasible students who are on the early pick-up from their homes are the first to be dropped home in the evening and *vice versa*.

In order to increase transparency in the system and to demonstrate that appeals are treated in an equitable and objective manner, an independent appeals board was established in 2003 to facilitate those who wish to appeal decisions on transport services. Since January 2002, Bus Éireann has replaced more than 200 older school buses, thereby improving the quality of buses in service. All school transport vehicles have been provided with a communication system to enable the driver to have ready access to the depot.

Other issues raised by the committee, including those concerning safety, are continually under review in my Department. Bus Éireann, which operates the school transport scheme on behalf of my Department, places special emphasis on safety. To ensure a safe and reliable service, it has a wide range of checking procedures in place, which are reviewed on an ongoing basis to ensure that standards are met. Bus Éireann is fully compliant with all relevant regulations as laid down by the Department of Transport.

**Mr. Naughten:** In response to another parliamentary question on this matter on 19 February, the Minister of State said she was finalising a review designed to identify efficiencies and savings within the school transport service. Will the Minister of State elaborate on the objective behind this review, as my understanding of that is that there will be a cutback in the service currently provided? Would the Minister agree that it can only mean that either the Government will dramatically increase the charges families have to pay for the school transport service or school transport services will have to be cut back?

**Miss de Valera:** To provide school transport nationally, in 1997 less than £50 million was spent on school transport. In 2004 this will be more than €100 million. The Deputy spoke about the charges to students to use these buses. This contributes only total €6 million per annum of the €100 million needed to run the service. We needed a review of how best to continue to provide a service that enables children to get to school. Another issue to be taken into account in

looking at the cost of such a service is the mileage, cost of fuel, insurance, maintenance and labour costs.

Some 9,000 children with special needs out of 140,000 students use the service. Some 30% of the budget of €100 million is allocated to providing the service for special needs students. I am looking at every facet of school transport. A number of recommendations made both by me and the joint committee have already been implemented, including the appeals system, which I am sure the Deputy would support.

**Mr. Naughten:** I take it that included in the Minister of State's considerations are increases to the charges which families must face. Since 1997 how many additional children are now being transported to school? The Minister of State mentioned the concern of parents, the biggest of which is the lack of seatbelts on primary school buses. While parents bringing children to school must have seatbelts or risk getting penalty points, the Department of Education and Science does not require seatbelts. Although the EU will shortly issue a recommendation, it will not affect secondhand buses in the school transport system, many of which are substandard.

**Miss de Valera:** The Deputy asked for the facts and figures on the school transport system. Some 140,000 schoolchildren travel every day and almost 2,900 buses service more than 5,000 routes. Of the 2,900 buses, 2,300 are owned by approximately 1,150 private contractors. In the region of 9,000 children with special needs are included in the overall figure of 140,000.

**Mr. Naughten:** What has been the increase since 1997?

**An Leas-Cheann Comhairle:** We must proceed to the next question.

**Miss de Valera:** I am not allowed to answer.

#### **Vetting Procedures.**

125. **Mr. Connaughton** asked the Minister for Education and Science the position with regard to the establishment of a vetting procedure for all teachers and other school staff who have the potential to have substantial unsupervised access to children and vulnerable adults; and if he will make a statement on the matter. [9708/04]

**Mr. N. Dempsey:** I appreciate that schools and others have experienced difficulties with the vetting of potential staff members who may have unsupervised access to children. To address this deficit, a cross-governmental working group was established to consider proposals for the reform of vetting by the Garda Síochána. The group is chaired by a chief superintendent and includes officials from the Departments of Justice, Equality and Law Reform, Health and Children and Education and Science and the Office of the Attorney General. The report of the group has

been finalised and has been received by the Garda Commissioner and the Minister for Justice, Equality and Law Reform. I understand that it is under active consideration by them and it would be inappropriate for me to comment further on the process until they have made clear their positions.

**Ms. Enright:** When the Minister and his colleagues come before the House and give commitments in regard to timescales, what value are Members on this side supposed to place on such commitments? On 16 December, the Minister of State, Deputy Brian Lenihan, informed the House that this report would be submitted to the Garda Commissioner and the Minister for Justice, Equality and Law Reform in January. We were also informed that the issue would be addressed early in the new year. The fact that it is still at discussion stage between the Department of Education and Science and the Department of Justice, Equality and Law Reform does not indicate progress. Does the Minister accept that every day that passes on which this issue is not dealt with is a day that more children are put at risk?

I am aware of a recent incident where a school bus with one child left on board was involved in an accident. The driver flagged down a passing stranger and placed the child in their car to be driven home. That highlights the importance of having adequate and proper vetting procedures in place. When will we receive a real response from the Minister? When will legislation relevant to vetting be brought before the Dáil?

**Mr. Naughten:** The communication system on the bus was obviously working.

**Mr. N. Dempsey:** The information communicated to the House by a Minister or Minister of State is that which is available to him or her at a specific time. I have answered questions in the House since Christmas and indicated to the Deputy my belief that the committee would make its report before the end of February. That is what has happened. The report has been finalised and is with the Garda Commissioner and the Minister for Justice, Equality and Law Reform. They must now bring forward their responses to it. That is the position. The matter is not under discussion between my Department or any other Department and the Department of Justice, Equality and Law Reform. It is with the latter Department, the response of which we await. Any expansion of the system has implications for the Department of Justice, Equality and Law Reform and the Garda Síochána and I presume that they are considering those. I agree with the Deputy that the sooner responses are received, the better it will be for everybody.

**Ms. O'Sullivan:** Is the future of the register of persons considered unsafe to work with children

[Ms O'Sullivan.]

Bill dependent on the outcome of this report? Given that this is part of the Good Friday Agreement, is the Northern Ireland dimension likely to delay matters.

**Mr. Stanton:** What procedures are in place to prevent dangerous paedophiles obtaining employment in our schools?

**Mr. N. Dempsey:** There is a vetting procedure in place in respect of escorts and special needs assistants, SNAs. With regard to other—

**Mr. Stanton:** There is none in place.

**Mr. N. Dempsey:** There is a vetting procedure. I have answered the question.

**Mr. Stanton:** There is none in place for teachers and caretakers.

**Mr. N. Dempsey:** No. There is only a vetting procedure in respect of those to whom I referred. All appointments made to schools are done by local people. That minimises but does not eliminate the risk.

**Mr. Stanton:** How would a local person know anything about a stranger from outside the area who applied for a position? That is codswallop.

**Mr. N. Dempsey:** On the next occasion Deputy Stanton comes across a case where the management of a primary school has appointed a stranger, will he inform me of the fact?

*Written Answers follow Adjournment Debate.*

#### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Costello — the need for the Minister to provide the necessary resources and personnel to deal with the large increase in prostitution in the Arbour Hill area of Dublin city; (2) Deputy O'Sullivan — the need for the Minister to fulfil the commitment to build a new school at Aghina, Macroom, County Cork, in view of its listing under proceed to construction in the 2003 school building programme and the cost savings achieved in accordance with the conditions of approval; (3) Deputy Burton — the proposed probation and welfare service at the old Allied Irish Bank building, Main Street, Blanchardstown, the cost of the building and refurbishment and the availability of more appropriate locations for such services at the Blanchardstown Town Centre; (4) Deputy Durkan — the failure of the Minister to provide sufficient funding to facilitate the employment of adequate staff at Naas General Hospital at a time of acute shortage of accident and emergency and

general hospital services and facilities, and the need for the Minister to ensure that the newly constructed hospital is fully staffed and fully operational forthwith; (5) Deputy Morgan — the implications for the partnership process of the statement by the Tánaiste and Minister for Enterprise, Trade and Employment that she will collapse the coalition Government if the break up of CIE and the privatisation of transport services does not go ahead; (6) Deputy Healy — the urgent need for the Minister to approve funding for the equipping and opening of the newly built facilities at South Tipperary General Hospital for general surgery and accident and emergency; and (7) Deputy Stanton — to ask the Minister to reconsider his decision to decentralise the complete staffing cadre of Dept of Agriculture and Food from the present location in the South Mall in Cork to Macroom, and if he will consider opening an office in east Cork to serve farmers in north and east Cork.

The matters raised by Deputies Stanton, Healy, Costello and Burton have been selected for discussion.

#### **Leaders' Questions.**

**Mr. Kenny:** In the course of the budget, the Minister for Social and Family Affairs introduced 16 savage social welfare cuts. One of these related to the widow's pension and lone parent's allowance. Last week the Government voted down a Private Members' motion in the names of the Labour Party, Fine Gael and the Green Party. The Minister, Deputy Coughlan, in response to the debate, promised a review. The Tánaiste, at last weekend's love-in in Killarney, spoke about social justice, despite that the Progressive Democrats are part of the Government that made this decision in the first instance. In a written reply today, the Minister, Deputy Coughlan, said that the decision was made because of pressure on Government spending.

The Revenue Commissioners have indicated that the Exchequer will take in at least €540 million, and probably much more, from settlements relating to offshore accounts made yesterday. The Government clearly has no excuse for maintaining this cut. There is now a surplus €1.4 billion in the social insurance fund. The widow's pension is a contributory scheme into which widows pay. A total of 2,000 widows and their families will be directly affected by this decision. As was pointed out, these people comprise a group that is the most vulnerable in society. It is a lousy cutback and it is a shame that the Government inflicted it upon them.

I want the Taoiseach to confirm that he will go beyond merely carrying out the review to which the Minister, Deputy Coughlan, referred and indicate to the House that this disgraceful decision will be reversed. Has the Taoiseach considered last week's debate, the public comment on this matter and the extent of concern expressed by the widows' association and by

people in general? Has he further considered that it is hypocritical in the extreme for the Minister for Social and Family Affairs to say that the cut was introduced because of pressure on Government spending, especially when there is a surplus of €1.4 billion in the scheme to which I refer and when the cutback will only lead to a saving of €5.8 million?

**The Taoiseach:** The Minister stated that she is keeping this issue under review and that she is meeting some of the bodies involved. She has already met the widows' association and has been in contact with some of the other bodies involved in this area. She has engaged in such contacts as part of her examination before bringing any proposal forward.

The reason this matter was under consideration——

**Mr. S. Ryan:** There is no justification for it.

**The Taoiseach:** ——is the general principle common to social welfare systems throughout the world that a person is only entitled to one income or maintenance payment at any one time. That is how the issue arose.

Cases about the effects of this provision on widows have been made in this House and elsewhere and I do not need to restate them. The Minister for Social and Family Affairs, Deputy Coughlan, introduced €530 million worth of additional increases bringing her total budget to €11.26 billion. It is clear the Minister took account of general principles when considering this issue. She also considered, based on the data given to her at the time, the small fraction of the approximately 120,000 persons in receipt of non-contributory widower's pensions affected by this measure and tried to make provision for the €0.5 billion extra required from her budget.

Deputy Kenny is correct. The figures for the first quarter are better than those on which the Minister for Social and Family Affairs worked at that time. We should also take account, not that it is relevant only to this issue, of the 85% increase in the last few years in widow's contributory pensions for those aged over 65 and the increase of 55% for those under 66 years of age.

**Mr. S. Ryan:** They are still expected to live on €140 per week.

**An Ceann Comhairle:** Order, please.

**The Taoiseach:** The recent budget also provided an increase to €2,700 in the widowed-parent grant. There is no need for me to add to what has already been said by the Minister for Social and Family Affairs. She will meet the groups involved and is keeping the implementation of these reforms under review. I am sure she will return to them.

**Mr. Kenny:** The late Ernest Blythe took a shilling from old age pensioners and the repercussions, in political terms, against Cumann na Gael and Fine Gael Party lasted for 60 years.

This is a shameful act by the Government. Does the Taoiseach agree that there is a surplus of €1.4 billion in the social insurance fund? Does he agree with the Minister's written reply last week that this measure was introduced in response to pressure on Government spending? Does he not find it completely and utterly hypocritical that on the day the Committee of Public Accounts publishes its report on PuncHESTOWN, the Accounting Officer of a Department is being held up on the basis that this scheme which cost €15 million, three times the cost of this cutback, was never examined? The consequence of this is that the 2,000 widows affected by a scheme into which they paid contributions are now paying for the PuncHESTOWN deal as outlined by the Committee of Public Accounts report published a few minutes ago. Is that not hypocritical? Will the Taoiseach now state his intention to reverse this decision forthwith? This shameful cutback of €5.8 million should not be borne by the vulnerable in our society. Every Member from the Government parties knows this is morally wrong.

**Mr. J. O'Keeffe:** Hear, hear.

**The Taoiseach:** The Deputy should at least acknowledge that the Minister for Social and Family Affairs, Deputy Coughlan, gave a €10 per week increase to all widows. To refer to a general cutback is incorrect. I also stated that a small fraction of the 120,000 people who will gain from that benefit would have been affected by this measure.

**Mr. Crawford:** They do not matter.

**The Taoiseach:** I also stated that the Minister will speak with the various organisations before reaching any conclusions on this issue. The general principle exists across social welfare schemes throughout the world that a person is entitled to only one income maintenance payment at any one time.

**Mr. S. Ryan:** That does not apply in this country.

**An Ceann Comhairle:** I will have to ask Deputy Ryan to leave the House if he continues to interrupt the Taoiseach.

**Mr. S. Ryan:** It is pathetic listening to the Taoiseach.

**The Taoiseach:** That principle does apply here.

**Ms McManus:** There are no problems with ministerial pensions.

**Mr. J. O'Keeffe:** That is a hollow defence.

**The Taoiseach:** It is obvious Deputy Ryan knows nothing about the social welfare code.

**Mr. S. Ryan:** I know a great deal about it.

**The Taoiseach:** If he did, he would know that is taken into account in every category.

The Minister has given a commitment to meet with the bodies concerned and to bring forward her own proposals on this issue. I have nothing further to add.

**Mr. Stagg:** These are her proposals.

**Mr. Rabbitte:** This is my first opportunity to ask the Taoiseach why he told the House on 17 February that the Government had no plans for a referendum. Three weeks later, the Minister for Justice, Equality and Law Reform, Deputy McDowell, stated that such plans do exist. Why did the Taoiseach change his mind? What changed his mind?

I was greatly inspired at the weekend by the Minister for Justice, Equality and Law Reform urging us to reclaim the Republic, something with which I agree but the cardinal principle of any republic is equality before the law. He now seems intent, with the Taoiseach's support, on introducing a law to create three categories of citizen.

The primary reason for this referendum according to the Minister for Justice, Equality and Law Reform, was based on an approach made to him by the masters of the Dublin maternity hospitals to change the law. The masters issued a statement denying they ever made any such approach. As well as misrepresenting the masters, the Minister also inadvertently, we are told, misrepresented the date when he said he met with them in October of last year. He met with them in October 2002 at a meeting organised by his officials.

If a problem exists in the Dublin maternity hospitals in terms of their not being able to cope with the number of non-national births, then that problem should be addressed. The difficulties we are encountering when tabling parliamentary questions is that neither the Minister for Health and Children nor the Minister for Justice, Equality and Law Reform can provide us with figures in terms of what contribution non-nationals are making to the "problem". Is it the 46,000 people to whom the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Harney, gave permits last year or is it those referred to by the Minister as "tourists"? The only figures I can find, in terms of pressure on the Dublin maternity hospitals, state that we had 82,000 births in the Republic in 1980, an average of five bed nights per person or 400,000 in total. The figures for 2003 are 55,000 births with an average of two and a half bed nights or a total of 137,000 bed nights. That comes out at 137,000 bed nights in 2003 as compared to 400,000 bed nights in 1980. Perhaps there is intolerable pressure.

Will the Taoiseach observe the Lenihan rules in terms of providing this House and society the opportunity they deserve to consider something as important as a referendum on citizenship?

**The Taoiseach:** The programme for Government drawn up almost two years ago and agreed by the parties in Government, contained a commitment to review a number of applications from non-nationals to remain in this State based on parentage of Irish-born children and to initiate all-party discussions on the issue of such constitutional or other measures that might be required. The Minister for Justice, Equality and Law Reform has, as he has stated many times, kept that matter under review. This is not something new, the situation has been clear for some time.

The Government has not yet made a decision on the type of legislation required or the timing of its introduction. The purpose of the discussions in which we are engaged is to examine the possibility of having a referendum on this issue, something we believe is desirable. The purpose of the amendment to the Constitution is to ensure we deal with the issue of non-nationals entering this country for the purpose of childbirth. The referendum would not relate to people already settled here or to those here on work permits.

While the maternity hospitals did not raise the issue in the manner suggested by Deputy Rabbitte, they have raised the issue of people arriving in this country close to the end of their pregnancy thereby putting at risk their health and that of the unborn child. That issue has been mentioned time and again. The Government considers it appropriate that Irish citizenship for a child born to non-national parents should not derive solely from the circumstances of birth in Ireland and that there should be a stronger connection with Ireland on the part of at least one of the parents for the privilege of Irish citizenship to be available to their children born here. That is how it would be in any other country.

Allied to that, though not by any means the primary reason, there are dangers to the health of the mother and the child. That is the point being made by the masters and others. The referendum proposal will, if approved, remove the pressures often put on such expectant mothers, either by their own ambitions for their children or by those of their partners, which encourage them to put their lives at risk. That is an important matter. However, whether the number is a few, a few hundred or a few thousand, people are coming from countries outside the European Union, and outside Europe — though it sometimes depends on how one defines "Europe" — solely for the purpose of getting Irish citizenship and leaving as quickly as they came. That is the situation, and we should not allow our citizenship rights to be opened up. That would create all kinds of problems and difficulties in future. However, all those matters

will be addressed if the Government introduces legislation.

**Mr. Rabbitte:** The Taoiseach says that this is not new. What is new is that the Taoiseach told the House on 17 February that no referendum was planned this year. He has not explained that. Neither is it new that the Taoiseach wrote to my predecessor as leader of the Labour Party, Deputy Quinn, when he raised this point at the time of the Good Friday Agreement and told him expressly that peace on our island took precedence over the question of citizenship. If the Taoiseach is saying that the problem exists of people visiting our jurisdiction purely for the purpose of gaining a passport — it makes a change from how they used to do so — and that that is the point, perhaps he will answer the question, or get one of his Ministers to do so, of how many of them are there per annum? There is no point in the Minister for Justice, Equality and Law Reform, Deputy McDowell, eliding one into the other and saying that there are so many non-national births in this jurisdiction. How many of them are “tourists”, to use his term? Can we have an answer to that and to the Lenihan prescription, which was very clear?

**An Ceann Comhairle:** Please conclude, Deputy Rabbitte.

**Mr. Rabbitte:** Deputy Brian Lenihan, as Chairman of the all-party committee, made several recommendations on how to process a referendum. He even went as far as to say that the committee recommended that the Standing Orders of the House be amended to embody a presumption that every Deputy and Senator would have sufficient opportunity to make whatever contribution he or she wishes. Will that happen or will there be a guillotine? I ask the Taoiseach to deal with this question and not avoid it. Is it his plan to introduce this legislation the week after Easter, and is it his plan to go ahead——

**An Ceann Comhairle:** The Deputy's time is up.

**Mr. Rabbitte:** ——with what the Irish Refugee Council described as the “frenzy” of an election? I warn the Taoiseach that, just because his American guru has advised him to do that, he should not presume partisan advantage to exploit such an issue in the context of elections.

**The Taoiseach:** I do not know what Deputy Rabbitte means by “American guru”. We have had no research on the issue. I heard his comments last week, and he is wrong yet again on that issue. Deputy Rabbitte is right that I did not visualise, when I wrote to Deputy Quinn in 1998 on the issue, Russians, Moldovans and Ukrainians coming to this country simply——

**Mr. Rabbitte:** He raised it in his letter.

**An Ceann Comhairle:** I am sorry, Deputy Rabbitte. Please allow the Taoiseach to continue without interruption.

**The Taoiseach:** I am trying to answer the Deputy's question. I did not think at that time that people would come here from those countries for two or three weeks to have children, simply for the benefit of Irish citizenship.

**Mr. Rabbitte:** Are the Russians and Moldovans coming?

**An Ceann Comhairle:** I am sorry, Deputy Rabbitte, but we must allow the Taoiseach to continue.

**The Taoiseach:** Regardless of whether the figures are enormous, as the Deputy correctly said, we got rid of the passports for investment scheme on the basis that there were only a handful, and that was the right thing to do. However, on the question of the figures so far, genuine tourists are doing that. It is well known around Europe that we are the only people who can be used and abused in such a way.

**Mr. Rabbitte:** Quantify them.

**Mr. Allen:** What is the number?

**The Taoiseach:** I am not arguing with the Deputy but telling him that it is fact. Whether the number is huge or small is unimportant, since the loophole should not exist. The Office of the Refugee Applications Commissioner shows that almost 60%, almost two thirds, of female asylum seekers aged 16 and over were pregnant at the time of application. Those are its figures.

**An Ceann Comhairle:** Please conclude.

**The Taoiseach:** One can see very clearly what is happening. That was not envisaged, and that is why this issue must be examined.

**Mr. Gormley:** Why is the Government rushing?

**An Ceann Comhairle:** I am sorry, Deputy Gormley.

**The Taoiseach:** It is not rushing. The Deputy knows well that our system is being rampantly abused.

**Mr. Gormley:** I know very well what has happened.

**An Ceann Comhairle:** Deputy Gormley will leave the House if he does not cease interrupting. I call Deputy Ó Caoláin.

**Mr. Rabbitte:** Is the——

**An Ceann Comhairle:** I am sorry, but I remind Deputy Rabbitte that he went two minutes over

[An Ceann Comhairle.]  
the time allotted in the Standing Order. He asked three further questions by way of interruption, and it is now Deputy Ó Caoláin's turn to submit a question.

**Caoimhghín Ó Caoláin:** As a direct result of statements made to the media by the Tánaiste, Deputy Harney, in the course of her weekend conference, SIPTU has withdrawn from negotiations on the next phase of the Sustaining Progress agreement. The Tánaiste said in the course of the interview that the future of the Fianna Fáil-Progressive Democrats coalition would be in doubt if the Progressive Democrats' agenda of wholesale privatisation of the public transport system were not pushed through. The Tánaiste made no reference whatsoever to the matters concerning the existing workforce in our public transport service in all its shapes and guises. Her utterances have cast doubt on the Taoiseach's assurances to the sector, which brought SIPTU back from the brink of industrial action.

The Taoiseach stated here last summer that he was increasingly not a supporter of the privatisation of semi-State companies, even if that was not the view of his colleagues. Has that position changed? Does the difference between the Fianna Fáil and Progressive Democrats members of the coalition that his commentary pointed up still hold, or is there, as a colleague is suggesting, now no difference at all? Who now determines Government policy on privatisation? Has the Tánaiste raised this matter directly with the Taoiseach and indicated as clearly as in her utterances that she would be prepared to bring down the coalition if her Thatcherite agenda were not pressed ahead with? Did the Tánaiste or the Progressive Democrats indicate at any time that the failure to deliver on the promised ending of hospital waiting lists, the proposal, also reneged on, to extend medical cards to a further 200,000 people or the issue of the 130,000 people currently on housing waiting lists throughout the jurisdiction would cause them to leave the coalition?

**The Taoiseach:** I hope the leadership of SIPTU continues in the talks on the second half of the national wage agreement. I hope that will be the case. I understand their concerns. In line with An Agreed Programme for Government, the Government's position on the future of the commercial State companies has been made clear during a series of contacts — in person and in writing by myself and other Ministers — with the Irish Congress of Trade Unions and with the SIPTU leadership, throughout the course of Sustaining Progress and throughout the lifetime of this Government.

The Government's commitment to the role of the semi-State sector in providing world-class

services at a competitive price to the consumer, with a viable long-term future for individual companies based on the most appropriate form of ownership structure and particular needs, remains unchanged. The principles laid down in my letter at the commencement of the Sustaining Progress talks also remain unchanged. These principles are: the need for a strategy for sharing information and analysis about issues and options facing each company in the sector within which it operates; systematic learning from the experience of other countries, as a guide to dealing with the issues which may arise; sharing the Government's thinking at the earliest appropriate time; basing policies in all cases concerning the public interest — and in particular that of meeting the needs of the people — on how to achieve the desired effect without any ideological assumption as to which corporate structure or strategy best meets the objective; and basing this engagement on a recognition that the public interest is best served by a culture of innovation, flexibility and cost effectiveness in the operations of State companies. I made that clear to them at the start of the talks.

Over the last fortnight I have made clear that information would be shared and appropriate time for consideration given as regards future plans for CIE and Aer Rianta. We obviously want to get on with that and the proposed legislation will be introduced in the next Dáil term. There are difficulties in some sectors of industry, domestically and globally. This is equally true of the State sector. There is clearly a great deal of sensitivity on all sides about possible changes. We have to deal with that. There is the issue of An Post, which is with the Labour Relations Commission. Needless to say, we want everyone to look towards long-term viability and to try to resolve the issues. The times of change are also exciting. I understand that they can appear threatening to some trade unions and their members. However, we want to work with them on these major issues.

The answer to much of the uncertainty that surrounds the future of Aer Rianta, CIE and other State companies is to be found in the dedicated talks process that has been set down. The framework for partnership continues to offer the best environment for dialogue around the future of the State companies. This is one which I hope, on reflection, is possible for all parties to participate in. I acknowledge the good work that is going on in the transportation study and on some of the other issues. The future of the State sector is closely linked to the health of the wider economy. I hope the pay talks which have a crucial role in restoring our competitiveness and maintaining employment across the sectors, will continue and that SIPTU will be involved in that.

**Caoimhghín Ó Caoláin:** I thank the Taoiseach for his reply but one of the first questions that his response must prompt is whether he is less or more supportive of and an advocate for privatisation. That clarification is required. Does he not accept that the last thing the public transport system needs is plundering by privateers who will be out to cherry-pick the most lucrative and profitable areas to the detriment of all? What assurances can he give, not only to the employees of the various sectors under the CIE umbrella, but to the public who depend on it, that the public transport system in this State will not only be maintained, but invested in, to ensure that we have a fully-integrated, effective and efficient service? Will the Taoiseach say whether, in the course of handing over the policy making role to the PDs within his coalition, if he has also handed over the title of “the republican party” as Deputy McDowell has proclaimed himself as the only and the greatest republican in the land and Fianna Fáil has erased it from its title?

**An Ceann Comhairle:** The Deputy’s time has concluded. I must ask him to give way to the Taoiseach.

**Mr. D. Ahern:** I remember the people in my constituency in County Louth having to take the bus across the Border.

**An Ceann Comhairle:** Will the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, allow the Taoiseach to speak without interruption, please?

**Mr. D. Ahern:** I cannot take it. How many times was it blown up?

**The Taoiseach:** The discussions on the reform of the transport system under the 1932 Act are in the transport framework. I hope they come to a successful outcome. Deputy Ó Caoláin will be well aware that the issue of the opening up of transport is taking place worldwide and that is inevitable. We saw it last year with rail. The agreed reforms are best carried out between the CIE management, the Government and the unions. That is the best way to reach agreement and that is what I am in favour of. The negotiating parties are making good progress.

As regards the other State companies, my view is that the issues should be reviewed on a case-by-case basis. In some areas, the management, workers and the Government would  
 5 o’clock be in favour of opening up a particular sector for investment. That can be the best solution for the State company concerned. In other cases, I would not agree with that course of action and believe they should be retained in State ownership. However, there must be flexibility as regards change. State companies cannot just remain static. They have not done so,

by and large, over the last 30, 40 or 50 years. They must always be braced for reform. Each situation must be looked at on a case-by-case basis and the best strategy at the time for the company should be pursued.

### **Request 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 the Deputies in the order in which they submitted notices to my office.

**Mr. Morgan:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent issue: the threat made by the Tánaiste that the PDs will collapse the Government unless the break-up of CIE and the privatisation of transport services goes ahead, regardless of discussions with the unions.

**Mr. Martin:** I am touched by their concern.

**Mr. Morgan:** The fact that this threat has undermined the social partnership process; the necessity for the Tánaiste to be relieved of her responsibilities for employment, as her unbridled Thatcherite right-wing rant to party zealots illustrate that she is——

**An Ceann Comhairle:** The Deputy should confine himself to the notice submitted to the Ceann Comhairle.

**Mr. Morgan:** ——unsuitable to have responsibility for workers’ rights; the necessity for the Tánaiste to apologise to workers in CIE and Aer Rianta for proclaiming the destruction of their jobs as her number one political objective; and the need to debate the issue in this House.

**Mr. M. Smith:** Why is the Deputy worried about the break-up of the Government?

**Mr. Coveney:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent issue: to ask the Minister for Communications, Marine and Natural Resources, what he and the Government are doing to bring both sides together with a positive mindset in the industrial dispute within An Post; and most importantly, to ensure that while talks on the future of An Post are ongoing, Dublin and the rest of the country have an adequate postal service restored.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the need for the Minister for Education and Science to urgently approve a grant for Newtown Upper national school, Carrick-on-Suir, County Tipperary, for the replacement of outdoor toilets that have been condemned by the Health and Safety Authority;

[Mr. Healy.]

and the need for the Minister to make a statement on the matter, including the fact that the teachers have been forced to strike with effect from Friday, 2 April.

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

### Order of Business.

**The Taoiseach:** The Order of Business today shall be as follows: No. 12, statements on European Council, Brussels; and No. 1, Sea Pollution (Miscellaneous Provisions) Bill 2003 [*Seanad*] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 12 shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply: the statements shall, if not previously concluded, be brought to a conclusion after 60 minutes and the statements of the Taoiseach and the main spokespersons from the Fine Gael Party, the Labour Party and the Technical Group shall be called upon in that order and shall not exceed 15 minutes in each case. Members may share time. Immediately following the statements, the Taoiseach shall take questions for a period not exceeding 20 minutes. Private Members' business shall be No. 33, Motion re: Confidence in the Minister for the Environment, Heritage and Local Government.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 12, Statements on European Council, agreed ?

**Caoimhghín Ó Caoláin:** Allowing only one hour with 20 minutes of questions on such an important issue is insufficient. Our party spokesperson will have only five minutes' participation on this critical issue, which is moreover being considered during the Irish Presidency of the European Union. It is a matter of grave concern that we have not had a proper debate in the House on the proposed constitutional treaty for the European Union, because it affects our sovereignty and democracy in this State and in the European Union. The Government refused to tell us its position on the negotiations on the constitutional treaty. It refuses to tell us if it has agreed the defence clauses, which we contend violate Irish neutrality. For these reasons we cannot agree to such a short inadequate opportunity for statements, and a limited question and answer session to follow. Members need a substantive opportunity to address this major proposition.

**Mr. Gormley:** The constitutional treaty, or new EU constitution as it has become known, is extremely important. It is historic. On this side of the House we have complimented the Government for its handling of the treaty and have wished it well in the negotiations. It seems a breakthrough has been made. However, we have not had the required debate on the matter in the House. The Taoiseach told us there are 20 outstanding issues. We are not clear what they are, though we can guess what some of them are. For that reason it is wrong that certain parties on this side of the House are limited in what they can say, and in the number of questions we can ask. We oppose the proposal.

Question put: "That the proposal for dealing with No. 12, Statements on European Council, Brussels be agreed."

The Dáil divided: Tá, 71; Níl, 11.

Tá

Ahern, Bertie.  
Ahern, Dermot.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Cooper-Flynn, Beverley.  
Coughlan, Mary.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
de Valera, Síle.  
Dempsey, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.

Ellis, John.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Healy-Rae, Jackie.  
Hector, Máire.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McDaid, James.  
McEllistrim, Thomas.  
McGuinness, John.  
Martin, Micheál.  
Moynihan, Donal.  
Moynihan, Michael.

Tá—*continued*

Mulcahy, Michael.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
O'Connor, Charlie.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.

Power, Peter.  
Power, Seán.  
Ryan, Eoin.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Dan.  
Wallace, Mary.  
Wright, G.V.

Níl

Boyle, Dan.  
Connolly, Paudge.  
Ferris, Martin.  
Gormley, John.  
Healy, Seamus.  
McGrath, Finian.

Morgan, Arthur.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
Ryan, Eamon.  
Twomey, Liam.

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

Question declared carried.

**Mr. Kenny:** I thank the Taoiseach for his letter on the referendum on Irish citizenship that I received today. Deputy Rabbitte already raised the matter of the Taoiseach having informed the House that there were no proposals for a referendum on this issue. However, in March—

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

**Mr. Allen:** Some order would help, a Cheann Comhairle, so that the Deputy may be heard.

**Mr. Kenny:** The Government, when it made its decision, authorised the Minister for Justice, Equality and Law Reform, Deputy McDowell, to consult party leaders on this sensitive matter. There has been no consultation with me by the Minister on this matter except to inform me on the corridor that the machines will cater for the referendum. I do not know if the Minister was speaking about the machines for the 11 June elections or some future date. That is not the way to do business on such a sensitive and serious matter as this. I support having this problem resolved—

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

**Mr. Kenny:** I have not finished my point, a Cheann Comhairle. When Deputy Gay Mitchell submitted a parliamentary question seeking information on the number of non-national births in the State, he was informed that it was not available, yet the Taoiseach and the Minister for Justice, Equality and Law Reform have it at their disposal. This is not the way to do business.

In his letter to me today, the Taoiseach stated that the Minister for Justice, Equality and Law Reform will shortly bring to the House specific proposals on the reconciliation between Articles

2 and 9 of the Constitution. Will this be before Easter? Will the Taoiseach give a specific date for this? The Taoiseach also stated in his letter that he did not believe that the All-Party Committee on the Constitution was an appropriate forum for this matter. From reading between the lines, is it the Taoiseach's intention to hold the referendum on 11 June? If that is the case, will he say so and will the Government hold proper consultations with Opposition leaders about this sensitive issue which I want resolved and one in which I would be pleased to play a constructive and positive role?

**The Taoiseach:** No decision has been made on this issue yet and, therefore, no referendum will be fixed until then. It was to be discussed at Cabinet today, but the Minister for Justice, Equality and Law Reform was on EU Presidency business. It will be discussed next week. The Minister is available but I understood that he discussed the matter with the Opposition spokespersons. I will relay Deputy Kenny's comments to him. Until there is agreement on the measures, it will not be decided whether the referendum will be held on 11 June. That decision will be made next week too. I will refer Deputy Kenny's comments on consultation to the Minister for Justice, Equality and Law Reform.

**Mr. Rabbitte:** Does the Taoiseach not know well that the Minister sought to discuss this matter with the Opposition spokespersons at the same time as he issued a statement to the press announcing the referendum? I do not know what the pretence about mystery is because that was the discussion that took place. I do not know why we must listen to people hedging by saying the Taoiseach does not know what the Minister did. I suspect that the Taoiseach knows well what the Minister is doing and the Minister knows why the Taoiseach wants him to do it.

Is it not the case that the Government Whip has instructed that the referendum Bill be taken

[Mr. Rabbitte.]  
in the week after Easter? Will the Taoiseach deny that? Is it the case that the legislation will be brought to the House in time for a poll on 11 June in accordance with the advice of the Taoiseach's American guru? Why was the question of land, for example, side-tracked to a constitutional committee for two and a half years but the Government has suddenly discovered this issue in advance of the local and European elections?

**The Taoiseach:** I will repeat myself. Deputy Kenny stated that there has been no consultation with him. All I said is that I understand that there has been consultation with the spokespersons.

**Mr. Costello:** There was not very much consultation.

**The Taoiseach:** There is no going around the place on the issue. I will point that out to the Minister.

**Mr. Cassidy:** Deputy Costello is not in the Seanad now.

**The Taoiseach:** The Government is considering the constitutional Bill, the final proposal and the date. The date on which the Bill will be taken will not be agreed until the Government makes a decision on these matters.

**Mr. Rabbitte:** Will the Bill be discussed in the week after Easter? That is the question.

**The Taoiseach:** We must decide next week if we agree on a Bill. At this stage, the answer to the Deputy's question is "No" because we have not agreed on it.

**Mr. Rabbitte:** How come I know the answer?

**Mr. Kelleher:** Because you know everything.

**The Taoiseach:** We have not agreed it; that is the point.

**Mr. Rabbitte:** We will see, Billy. I will lay you a wager.

**Mr. S. Ryan:** Bet on it.

**The Taoiseach:** If we must make more time for legislation, we will do so. We must make those decisions first.

**Mr. Rabbitte:** It will create the same circumstances as those that existed in Deputy Kelleher's constituency at the previous general election.

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

**Mr. Rabbitte:** There will be Deputy Noel O'Flynn all over the place and Deputy Kelleher

knows that. If the Taoiseach thinks that is a good idea, I am afraid I do not agree with him.

**An Ceann Comhairle:** Deputy Rabbitte should allow Deputy Gormley, who has been called and is in order, to speak.

**Mr. Gormley:** Given that the Minister, Deputy Cullen, has spoken about the need to fast-track the construction of incinerators throughout the country——

**Mr. Cullen:** The Deputy did.

**Mr. Gormley:**——including in my constituency of Dublin South-East, can I ask the Taoiseach——

**Mr. Cullen:** This is more of the Green Party's zero nonsense.

**Mr. Boyle:** The Minister's words were: "it will happen".

**Mr. Gormley:** He said it will happen in Dublin South-East.

**Mr. Cullen:** The Green Party's zero policy will not work.

**Mr. B. Lenihan:** It is a waste of space.

**An Ceann Comhairle:** Allow Deputy Gormley to——

**Mr. Gormley:** The Minister was quoted as saying it.

**An Ceann Comhairle:**——ask a question appropriate to the Order of Business.

**Mr. Gormley:** It would be wonderful if I were allowed to speak without being interrupted. Can I ask about the strategic national infrastructure Bill? Will the Taoiseach confirm that the Bill is being supported by the Progressive Democrats? Will the Taoiseach inform the House where the Progressive Democrat Members are today?

**Mr. Treacy:** They are looking at sites.

**Mr. Howlin:** They are looking for a candidate for the European election in Dublin.

**Mr. Rabbitte:** They are checking the advertisements to see if anyone has replied.

**An Ceann Comhairle:** The Taoiseach, on the legislation.

**The Taoiseach:** The Bill is being drafted.

**Mr. Howlin:** They are on Grafton Street looking for a candidate.

**Mr. O'Donoghue:** It is a bit like waiting for Godot.

**Mr. Crawford:** I understand that a dormant accounts (amendment) Bill is to be brought to the House to deal with the sizeable increase in moneys available from the dormant accounts fund. I also understand that a separate Bill will be brought forward to deal with dormant insurance accounts. Will the moneys in question be used simply as a slush fund?

**An Ceann Comhairle:** The Deputy's question is not in order.

**Mr. Durkan:** It is.

**An Ceann Comhairle:** He should table a question to the Minister.

**Mr. Durkan:** He asked about a proposed Bill.

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

**Mr. Naughten:** He asked when we will see legislation.

**An Ceann Comhairle:** The Deputy did not ask a question about Bills; he made a statement.

**Mr. Durkan:** He asked a question about promised legislation

**Mr. J. Bruton:** He did.

**An Ceann Comhairle:** He did not ask a question.

**Mr. Durkan:** He did.

**An Ceann Comhairle:** He did not ask a question; he made a statement.

**Mr. Stanton:** The Tánaiste informed me last week that it is not possible to say when the disability Bill will be taken in the House. What has happened to the Bill? Will the Taoiseach inform the House if anything has happened in the meantime to suggest when the Bill might be published?

**The Taoiseach:** Consultations are ongoing in respect of the strategic plans on the Bill. We are trying to complete it as soon as possible.

**Mr. Gilmore:** How long more must the 150,000 tenants in this country wait for legislation to protect their rights? Report Stage of the Residential Tenancies Bill 2003 has not been scheduled. Four years have passed since the report on the private rented sector was produced. When will Report Stage of the Bill be taken in the House? Will the Taoiseach assure the House that the Bill will not be guillotined?

**The Taoiseach:** I understand that we are ready to proceed with Report Stage of the Bill. It is a matter of scheduling adequate time for it.

**Caoimhghín Ó Caoláin:** Given that there has been at least one recent instance of a young wheelchair-dependent child being unable to progress in primary education because of a lack of access to an upstairs room in the child's school, when will the disability Bill be brought to the House? Will the Taoiseach affirm that the Bill will be rights-based?

**An Ceann Comhairle:** The Deputy's question has just been answered.

**Caoimhghín Ó Caoláin:** Can the Taoiseach not answer the question?

**Ms McManus:** The Taoiseach has stated publicly that it is almost impossible to meet the requirements of the EU working time directive as it applies to junior hospital doctors. How does he intend to deal with the problem? The directive must be implemented by 1 August next. Does he intend to introduce legislation to deal with the issue?

**The Taoiseach:** Some useful work has been done at the relevant EU Council since I made the comment to which the Deputy referred. The Minister of State, Deputy Fahey, will answer any questions asked of him in that regard.

**Mr. Boyle:** Has the Government considered the Law Reform Commission's report on the court poor box system, which suggested that the poor box be replaced by a court charity fund? Will the Government produce legislation on foot of the report? Will the legislation be produced by the Department of Justice, Equality and Law Reform or by the Department of Community, Rural and Gaeltacht Affairs? If it is produced by the latter Department, is there not a danger that the Minister, Deputy Ó Cuív, will——

**An Ceann Comhairle:** The Deputy has made his point. Is legislation promised?

**Mr. Boyle:** I have not finished my point.

**Mr. Gormley:** He has not made his point.

**Mr. Boyle:** The question of which Department introduces the Bill is an important one. Will the Minister, Deputy Ó Cuív, who is already responsible for dormant accounts, also have responsibility for the new fund?

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

**Mr. Gormley:** It is important.

**The Taoiseach:** The dormant accounts (amendment) Bill and the charities Bill will be separate. The Deputy referred to the Law Reform Commission's report, which was published today.

**Mr. Boyle:** I presume the Government has considered the report.

**Mr. Gormley:** What will the Government do?

**Mr. Rabbitte:** There was a large meeting of workers at Shannon last night. The workers want to know whether the Taoiseach approved the proposals worked out between Phil Flynn and his programme manager at Dublin Airport. When will the Bill to break up Aer Rianta be published? Will the workers have an opportunity, in advance of the publication of the Bill, to examine the financial data they have been promised by the Taoiseach? It appears that the Progressive Democrats Party is providing the policies and Fianna Fáil is providing the votes. That is the view of the workers.

**An Ceann Comhairle:** The last part of the Deputy's question might be more appropriate to the Second Stage debate on the Bill.

**The Taoiseach:** Legislation is due after Easter. I answered the first part of the Deputy's question when I said that information will be exchanged with the workers and the unions.

**Mr. Healy:** With the permission of the Chair, I propose that the House send its congratulations to the former Ceann Comhairle, Mr. Seán Treacy, on the conferral on him of the freedom of the borough of Clonmel.

**Deputies:** Hear, hear.

**Mr. Durkan:** As the Taoiseach did not answer the question my colleague asked, can I ask him about the whereabouts of the dormant financial assets Bill and the Government's intentions in that regard? I would also like to ask about the building control Bill and the critical infrastructure Bill, which is very important in this House at all times.

**Mr. Gormley:** A criminal infrastructure Bill would be just as important in some cases.

**The Taoiseach:** I have just answered a question about the infrastructure Bill. The dormant financial assets Bill will be brought forward next year and the building control Bill will be brought forward in mid-2004.

**Mr. Sherlock:** The Taoiseach was not present the last time I asked about S.I. No. 90 of 2004, which was introduced by the Minister for Health and Children. Does the statutory instrument replace the proposed health (amendment) Bill? What is the status of S.I. No. 90 of 2004?

**The Taoiseach:** A new health Bill will be brought forward. If the Deputy wants me to check S.I. No. 90 of 2004, I will do so.

**Mr. Gilmore:** The Taoiseach should check his notes.

**Aengus Ó Snodaigh:** The Minister for Justice, Equality and Law Reform is fast-tracking everything on the list except the immigration and residence Bill. When will this be published and when will it come before the House?

**The Taoiseach:** Work on the heads of the Bill is under way. This includes consideration of submissions received as part of a public consultation process on immigration and the International Organisation for Migration study of migration legislation practice.

**Mr. Neville:** In view of the number of people admitted to hospital with paracetamol poisoning and the number who die of this cause, when will the Irish Medicines Board (miscellaneous provisions) Bill, which will amend the Misuse of Drugs Act 1977, come before the House?

**The Taoiseach:** The Bill is due this year.

**Mr. Howlin:** The Whistleblowers Protection Bill 1999 was replaced on the Dáil Order Paper having passed Second Stage, although the Taoiseach had previously indicated he would proceed with the Bill. What is the Government's intention for this legislation?

A question was asked about legislation dealing with Aer Rianta. What is the status of the Great Southern Hotels in this context? Will they be subject to separate legislation or will they be dealt with in the same legislation?

**The Taoiseach:** I am not sure about the second issue. As I recall, the shares of that company are held by Aer Rianta so I assume the matter will be dealt with in the same Bill. The company is a subsidiary of Aer Rianta.

**Mr. Howlin:** Are the hotels to be sold off? What will happen to them?

**The Taoiseach:** There are no proposals to sell them off. The shares are held by Aer Rianta, which is a State company.

**Mr. Howlin:** Which of the new companies will hold them?

**An Ceann Comhairle:** We cannot have a debate on the issue. The Deputy should submit a question to the appropriate Minister.

**The Taoiseach:** That decision will have to be made. The shares must be given to one of the companies.

The Whistleblowers Protection Bill was introduced in 1999. Considerable drafting work was done with a view to advancing the legislation. On reflection, however, it was considered that a more focused approach would be to deal with this issue through the Protection of Persons

Reporting Child Abuse Act 1998 and the Competition Acts. I have asked for a report on the proposals of the Department of Enterprise, Trade and Employment and I will reply to Deputy Howlin as soon as I receive that report.

### **Message from Select Committee.**

**An Ceann Comhairle:** The Select Committee on Agriculture and Food has completed its consideration of the An Bord Bia (Amendment) Bill 2003 and has made amendments thereto.

### **European Council Meetings: Statements.**

**The Taoiseach:** I chaired the European Council meeting held in Brussels on 25 and 26 March. I was accompanied by the Minister for Foreign Affairs, Deputy Cowen, and the Minister for Finance, Deputy McCreavy. The Minister of State at the Department of the Taoiseach with responsibility for European affairs, Deputy Roche, also attended. I apologise for the absence from the House of the Minister for Foreign Affairs, who is in the Middle East, and the Minister of State, who is in Strasbourg. The conclusions of the European Council and the declaration on combating terrorism have been laid before the Houses of the Oireachtas.

The meeting was successful for the European Council. We adopted a declaration on combating terrorism; we agreed to resume our negotiations in the Intergovernmental Conference and reach agreement no later than our next meeting in June; we identified what needs to be done to promote sustainable growth and more jobs; and we discussed a range of foreign policy issues and adopted conclusions, including on the Middle East, Iraq, Afghanistan, the Balkans and Russia.

A successful meeting of the European Council was important for the European Union at this time. We face a period of uncertainty and challenge in the European Union. In face of this uncertainty we need to forge agreements. We need to show that we are doing everything possible to protect our populations from terrorist actions such as those that took place in Madrid. We need to move forward our economic agenda and create more and better jobs. We need to prepare for the enlargement of the Union to 25 member states on 1 May and prepare the Union to cope better with the challenges ahead.

For 50 years there has been common purpose and collective political will and the European Union has moved forward. It has met challenges with solutions. It has delivered. Our meeting last week showed that the European Union can continue to deliver. The successful meeting will send out a message to new and old members of the Union that working together enables us to achieve our common objectives. By setting our goals and working together to achieve them as we did last week we can deliver the outcomes that our populations deserve.

The first session of the European Council was devoted to combating terrorism. It was held as a direct response to the horrific terrorist bombings in Madrid on 11 March. The scale of the attacks in Madrid demanded a rapid and real response. That is why the Council adopted a comprehensive declaration on combating terrorism, drafted by the Irish Presidency, in which we endorsed the European Parliament proposal to declare 11 March a European day commemorating the victims of terrorism. The declaration reaffirms that we are at one in the European Union in our determination to face down the terrorist threat. Since the events of 11 September 2001 a huge body of work has been ongoing in our fight against terrorism. The attacks in Madrid injected a new urgency in bringing this work forward.

The declaration adopted by the European Council was considered at a specially convened meeting of justice Ministers and was considered also by foreign Ministers. It highlights our existing co-operation, seeks to improve it and emphasises the need to implement what we have agreed. It also sets out a number of important initiatives in the fight against terrorism. We have included measures to improve intelligence sharing, strengthen border controls and the security of travel documents, enhance protection for our transport systems and counter the financing of terrorism. We have renewed our commitment to implement the European arrest warrant in every member state and strengthened our efforts to prevent the financing of terrorism.

Combating terrorism demands a more effective and systematic approach to exchange of information between our police, security and intelligence services. The EU high representative, Javier Solana, has been asked to report to the June European Council on how intelligence capacity can be integrated within the Council structure. We have agreed new strategic objectives for a revised plan of action on terrorism and will agree the key tasks and the deadlines by which these tasks are to be achieved in June. Improved co-ordination across the whole of the European Union is essential to defeating terrorism. This is why a counter-terrorism co-ordinator has been appointed. Dr. Gijs de Vries will have the job of co-ordinating the work of the Council and following up on Council decisions to make the fight against terrorism more effective.

We also need to enhance our international co-operation. The declaration reaffirms the central role of the United Nations and underscores the need to continue to enhance our co-operation with partners, including the United States. In addition, we have agreed a declaration on solidarity against terrorism. This highlights an element of the draft constitution for Europe which commits the member states to act jointly in a spirit of solidarity if one of them is the victim of a terrorist attack. It is, of course, subject to the constitutional requirements of each member state. The message coming from our meeting was simple. We are building on our existing co-

[The Taoiseach.]

operation and seeking to improve it. We are also emphasising the need to implement what we have agreed and considering what more we can do.

Following the session on terrorism, the members of the IGC considered the conference over dinner. We had a positive and constructive session. There was appreciation for the Presidency's approach. I asked colleagues to commit themselves to a timeframe in which to bring the IGC to a conclusion and we agreed to conclude no later than the time of the June European Council. There is still a substantial amount of work to be done. There are complex and important issues to be resolved. However, there is a strong will to find a way forward. Everyone understands that there must be compromise. This is a collective process in which we all have a part to play. Everyone has shown flexibility. In the discussions that will follow, more compromises will have to be made.

I would like to see agreement on the new constitution sooner rather than later. At the same time, I want the best possible outcome. If possible, we will reach agreement before the European Parliament elections. However, we should not forget that when we began at the start of the year there were many who said that it would not be possible to set a target for the end of the year. We now have a commitment to finish by June.

While combating terrorism and crafting a constitution for Europe are critically important matters, the spring European Council was originally conceived as an economic summit. In advance of the meeting, I wrote to my colleagues on the Council outlining the Irish Presidency's priorities on the Lisbon agenda and our approach to advancing them. I highlighted the fact that overall, Europe is well behind target in a number of areas and that we must now give the highest level of political priority to the critical issue of delivery. I underlined the importance of stepping up implementation at national level of the commitments to which we have all agreed over the past four years. Fortunately, the climate for delivering on the Lisbon agenda is improving. The global economy is picking up and we must position ourselves to benefit from the upturn.

I took the decision that we would concentrate on two urgent priorities: sustainable growth, and more and better jobs. The true test of the Lisbon agenda will be whether the European Union will, by 2010, be able to sustain higher levels of growth and employment than a decade earlier. For growth, we need the right combination of sound macroeconomic policies and greater competitiveness. To this end, we called for the draft directive on services to be agreed to improve the internal market for consumers and business; we committed ourselves to accelerating regulatory reform; and we agreed on the need to invest in basic research and the life sciences.

The level of private sector investment in research and development is too low. All member

states have been asked to improve the general conditions for research and development investment and to consider targeted support and incentives to encourage greater investment by business.

Growth will not be sustainable if it is coupled to the increasing use of finite natural resources. This is why the European Council called for a rapid implementation of the environmental technologies action plan. As well as protecting the environment, this plan will also contribute to competitiveness and economic growth. The European Council also called for full implementation of the Kyoto agreement.

Growth and competitiveness are not ends in themselves. They are the means to secure and develop the European social model, with its emphasis on sustainability and inclusion. Protecting the most vulnerable members of our society is an essential part of the Lisbon agenda.

Our other focus was jobs. We agreed that our top priority now must be to increase the employment rate in Europe. Higher employment will not only boost growth but will also provide the best route out of poverty and social exclusion. We agreed that we will carry out a detailed review of our national levels of progress on jobs at next year's spring European Council. We agreed also that the urgent challenges that need to be tackled are adaptability, attracting more people to the labour market, improving the quality of employment and investing in human capital.

We acknowledged the substantial progress made in a range of areas, which will promote mobility, including the European health insurance card. In addition, the reform of Regulation 1408, which will protect the social security of migrant workers, is an important measure that will be agreed over the coming weeks.

Governments alone cannot bring about the range of changes required. All stakeholders have a vital role to play and, to this end, the European Council agreed to establish national reform partnerships. These partnerships will be initiated by each member state in accordance with its own national arrangements and traditions. They will help to build commitment and legitimacy as a lever for change at national level.

The European Council also looked ahead to 2005, the mid-term point in the Lisbon goal and an appropriate time for an in-depth review of delivery. While we were all agreed that the continuing validity and relevance of the Lisbon agenda is not in question, we need a comprehensive mid-term evaluation to guide us over the next five years. The European Council, therefore, invited the Commission to establish an independent high-level group, headed by Wim Kok, which will undertake an evaluation of the Lisbon agenda. With his proven track record, Mr. Kok will provide continuity with the earlier work of the employment task force, given that

employment is one of the key areas of the Lisbon agenda.

On foreign policy, we discussed Kosovo, Afghanistan and the Middle East, focusing on our partnership with the wider region. We also had a discussion on Cyprus. On Kosovo, the High Representative, Mr. Solana, and Commissioner Patten reported on their visit there last week. While the situation appears to have stabilised, the recent outbreak of violence has been undoubtedly a setback. We must try to ensure that there is no further descent into the type of ethnic violence which has destroyed so many lives throughout the western Balkans over the past 13 years. We reconfirmed our support for Security Council Resolution 1244 and the policy of standards before status.

On Afghanistan, we welcomed Germany's decision to host an international conference in Berlin on 31 March and 1 April. The people of Afghanistan require a future governed by the principles of freedom, justice, respect for human rights and fair political representation. The Berlin conference will mark another step towards securing this.

The Middle East continues to be of grave concern to the European Council. Extra-judicial killings are contrary to international law and undermine the rule of law. The European Union has condemned the killing of Sheikh Ahmed Yassin by Israeli forces last week. Violence must cease. We have called on the people of the region to look beyond the politics of the last atrocity. They need to summon up the political will necessary to overcome the current impasse in the peace process. We remain convinced that the quartet road map offers the basis for a lasting peaceful settlement resulting in two viable, sovereign and independent states, Israel and Palestine, based on the borders of 1967.

The European Council also expressed the desire of the European Union for partnership with the countries of the Mediterranean and the Middle East. We welcomed the interim report endorsed by foreign ministers last week, which is entitled *An EU Strategic Partnership with the Mediterranean and the Middle East*. The European Union and the Middle East are neighbours. We share strategic interests and concerns. Many of the countries in the Mediterranean and the Middle East face challenges that require far-reaching political, economic and social reforms. These reforms must come from within. At the same time, the European Union stands ready to help.

The Minister for Foreign Affairs, Deputy Cowen, and I planned to attend the Arab League Summit in Tunis yesterday to convey this message of partnership and engagement. Unfortunately, however, the summit was postponed. We maintain close contact with the leaders of the principal Arab states. The Minister, Deputy Cowen, was in Cairo yesterday and is visiting Damascus today to emphasise the need

for a concerted effort to advance our common goals of peace and security in the region.

We are at a critical stage this week in the UN-led efforts to arrive at a settlement in Cyprus, with the intensification of negotiations in Switzerland. We fully support the efforts of UN Secretary General, Kofi Annan, to help the parties to seize this historic opportunity to bring about a comprehensive settlement. I am maintaining close contacts with the negotiations.

At our meeting last week, the European Council reaffirmed its strong preference for the accession of a united Cyprus to the European Union. We reiterated our readiness to accommodate the terms of such a settlement in line with the principles on which the Union is founded. We remain convinced that a just, viable and functional settlement is achievable by 1 May. I urge all parties to grasp the opportunity for a successful outcome to the negotiating process in the days ahead.

Our meeting last week was a good and productive one. We are now at the halfway point of our Presidency and much work remains to be done. As in the past, this Irish Presidency will be judged on its results over the six month period and whether it achieved what it set out to do. I thank Ministers and officials for their continuing efforts to deliver for the European Union. At the halfway mark, we can be satisfied with what we have achieved to date. We now need to continue this good work.

**Mr. Kenny:** I wish to share time with Deputy John Bruton.

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

**Mr. Kenny:** I commend the Taoiseach and the Government on the positive and encouraging developments regarding the EU constitutional treaty. In particular, I commend the real heroes of these and other complex political negotiations — the anonymous civil servants who, despite working long, hard hours, often under intolerable pressure, receive little public recognition for being such exemplary diplomats and extraordinary deal makers.

**Mr. J. Bruton:** The Taoiseach should write that down.

**Mr. Kenny:** They can take credit for the new enthusiasm they have aroused in hitherto reticent protagonists. The flexibility they have managed to secure on issues that had been blocking final agreement is a testament to their tenacity and skill. It proves yet again what Ireland's public servants can offer and deliver when it comes to international affairs.

By moving immediately to provide the necessary debate on the draft treaty, the Government can achieve two vital things. First, it can show credibility in engaging the people of

[Mr. Kenny.]

Ireland on Europe and European issues. Second, it can demonstrate that it has turned over a new leaf when it comes to Europe. Having learned the lesson of being arrogant, patronising and removed on the first Nice treaty referendum, the Government can now show that it is genuinely appealing to people and being honest and open with the electorate about this latest treaty. The work of the Convention on the Future of Europe has been of considerable importance in bringing this about, along with the work of the Forum on Europe and the Committee on European Affairs. As, in many ways, this treaty will be more complex than the Nice treaty, it is of critical importance that as much information and clarification is provided as necessary.

Europe, however, is at a serious disadvantage because the Government must sell a treaty to an electorate which, in many respects, finds it difficult to believe in this Administration. As Europe demands much more than the freeze-frame politics of this Government, it will go to the country cold and without any of the usual inducements, such as political bribes and promises of more jobs, more gardaí, an end to hospital waiting lists, and so on. This is a case of selling the context and content of a treaty and the constitutional amendment giving effect to it.

The two major issues facing the Taoiseach, as President of the Council, are, first, the decision on the size of the Commission and, second, the definition and scope of qualified majority voting. I wish him well in his endeavours. Having attended a meeting of the EPP last week, I believe this is possible and we will support him in so far as we can.

The summit was completely overshadowed by the tragic events in Madrid and the mass murder of ordinary people taking the train to work. This brings home to the rest of the Union the threat posed to everyone by international terrorists. Ireland is aware of the effects of terrorism and the associated pain, grief and trauma. The Union should not give in to the climate of fear created by the terrorists throughout the world, but it is vital it should adopt a much more coherent strategy to tackle terrorism. The Union's counter terrorism measures must become markedly more effective. Currently, it lacks neither the will nor the capabilities to do so, whether they are financial or judicial or related to policing or intelligence. New capabilities are not needed and it is a matter of making optimum use of those currently available. That is why I welcome the appointment of Mr. de Vries to co-ordinate this important and urgent work.

However, success will not be achieved unless the intelligence agencies in various member states are willing to share information for their mutual benefit to ensure the safety of all EU citizens. Everything must be done to prevent the co-ordination effort becoming a mere bureaucratic mollifying exercise. Three measures should be taken immediately. First, legislative measures

such as the European arrest warrant must be fully implemented at the earliest opportunity. Second, the acceleration of the Union's document security and border controls must be examined and, third, existing curbs on the financing of terrorism must be re-examined.

The Taoiseach has been preaching to his EU counterparts about the need to ratchet up the fight against terrorism, yet the Minister for Justice, Equality and Law Reform has not progressed legislation to combat terrorism which he published two years ago. While at the White House the Taoiseach suggested putting forward a declaration and suggestions about what should be done immediately. It is coincidental that two Bills have been published this week, which deal with anti-terrorism measures. At a time when Ireland's position as President of the Union demands that it should lead by example, the Government could have made more of an impact by dealing with these Bills.

The Madrid murders highlight that we, the civilians, are the oxygen of terrorist publicity. Our civilian status makes the terror aspect all the worse but with the British Government and the commission of the Metropolitan Police recently admitting that a major terror attack against the UK is inevitable, Ireland must examine critical issues of national security. I attended the lord mayor's ball in London prior to the St. Patrick's Day. It was hosted by mayor Livingstone and attended by 1,000 people. I spoke to many business people and community leaders and they said it is practically impossible in a city such as London to prevent an incident similar to that which occurred in Madrid from taking place on the tube or at train stations. Vigilance is critical. Al-Qaeda is responsible for the Madrid bombings and it is in the business of blowing governments out of office and causing mayhem and terror on the streets. People cannot give in to this but a difficulty is created in cities the size of London.

Sellafield is chief among terrorist targets in Britain. It was described by one of the world's leading authorities on nuclear energy, Matthew Bunn, as one of the "most sensitive civilian nuclear facilities in the world." It was recently reported that the site contains major lakes of nuclear fuel. I have visited Sellafield twice and security has been increased but I urge the Taoiseach to be up front with the Prime Minister Mr. Blair and to seek independent analysis and verification of the security measures by the RPII or the Atomic Energy Commission. Mohammed Al Baradei, the head of the International Atomic Energy Agency warned, following 11 September, that "an unconventional threat demands an unconventional response" and that may happen. The Taoiseach should constantly raise this with Mr. Blair.

I recently read *My Enemy's Enemy*, a book about the funding of the Mujahaddin by the CIA to throw the Russians out of Afghanistan. Cultivation of opium in the country has increased by more than 1000% and caravans of heroin are

exported under the eyes of Western troops. This drug leads to the destruction of lives in most western European cities, including Dublin. As head of the EU, the Taoiseach should raise this issue with the powers that be so that investment is made in alternative crop facilities for Afghani farmers rather than inflicting heroin on the next generation of Europeans. I refer to the Middle East conflict, which is an alibi for terrorism in countries surrounding Palestine and Israel. It is the root cause of the reign of terror being conducted in the region and that should be a priority for the Taoiseach.

On the economic front, despite the great ambitions declared by the EU in Lisbon four years ago this week, which would have seen it become the most competitive and dynamic knowledge-based economy in the world by 2010, there is a long way to go. Far from catching up with the US, the EU seems to be falling further behind. The European Commission report of January this year finds that Europe is far from meeting its ambitious goals in three vital areas: economic growth, productivity and employment. There is a number of irritators here. First, approximately 40% of all EU laws relating to Lisbon have yet to be transposed by member states. I refer to the Union's failure to implement the 42 part financial services action plan, one of the most ambitious legislative programmes laid out at Lisbon. The problems in this may not be with Brussels *per se* but with individual member states, especially the larger states that have not delivered their end of the bargain to make it easier to trade across borders. The implementation of the plan was meant to increase GDP in the EU by €130 billion over ten years and was expected to raise employment by 0.5%. This has not happened and this demonstrates the larger states are not serious about implementing the accord. The Taoiseach should remind them of this.

However, we must see this in a wider context in terms of those things that might act as a brake on Lisbon. Is it perhaps the case that the aspirations of Lisbon have become caught in the middle of the debate between economic liberals on one side and, on the other, those who believe that the social and the environmental aspects should come first, especially given the Union's targets on emission reductions, renewable energy, biodiversity and social inclusion?

Surely just like in Ireland, our crucial choices, as a Union, cannot degenerate to a case of "either or." Surely, it must be a question of creating a better economy to, in turn, create a better society as the means to an end. Surely for the sake of our citizens, our whole and true selves, it must never be the end in itself.

The Taoiseach should take some of these points into consideration during the remainder of the Presidency and, in so far as we can assist him in reaching a conclusion on the constitutional treaty discussion, we will be happy to do so.

**Mr. J. Bruton:** I endorse Deputy Kenny's contribution. I refer to terrorism. It is important to recognise that comprehensive EU legislation is needed to address cross-border crime. That will not happen if the unanimous agreement of all 25 member states is required. I studied the proposals put forward by the Italian Presidency as a compromise prior to the Brussels summit. A so-called emergency brake was suggested whereby if a country says legislation is affecting the fundamentals of its legal system, it can take the matter to the European Council where there must be unanimity. In other words, a veto is provided for in the Italian compromise. If we are serious about combating terrorism, cross-border crime must be combated because terrorism is a manifestation of cross-border crime. Virtually all terrorism is cross-border. The idea that Europe will require unanimity for anti-crime and anti-terrorist legislation in the Single Market makes no sense. It is not right that we should create a Single Market for crime. We need a single approach to crime and the elements in the Irish and British Governments that are resisting majority voting on crime have to be faced down if we are serious about this matter. The delay in bringing the European arrest warrant into being illustrates how unanimity and the present approach does not work. We have had to have a second atrocity. We had the atrocity on 11 September 2001 to get them to launch the European arrest warrant, now the atrocity of 11 March 2004 will get them to put it into effect. If majority voting existed, one would not need to have those sorts of incentives.

There is a saying in business that one should stick to the knitting, in other words, stick to one's job. I think the Lisbon process is an example of the European Union wandering off into the functional area of member states. Most of the material in the Lisbon Agenda are not matters for the European Union but for member states. The idea that the time of the heads of government, who have a great deal of European Union business to do should be taken up tut-tutting at one another for their failure to do things in domestic policy, which it makes absolute sense to do is ludicrous. If countries are too stupid to do it, it is their own fault. Why should one of the two councils per Presidency be taken up with the Lisbon process? I do not know. It originated during the Luxembourg Presidency of 1997. I was at the Council when this idea was launched, of having an employment summit during every presidency. It is only window dressing and is all for show. There is not anything really happening that would not be happening anyway. Most items in the Lisbon Agenda are just common sense. The OECD is producing reports which deals with these points. Why do we need the European Union to get involved as well? It does not make sense. If the European Union dealt with the items on its own agenda within its own competence and passed the legislation it needs to pass and if the heads of

[Mr. J. Bruton.]

government concentrated on that, they would be doing a good job rather than lecturing each other on pension reform. Anybody who does not know that pension reform is necessary in many of these European countries is not numerate. However, they are numerate, they just lack political courage. Having a meeting in Dublin or another meeting next year about this will not make the Italian government have more political courage than it has. One either has it or not, as far as implementing this is concerned. Personally, I think the Lisbon process should be scrapped. It is a waste of time. Perhaps I say so in an attempt to stimulate some discussion, but I am serious about what I am saying.

The Western Balkans presents the biggest worry. If Kosovo explodes, one cannot look to the American troops to sort it out. The American army is now over stretched in Iraq and in Afghanistan. If a peace making force has to go into Kosovo to stop a civil war, it will be European and not American troops, with European logistics, tanks, aircraft and lives being put at risk to make this happen. I do not think a serious enough effort is being made to deal with European defence. I know that Fianna Fáil has its problems about this matter, dating back to the times of the then former Minister, Deputy Raphael Burke and his promises.

We should stop agonising about European defence and get on with it. It is not the case that the Spanish people were bombed into voting its government out of office by Al Qaeda, but the bomb brought out voters who would otherwise have stayed at home. There is a risk that will be repeated and that elections in Europe will be targeted by terrorists, which is a very serious matter.

**Mr. Rabbitte:** Last December in the aftermath of the failed Rome summit, the Taoiseach appeared to lack ambition to conclude negotiations on a new treaty and a great deal of discussion took place on the need for a period of reflection and so on. On that occasion I said:

It now falls to the Irish presidency to seek to complete the job. I have to say that in the reported comments of the Taoiseach over the weekend, and also in remarks made by Minister of State, Deputy Roche, there was a strong sense that both our representatives regarded this as a poisoned chalice, or at least a cup that they wished to pass from them as soon as possible.

I would argue here that the central motivation of the Irish Government, as it takes over the presidency, must be to restore and sustain momentum. As part of that process, the Government should already be consulting as widely as possible as to how momentum can be got back into the process.

I acknowledge that the Taoiseach's attitude has changed and it would be churlish of me at the

outset of my contribution if I were not to congratulate him and the Irish Presidency on the progress apparently achieved at the summit last weekend. The Irish Presidency appears to have taken successful advantage of the evident renewal of commitment among the governments of member and accession states to see the work of the intergovernmental conference brought quickly to a conclusion. The breakthrough is to be welcomed, and I hope the new commitment will be sustained during the next few months.

It would seem that much of that renewed commitment is in response to the tragic and utterly unjustifiable terrorist slaughter in Madrid. The shock and horror that emanated from that dreadful day, which has so profoundly scarred the Spanish people, will never be forgotten. It is a tragedy in many ways that it was the consequence of a terrorist attack, and the fear of further terrorism, that has so concentrated the minds of Europe's leaders. Whatever the reason for the fresh impetus it is to be welcomed that the rapid completion of the IGC is now the aim as opposed to the long stalemate that was in prospect.

Europe needs a good constitution. Whether that is what will emerge from the IGC is still uncertain and it will be for member states to decide whether by popular referendum, as will be the case in Ireland and a number of other member states, or by whatever other means is provided for in the constitutions of other individual member states.

What must now be avoided by the IGC and presidency is a draft, based on horse-trading from the point of view of various national interests, conducted in secret, and to the detriment of the precepts of good constitutional drafting as well as at the expense of what was achieved at the Convention.

We do not know all the detail of what is on the agenda and what may still be put on the agenda. There is talk for example of a desire to reduce the role of the Parliament in respect of the budget — reduce it from the position envisaged in the draft Constitution. That is something that I would oppose, and I believe the Presidency must oppose.

On qualified majority voting, it is not simply a question of how the votes are to be counted, but also what is to be subject to QMV. Neither do I believe that the Government should give up on the principle that each member state should continue to have the right to nominate a member of the European Commission. This is an important issue for the Irish people. If it is important for us, just consider how important it is for many of the applicant states that do not have the 30 years membership experience that this country has clocked up.

Assuming a successful outcome to the IGC what must also critically be avoided is a subsequent process that ignores citizens, that presents them after a period of silence with a *fait accompli* and the undemocratic message that they must vote 'yes', the disastrous scenario during the

first Nice referendum. In this regard it is crucial that in Ireland the National Forum on Europe is fully resourced to continue with its informational work and as a forum for discussion and debate on the content of whatever emerges, assuming there is an agreed draft for the June Council.

If the people are to be given sufficient time to consider the implications of any new treaty before being asked to vote on it in a constitutional referendum, the same principle should apply in regard to all constitutional referenda. In this regard, I am sorry the Taoiseach confirmed to me in a letter today that he and his Government are determined to press ahead with the constitutional referendum on citizenship in conjunction with the European and local elections. Apart from the substance of the issue, the Government has yet to make a convincing case as to the necessity of the referendum.

6 o'clock

**Mr. Quinn:** The racist card.

**Mr. Rabbitte:** A successful case cannot be made in the seven sitting days left to us between now and 12 May which is the minimum deadline of 30 days before 11 June.

**Mr. Quinn:** It is disgraceful.

**Mr. Rabbitte:** It is reprehensible that the Government should seek to do this. The Minister of State, Deputy Brian Lenihan, in the sixth report of the all-party committee, which made a number of important recommendations, said:

Measures should be taken to ensure that a Bill to amend the Constitution is fully debated by the Dáil. Given the importance of a constitutional amendment, every Deputy and every Senator should have the opportunity to express his or her views. The Bill therefore should be debated in principle and in detail by each House. To ensure this the committee considered whether a minimum period for the Oireachtas debate should be specified in the Constitution. The committee are aware that there can be occasions when the Government needs to act with great speed in relation to a proposal. Accordingly the committee does not recommend any constitutional change in this respect. However we recommend, that the Standing Orders of the Houses should be amended so as to embody a presumption that every TD and Senator will have sufficient opportunity to make whatever contribution he or she wishes to make.

Will the Taoiseach state what the issue of great speed is in this case? The Minister for Justice, Equality and Law Reform hung his case on a meeting with the masters of the maternity hospitals in October 2002, which he misrepresented. The issue of great speed is, sadly, a resort to using a referendum on a sensitive matter to stoke up feelings, the result of which

the Government thinks will redound to its advantage.

**Mr. Gormley:** Absolutely.

**Mr. Rabbitte:** It is a great pity the Government has resolved to proceed. Clearly, the Minister of State, Deputy Brian Lenihan, then chairman on the all-party constitutional committee, counts for nothing. For seven years the Government has paid lip service to the wisdom on whether we should intrude in the matter of private property as it relates to building land. After his first five years in office, the Taoiseach decided to side-track the issue to a committee of the House where it has remained for two and a half years. While the price of houses is rocketing, it is not an issue of great speed seven years on. Suddenly, the issue of people wealthy enough to pay for tickets to fly into Dublin Airport and leave with an Irish passport at, I am told in the Coombe hospital, a rate of 200 per annum is one of great speed. We must deal with it in the context of an election when we and the Taoiseach know the implications. He was forced to condemn the activities of some of his backbenchers during the previous general election campaign.

On the summit itself, there is little in the official communiqué on the outcome in respect of the constitution. There is, however, a somewhat more useful, although still only indicative, Presidency note of 24 March which was issued as a separate press release. That is, perhaps, understandable given that the Intergovernmental Conference must now return to business and that, traditionally, the main purpose of the spring Council is to discuss the economic and social programme known as the Lisbon agenda. I do not wildly disagree with the remarks Deputy John Bruton has just made on the matter. I understand that, despite the commitment that the Lisbon agenda and economic issues would be the focus of the spring summit, less than three of approximately seven hours were devoted to them. Most of the conclusions were written in advance. Like Deputy John Bruton, I query the wisdom and merit of that.

On the subject of Lisbon, last weekend's communiqué had a somewhat Mylesian touch which was perhaps appropriate given the Irish Presidency. What is the message of the European Council? "It is one of determination and confidence". What are the challenges ahead? They are "formidable". What does Europe have? "The will and capacity". To do what? "Achieve its economic potential". As Deputy John Bruton said, there is nothing particularly imaginative or inspiring about those words. For those who need reminding, there is little prospect of achieving the targets set in the Lisbon agenda. That is official, by which I mean it is the reckoning of Mr. Wim Kok, the former Dutch prime minister who was asked to examine progress. As I remarked in the House in January after the previous Council, Mr. Kok has concluded in an exercise conducted for

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the Commission that the European Union is at risk of failing in its ambitious goal set at Lisbon in 2000. According to Mr. Kok, it is looking increasingly unlikely that the overarching goal for 2010 and the employment objectives will be attainable.

We read in last week's communiqué that Mr Kok is to be asked to head another expert group to again examine the Lisbon agenda, this time in the context of a mid-term review to be undertaken by the Commission next year. We are also apparently to have yet more fora for talk, the establishment of new bodies and national reform partnerships feeding into a European partnership for change. No one can object to the ambitions set out in the original Lisbon agenda. They include more growth, improved competitiveness, reduced unemployment, a cleaner environment and so on. These are, to use an Americanism, like motherhood and apple pie. While they are highly laudable, one wonders, given the differences in the politics of member states and governments, the diversity of national and regional economies and the complex nature of the union, particularly post-enlargement, if the Lisbon agenda is really anything other than Euro rhetoric.

There is a little more to it than that. The occasions of the Council and the communiqué have been used again to beat what is by now the rather tired old drum of commitment to the so-called Stability and Growth Pact. The pact has served its time. For France and Germany it is a millstone simply to be ignored. It is fundamentally based on the unproven economics of the so-called non-accelerating inflation rate of unemployment, or NAIRU. It is also based on the anti-political theory that central bankers know best when it comes to the economy. It is corrupting of political morality, ignored by member states, the subject of an appeal by the Commission to the Court of Justice, which should never have happened, and used by governments such as ours to synchronise political and business cycles in the interest of maintaining power.

Despite all this, the communiqué refers to the maintenance by member states of sound budgetary positions in line with the Stability and Growth Pact. This is the stuff of Alice in Wonderland and conducive of public cynicism to the extent that communiqués are ever read, heeded or noted by the public. Among the commitments signed up to by the Taoiseach is a commitment to social cohesion. The Taoiseach was able to sign up glibly to the contents of the communiqué on this commitment while, at home, the Minister for Social and Family Affairs made her savage 16 social welfare cuts and short-changed working widows. I provide the House with a small taste of the communiqué on the topic under discussion:

A high level of social cohesion is central to the Lisbon agenda. Strategies which make a decisive impact on social exclusion and on the eradication of poverty must be reinforced.

When he sits with his fellow prime ministers, that is what the Taoiseach signs up to. What happens at home, we know, is a different story.

On telecommunications, the Taoiseach signed up last weekend to a developmental broadband policy for Europe while, at home, the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, continued to oversee a disaster on this front. Many tens of thousands of citizens and a great many businesses are unable to access broadband services over the telephone network as a result of the shambles which is the Eircom legacy. Ireland has some of the most impressive global links in the world. Despite its impressive national network of trunk lines, including thousands of kilometres of optical fibre, unbundling of the local loop has not taken place. Even if it had, the local loop is, in too many instances, simply not capable of carrying broadband services.

While the Taoiseach was able to sign up last weekend to fine talk on opportunities for women in the labour market, gender equality and more family friendly workplaces etc., Ireland lags far behind the best standards of Sweden and even of the more modest EU average in this regard. Ireland lags far behind on these issues, and it is the Government's policy that has secured this regardless of the rhetoric, policies and ambitions of Europe. The Government has not invested in child care or pre-school services and appears to have no intention of doing so. It has overseen an inflation in housing prices that is anti-family in its impact. In many cases this has forced both parents into full-time work and long-distance commuting to service the mortgage on inflated house prices. This is one area where there has been an enormous amount of rhetoric from the Government. The Taoiseach has called for reform as if he were on this side of the House. There has been none of the action one could expect from a Government with a substantial working majority. One has to wonder if the subject of house prices is always to be determined by the views of those who contribute to the coffers of Fianna Fáil, rather than by the common good.

The spring summit represented work in progress. A huge amount remains to be done if the IGC is to be completed successfully. It will require vision and will, not just on the part of the Presidency, but on the part of all the members and accession countries. By the time of the next summit, the accession of the ten will have taken place and Ireland will have had public celebrations to mark this.

**Aengus Ó Snodaigh:** I wish to share time with Deputies Gormley and Harkin.

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

**Aengus Ó Snodaigh:** The spring Council meeting highlighted a number of serious concerns

Sinn Féin has about the Government's conduct within the European Union, and its conduct of the EU Presidency. Owing to the Government's refusal once again to permit adequate time for debate, I will touch on only two of these.

The Government is rushing to conclude negotiations on a fundamentally flawed draft treaty in the interests of enhancing its prestige within the EU. In the process, it has sacrificed transparency and democratic accountability to the Irish electorate and has also abdicated its responsibility to ensure that the treaty protects Irish interests, the rights of all small nations, and the rights of neutral member states. It appears the Government's success at reviving the negotiations has been predicated primarily on compromise by the smaller states. The reported Irish compromise on the double majority will provide, at best, a dubious outcome for small states. It only reinforces the current unequal distribution of power among EU member states. This is a profound disappointment. However, it is not the first time the Government has sought favour from the EU power-broking states by siding with them to the detriment of those less powerful states that are in greater need of our alliance and advocacy.

It is unacceptable that fellow EU member states should know more about the Government's negotiating position on the draft treaty than the Irish electorate. While the Taoiseach denied press reports that article 40, the common defence provisions, have been agreed, my subsequent attempts to get clarification and a straight answer from two Ministers have met with a wall of silence.

While the Government claims it does not want to compromise its negotiating position, it does not have to be this way. Even the British Government has had courtesy and respect for its electorate — this is a rare occurrence — and has published a White Paper outlining its positions on the draft treaty to help conduct a proper debate. Despite calls from Sinn Féin and other Opposition parties, the Government has refused to do likewise on either count. What has the Government to hide? What is its negotiating position?

The Government's secretive behaviour since the draft was published last June does nothing to alleviate the growing fear among people that the Government is so committed to getting a deal — any deal — during the Presidency, that a vote in a referendum to ratify the agreement will not count if it goes against the Government position. Such doubts among the electorate about the integrity of the democratic process must not be allowed to fester. The Government owes it to the people to restore trust by making a public declaration that it will accept the will of the people on this treaty, regardless of the outcome.

I am concerned and disappointed that the EU appears to have learned nothing from the failure of its counter-terrorism policies to prevent the terrible tragedy in Madrid, and moreover that the Irish Presidency has failed to learn from and use

its experience in working towards the resolution of the conflict on this island to show the necessary leadership to guide the EU to a more effective approach to security through targeting root causes of conflict. The Minister for Justice, Equality and Law Reform is wrong when he says that civil liberties must be sacrificed for security. Even the new EU anti-terrorism chief has disagreed with him on this by saying that the EU must react by preserving the open and democratic character of our society.

I do not have time to expand on the outcome and implications of the Council meeting. I hope we will have ample time to discuss these issues when they are next discussed.

**Mr. Gormley:** I thank the Taoiseach, his colleagues and the civil servants in the Department of Foreign Affairs for their hard work during the Irish Presidency. It is important that we work together with other EU states to combat terrorism. We have experience of this here and it can best be fought by working together in the areas of security and intelligence. However, as the Taoiseach knows, certain EU intelligence agencies are reluctant to swap information.

Mr. Barnier, chair of the defence working group, argued that we need to build up European military capacity to combat what are now known as the new threats. I do not accept this. Those with experience here will know that combating terrorism by military means does not work. The United States, the mightiest military power on the planet, could not prevent attacks on it on 11 September 2001. We should learn from this. While Britain has a strong military force, it could not defeat terrorism on this island. We must be subtler and realise that it requires better security and intelligence rather than increasing military capacity. I fear this will be used to build up European military capacity. Arms dealers, not European citizens, will be the only beneficiaries of this.

The solidarity clause has been agreed. While we have difficulty in ascertaining Ireland's position on many issues, we know what has emerged from the summit regarding the solidarity clause. The wording is clear and is similar to article 42 of the draft treaty. It says, "they shall mobilise all the instruments at their disposal, including military resources to prevent the terrorist threat in the territory of one of them". This issue was raised at the Convention and I spoke on it. I was happy to support the clear and unambiguous amendment proposed by the Minister of State, Deputy Roche. It stated, "deployment of military capabilities for the purpose set out in this article shall be limited to the territory of the Union".

Why did the Taoiseach not seek to have this wording included in the solidarity clause? It makes perfect sense to me. If we allow the clause to go forward as it currently stands, there is a real danger that we will once again be dealing with the

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doctrine of pre-emption. I asked the Convention what did it think George Bush was doing in going into Iraq. Mr. Bush and Colin Powell argued repeatedly that it was to prevent the terrorist threat in the United States.

Deputy Kenny rightly referred to Sellafield as an obvious and easy target for terrorists. In this case, why has the Government agreed to include the EURATOM Treaty, which sustains the nuclear industry in the European Union, as part of a protocol attached to this treaty? This matter was repeatedly raised at the Convention by me and my Green Party colleagues. We had the support of some member states when we tabled amendments to this effect and when we asked for a sunset clause to be included. Unfortunately, the Government did not support us and I do not understand why it failed to do so. This is an important issue. Many Irish people are concerned about the threat of Sellafield, which has been heightened as a result of threats from al-Qaeda and other terrorist groups which will undoubtedly seek out a target as easy as Sellafield. Will the Taoiseach address this issue?

Will the Taoiseach report on comments coming from the summit of business people seeking a cost-benefit analysis of climate change? This would seem to be in line with the attitude of the Bush Government to the environment and especially to the Kyoto Protocol. The book, *The Sceptical Environmentalist*, supports such a cost-benefit analysis and asks whether it is good for business to deal with climate change through eco-taxes and energy taxes. While such an approach would be welcomed by employers and business people, it is the wrong way to go about business. The current approach by the European Union will lead to us to become less European. The problem is that Boston is moving closer to Berlin.

Why are we enshrining an economic philosophy through the Lisbon agenda into the proposed constitution? This does not make sense. Deputy John Bruton said this is a matter for member states.

We need a European-wide referendum. Deputy Rabbitte spoke of giving the voters a choice. We saw the choice given on the Nice treaty, which was tantamount to saying: "You can vote for or against this, but if you vote against it, we will have to vote again". The same will happen in this referendum. While people can either vote for or against it, in reality they had better vote "Yes". There is really no choice. If we had a European-wide referendum on the basis of a dual majority, we could have real democratic legitimacy and a real debate.

I am shocked that the Government plans to hold a referendum on citizenship on the same day as the European Parliament and local elections. People have spoken about a guru giving advice. We do not need a guru. This is a political no-brainer. We are confronted by prejudice and racism every week when housing is discussed at the city council and people claim that those from

foreign parts get housing before them. This is the lowest form of politics and it is disgusting that, instead of being a responsible politician with a calming effect, the Taoiseach is pandering to this prejudice. His behaviour does the Government no credit and the Green Party will take a strong line on this matter.

**Ms Harkin:** I am grateful for the opportunity to speak on the European summit held in Brussels last week. Like other Deputies, I wish the Government and its officials well in the remainder of the term of our Presidency of the EU.

One of the main issues concerning us now is the possible conclusion of negotiations on the European constitution. I heard the Taoiseach say earlier that we all need to compromise. He said that this is a collective process, that we must play our part and that compromises will have to be made. While I do not expect the Taoiseach to outline his complete negotiating position today, like many others I have some concerns about the compromises to which he refers. For example, will there be modifications or changes to our veto on foreign policy and justice matters? Will we consider qualified majority voting? Are we moving in a new direction in these areas?

I understand the need to share intelligence, increase security and co-operate with our neighbours in the EU, especially in the new climate of international terrorism. While I understand that this summit occurred in the shadow of events in Madrid, it should not have been unduly influenced by them. When speaking about the Middle East peace process, the Taoiseach said that those in the Middle East should look beyond the politics of the last atrocity. Equally, the future direction of European justice and foreign policy must be proactive rather than just reactive. I agree with Deputy Kenny. We do not need new powers but to make the maximum use of those already existing. For example, we need to activate the European arrest warrant.

On many occasions I have said that, in introducing a European constitution, we must not go too far ahead of our own people. I have some concerns when I hear about new compromises. Following two referendums, the people barely voted in favour of the Nice treaty. The prospect of further change, especially in sensitive areas such as justice and foreign affairs, will simply increase their unease. At a recent meeting of the Oireachtas Joint Committee on European Affairs, I was surprised to hear the Minister of State, Deputy Roche, refer to the Nice treaty as an interim arrangement. I never heard that phrase when the Government canvassed for a "yes" vote in the referendum on the treaty. Nobody mentioned an interim arrangement or a temporary little arrangement.

While I understand that leaders must lead, if the Government goes too far ahead of the people, the democratic deficit that we all talk about will

widen and the centre will simply not hold. Europe — this grand vision — must be a Europe of peoples and not just an agreement between the Heads of State. If the proposed constitution further widens the distance between the people and the decisions taken in their name in sensitive areas like foreign affairs, taxation, criminal law, justice etc., I am not sure that the people will vote in its favour.

There is no point in negotiating a constitution that will be unacceptable to the people. While I do not wish to appear negative — indeed I am positively disposed towards the EU — I am simply putting down some markers because this is the message I get when discussing the issue with people. They feel they need some control over their destiny and, if the new constitution does not give such a sense of security, then the centre may not hold. I agree with Deputy Rabbitte on the work and resourcing of the National Forum on Europe which facilitates an exchange of information. The people will have the last word and will have to vote on the new constitution if it is agreed.

The Government and especially the Taoiseach have a serious responsibility to ensure that this new constitution does not include unacceptable compromises. I do not want to see us concluding negotiations sooner rather than later. I want to ensure the constitution is better rather than worse. I have already referred to my concerns about how the Government is prepared to concede on the vital issue of qualified majority voting. I have similar concerns that proposals on competitiveness emerging from the debate on the Lisbon agenda will result in too much focus on competitiveness and too little emphasis on social issues.

While we spoke about social cohesion, we also need regional cohesion. Many Irish people have looked to the EU to provide regional balance in the provision of Objective One and Cohesion funding, which have made a real contribution. Unfortunately, this has not been followed up by the Government. I urge the Taoiseach to look to home as well as abroad and to recognise that regional cohesion is a national responsibility which is not being honoured by the Government.

**An Leas-Cheann Comhairle:** We will now have a period of up to 20 minutes for questions.

**Mr. Kenny:** If it emerges that agreement on a European treaty is possible before the European Parliament elections, will a special summit meeting be called? The Taoiseach is scheduled to address the European Parliament tomorrow morning. How will he justify his decision as EU President to restore diplomatic relations with Burma last month? Is it not disgraceful to give respectability to an unreconstructed military dictatorship? Is he aware, for example, that the

European Parliament, which he will address tomorrow, has adopted a resolution condemning this decision? Part of that resolution reads:

... Insists that Burma should not attend the ASEM meeting scheduled for April 2004 in the Republic of Ireland, and that Burma should not become a member of ASEM until irreversible political change towards democracy takes place in that country ... Regrets that the Government of the Republic of Ireland decided to establish diplomatic relations on a non-resident basis with Burma on 10 February 2004 almost at the start of its tenure of the Council Presidency ...

Will the Taoiseach explain why Ambassador Mulhall is now associated with Rangoon? Dr. Aung San Suu Kyi was given the freedom of Dublin city. Why was the decision taken to establish diplomatic relations and how does the Taoiseach intend to justify it to the European Parliament tomorrow?

What is his view, as President of the European Union, on the bombing of the leader of Hamas on the orders of Prime Minister Sharon? Condemnation of this event has been vetoed at the UN. Does the Taoiseach share my view that, based on experience of what happened with the Berlin Wall, the building of the wall by Israel across sections of the Gaza Strip will not resolve anybody's problems? Does he agree that this matter is the root cause of the creation of an alibi for terrorism in surrounding countries in the Middle East? The Minister for Foreign Affairs, on the Taoiseach's instructions, has been dealing with this matter. However, for the remainder of the Presidency, the Taoiseach could show effective leadership by attempting to bring about some sense of normality and achieve a conclusion in respect of this matter, otherwise it will merely drag on.

**The Taoiseach:** Deputy Kenny referred to three issues. If it proves possible to reach a conclusion prior to the European Parliament elections, I would be pleased. The greatest difficulty we face in terms of moving forward relates to the dates for changes in government in various states. The new Spanish Government has made it clear that it will not take office before 20 April. However, we will engage with the Spanish in so far as is possible. I have already met the Prime Minister elect, Mr. Zapatero, and we will try to work with him and his colleagues.

The decision to establish diplomatic relations with Burma was taken in the context of Ireland's Presidency of the European Union and the need for us to be in a position to deal directly with the Burmese authorities. During its Presidency, Ireland has an opportunity and a responsibility to speak to the Burmese authorities on behalf of the European Union. We will, in particular, demand

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the release of political prisoners and the participation of the National League for Democracy in the forthcoming national convention. The Deputy is aware of the timetable for progress towards democracy and improvement in the human rights situation in Burma. Ireland and the European Union are strongly critical of the serious and persistent human rights abuses, the lack of fundamental freedoms and the absence of political progress in Burma. The EU common position on Burma, which provides for a visa ban on members of the regime and a freeze on all its financial assets in the European Union, is due to expire on 29 April. Together with our EU partners, we will discuss, in due course, what revisions, if any, in the common position will be necessary in view of developments in Burma.

Our goals are the return of democracy, the ending of human rights violations and the realisation of peace and prosperity for the long-suffering people of Burma. The appointment of an ambassador to Burma increases our influence and credibility in efforts to promote these goals by the EU and the international community.

The Deputy's third question related to the Middle East. Since the beginning of the year I have met Abu Allah, the Foreign Minister and representatives of the world Jewish organisation. The Minister for Foreign Affairs, Deputy Cowen, visited the region both before and since the commencement of our Presidency. We were to attend the summit to be held on Sunday and yesterday. Unfortunately, however, following the death of Mr. Yassin, in an extra-judicial killing to which we are totally opposed because it will get us nowhere, the summit did not proceed. We did everything we could during the past week through the European Council to urge other leaders to use their influence to stop the normal reaction, namely, retaliation. The huge efforts made by Egypt and their resolution at the summit in Tunis did not work and that is why the summit was cancelled because of tension and the major reaction on the part of most of the 22 member states. It was decided to cancel late on Saturday night or in the early hours of Sunday morning but the technical groups had already begun their work.

We will continue to do all we can during our Presidency in respect of this matter. I totally reject the notion that because there are elections in America and elsewhere this year, progress cannot be made. We made this point when we met President Bush and Condoleezza Rice, who we asked to continue to endeavour to make as much progress as possible. The Minister for Foreign Affairs, Deputy Cowen, visited the region yesterday and today and I assure Deputy Kenny that we will continue to do everything

possible to make progress on the Middle East during our Presidency.

**Mr. Quinn:** I also offer my congratulations and best wishes for the successful completion of what will be, in effect, the final Irish Presidency in the form we have known on seven or eight occasions.

I will confine my remarks to the Lisbon process which is supposed to be the main theme of the spring Councils. I do not share Deputy John Bruton's view. The whole purpose was to try to exert peer pressure and force people to do things they found difficult to achieve domestically but which they might possibly achieve in the cold light of comparison. I have read the conclusions which contain an extraordinarily non-Irish phrase. I do not know from where it came but it certainly did not originate in Dublin 2 or Dublin 4. The phrase the "de-industrialisation of Europe" did not emanate from the literate quarters of our diplomatic service. However, it relates to competition and the fact that it is not working. Diplomatic language, blunt language and the language I heard from Pedro Solbes in Brussels last week prior to the Council proper confirm that the two follow-up spring Councils have not been as effective as was anticipated. The amount of time dedicated to the discussion on this matter was extremely limited.

In those circumstances, would the Taoiseach consider it necessary that a commissioner be given the responsibility of co-ordinating the Lisbon process? I do not refer to a commissioner for competition but to one with responsibility for ensuring that the Lisbon agenda is delivered and that league tables and comparative figures will be published in a transparent and open way in all 25 member states. Such tables could show comparisons in, for example, the cost of child care and access to certain kinds of support systems. This would enable the social, economic and environmental objectives that comprise the Lisbon process to be advanced by means of using peer pressure at local level in different member states. The process is not working the manner intended when it was agreed at Lisbon in 2000.

**The Taoiseach:** I thank Deputy Quinn for his remarks. Approximately three hours was dedicated to this matter at the summit, which was far more than was allocated in the past two years. We scheduled the business on the Thursday so that most of Friday could be given over to the economic issue.

Deputy Quinn is correct. The concept of Antonio Guterres' plan four years ago was to ensure heads of State gave time to economic matters so they were not ECB or ECOFIN business and to ensure there was drive in all countries to have a broader debate than what is sometimes the finance debate in which I, too, participated for some years.

While the Lisbon agenda is behind — there has been much criticism of what has or has not been achieved — Europe is often too hard on itself. Some six million jobs have been created during the past five years. Because of the co-ordinated effort mentioned, there is now a real emphasis in Europe in terms of research and development and putting money into the sciences. I do not believe that would have happened if everybody had paddled their own canoe. Many useful things are happening though, admittedly, we are behind on many targets. I have discussed at length with the Prime Ministers of the Netherlands and Luxembourg what it is we hoped to achieve during our three Presidencies and on what we have been focused since early last year. We are trying to benchmark the issues raised, focusing on them and identifying the deficiencies and, more important, the remedies. One of the difficulties of the past three years has been the constant debate on benchmarking without identifying what it is trying to achieve.

If there are problems with the Lisbon process it is because we tend to watch what happens internally rather than externally taking on the battles of the future, India and China and so on as Deputy Quinn knows. We tend to become focused on the internal debate such as how France, Ireland or Germany is doing rather than compiling our statistics and comparing them with countries in other continents that are extraordinarily successful.

**Mr. Quinn:** Is there a role for a commissioner?

**The Taoiseach:** I think there is, in terms of co-ordination. I do not like the concept of just a competitiveness commissioner. Everyone knows how that will turn out. I have no problem with competitiveness leading to a better economy and investment but the social dialogue issue would get lost in that. Last week, I met with the employers, unions and conferences. They will always have more resources and will always push that debate. There are many difficulties in that area. There is a need for co-ordination. As the Deputy mentioned, all the activities in education, child care and other economic areas need to be co-ordinated. However, that will not be done by ECOFIN alone or by the Labour and Social Affairs Council.

As I said at the meeting of the tripartite summit, I am concerned about what some countries are trying to do and I do not say that wearing my Presidency hat. If co-ordination is discussed in terms of finance and competitiveness what then will happen to the Labour and Social Affairs Council of which Deputy Quinn and I have had experience through the years? Will it remain or will it be subsumed? Whatever its faults, the council has done excellent work for the past 30 years. It would suffer if we take that road.

The growth and stability pact was also mentioned, though not by Deputy Quinn. I do not agree with Deputy John Bruton or Deputy Rabbitt in that regard. The growth and stability pact has served its purpose well. There are arguments about it but it has also helped policy in terms of growth. I acknowledge that Deputy Bruton takes a great deal of interest in European issues but I do not agree we should tear up the strategy. If business is not about growth and jobs, what is it about? That is what we should be about — growth and jobs create opportunities for quality of life.

Deputy John Bruton mentioned that some of his remarks were made to provoke debate. The name of the strategy has been debated during the past few days. However, that is irrelevant. One has to have economic policy.

**Mr. Gormley:** Will the Taoiseach agree that the Irish Presidency is, in many ways, proof that the rotating presidency works? That being the case, why are we now scrapping it? In many cases, the smaller countries have done more than the larger ones, as is often the case in the European Union.

On the ratification process of the new constitution, how will we proceed from here on in? We know that in terms of the first Nice treaty Ireland was the first country to attempt ratification. Perhaps, that was seen in retrospect by this Government as a tactical error. In terms of the second Nice treaty, Ireland was the final country to ratify, something which put people under enormous pressure. How now does the Taoiseach propose to proceed with the ratification of the European constitution? Will there be a breathing space of two years? Where will Ireland come in terms of the ratification process?

On the solidarity clause, why is it — I referred to this in my contribution — that the Taoiseach did not insist on the clear and unambiguous Irish wording as put forward at the convention? It clearly stated that any prevention of a terrorist attack could only take place on the territory of the European Union. Why was the Irish performance on the EURATOM Treaty and, in particular, the protocol, so poor? Here, I must be critical because Sellafield is a real threat to this country. So many Irish people are concerned about it yet I have not seen the type of action required on the protocol. We should insist that no protocol is attached to the treaty and should insist on a sunset clause. I would like clarification from the Taoiseach on that point.

Does the idea of a European-wide referendum not make sense in the context of a new European constitution which should be about the citizens of Europe? While it may be argued that certain member states make no provision for referenda, at the very least we could have consultative referenda in countries to identify where the

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people of Europe stand on this issue. After all, the Laeken declaration referred to bringing Europe closer to the people. Does the Taoiseach believe, when he looks at the figures from the euro-barometer studies which show that only 30% of people knew that a convention had taken place, that we have succeeded in bringing Europe closer to the people?

**Aengus Ó Snodaigh:** I will try to be brief because I also mentioned this point in my contribution. Following the failure of the IGC last autumn the press reported that Article 40, common defence provisions, had been agreed and signed off on prior to the breakdown. The Taoiseach later denied that was the case. I subsequently sought clarification of the matter from the Minister for Foreign Affairs on 12 February but he refused to answer my question. Last week, I sought clarification on this matter from the Minister for Defence but he, too, refused to answer the question. The answer is simply, “yes” or “no”. Can the Taoiseach confirm whether Article 40, common defence provisions, have been agreed? More importantly, has the Government agreed to them and on what terms? Are Article 40 provisions on the list of the 20 outstanding problem areas. If so, does the Irish Government consider them to be an outstanding problem? If it believes that, what changes does it seek to Article 40? The most important question is whether the Taoiseach can confirm that Article 40, covering common defence provisions, has been agreed.

**The Taoiseach:** I thank Deputy Gormley for the constructive role he has played in this process. We retain elements of rotation. However, the European Union is approaching the stage when no single country, big or small, can manage the full range of business. In the IGC, we are working with 28 members, the Council secretariat and the Commission, and the range is simply enormous. Macedonia lodged its papers with me for its entry to the EU last year, and Croatia had already done so. The extent of the engagement is enormous. As the Deputy knows, we had an EU-Canadian summit a week ago, and we are preparing now for many more. To do that in one Presidency on its own would become impossible. It is a nice honour, but it is becoming an impossibly challenging task. I hope that rotation is not totally lost but that one might rotate in blocks whereby several countries come together to share the workload. I hope that will continue.

On previous treaties, the time for ratification has been about three years. Two years is normally given, and it is up to us where we come in during that period. Right, wrong or indifferent, the Deputy knows that part of the argument on the Treaty of Nice was that the debate had already

started on the next position. That was coming in on our debate, even though we went early. That was part of the difficulty. I know the Deputy was out campaigning with me, and not many in this House can say that. However, it was part of the problem that we had the President of the Commission, Lionel Jospin, talking on the other side, totally upstaging the debate.

Ireland has strongly supported a conference on the EURATOM treaty, and we have been clear in the IGC on that. The Deputy and I do not differ on the issue. However, I am afraid there will simply not be a consensus on that; we can only go forward on it. Deputy Sargent has asked me whether we will continue to campaign for some examination to take place. I agree with the Green Party on that; that is how we should try to deal with it.

The declaration on solidarity against terrorism states that member states in accession countries intend to act in the spirit of the solidarity clause laid down in Article 42 of the draft constitution. It is important to demonstrate the political commitment of the European Union to meet the challenges presented by terrorism. The declaration does not affect the legal position regarding the solidarity clause itself. We have agreed that we will act in its spirit pending its adoption. The declaration states that each member state will choose the most appropriate means to comply with the solidarity commitment towards the effect stated. However, each member, including Ireland, will implement that undertaking in accordance with national laws and interests. The solidarity clause has no implications for Ireland's policy of military neutrality. I can say to Deputy Gormley that it does not imply, oblige or require military action of any kind. It is about solidarity with our fellow EU citizens who suffer terrorist attacks, something that all EU citizens support — I know that the Green Party does so. The other neutral countries, Sweden, Finland and Austria, agree that the solidarity clause does not affect their military neutrality.

Deputy Ó Snodaigh mentioned the defence Articles. As set out in the draft constitutional treaty, they are acceptable to all member states, including the neutrals ones, based on the understanding that our traditional positions are fully respected. It is on that basis that we agreed to them.

Deputy Gormley raised the possibility of an EU-wide referendum. That is unlikely, since there are so many countries opposed in one form or another to referendums. In fairness, this time around there has been a convention and a very open process. There has been far more debate, interest and dialogue. I agree with the Deputy that not everyone fully understands, and sometimes it is unfortunate that, no matter what one has included, one does not get the requisite

debate. However, this country is ahead of most. Whatever the rights or wrongs of those two referendums, they did much to aid understanding. The ongoing work of the forum and so on helps. We must continue trying to get more discussion and understanding of it in all its aspects. We all play our part in doing so.

Deputy Harkin has left the Chamber, but she asked me a specific question. A declaration pointing to a wider debate on the future of Europe was attached to the Treaty of Nice, and the convention proposes to amend that. That emerged from the wider debate in which many took part.

I thank everyone who participated in this debate for their comments and questions. We will take account of the points made in the second part of our Presidency. I appreciate the constructive attitude shown in Members' contributions.

### **Private Members' Business.**

#### **Confidence in the Minister for the Environment, Heritage and Local Government: Motion.**

**Mr. Sargent:** I move:

"That Dáil Éireann resolves that it no longer has confidence in the Minister for the Environment, Heritage and Local Government, Deputy Cullen, in view of the incompetent manner in which he has failed to introduce and implement policies that properly fulfil the functions of his Department, including measures to:

- encourage public support of the electoral process;

- construct and allocate social housing to the 50,000 applicants on local authority waiting lists; --restrict the creation of unnecessary waste, resource the collection, reuse and recycling of waste materials, and the effective and safe disposal of unrecoverable waste, through funding methods that have the widest public acceptance;

- implement a national spatial strategy that properly distributes services, facilities and opportunities throughout the country;

- comply with international obligations that this country limit its increase of greenhouse gas emissions;

- responsibly protect national heritage; and

- enhance the quality of and access to local democracy."

Perhaps the Leas-Cheann Comhairle might give me guidance. It is not yet 7 o'clock, and I expect

the Minister for the Environment, Heritage and Local Government might be here.

**Mr. Broughan:** There is an equally good Minister present.

**Mr. Sargent:** Considering what I will be saying about his colleague, the Minister for the Environment, Heritage and Local Government, I would not say that about the Minister.

Ba mhaith liom mo chuid ama a roinnt leis na Teachtaí Cuffe, Eamon Ryan, Boyle, Morgan, Gregory agus McGrath.

The Green Party, An Comhaontas Glas, has witnessed ongoing deterioration of the natural and built environment under the reign of the present Minister, Deputy Cullen. That in itself would be a cause of shame and badge of failure for this Fianna Fáil-Progressive Democrats Government. However, the conflict arising from the appointment of the Minister as director of elections for Fianna Fáil effectively makes his position untenable.

To be a Minister for the Environment, Heritage and Local Government requires, at the very least, an interest in the issues for which one has responsibility. To hear the Minister confuse global warming and depletion of the ozone layer, on "Morning Ireland" some time ago was not just embarrassing, but rang alarm bells for anyone genuinely concerned about the mounting costs of global warming to the taxpayer and the most vulnerable people, as well as numerous species already paying the price of his ineptitude. Lack of action has resulted in Ireland being worst in the EU league as regards non-compliance with the Kyoto limits on greenhouse gases.

The Minister's lack of interest in climate change is more than matched by his messianic interest in acting beyond his powers. In the case of Carrickmines Castle, the Minister, jointly with the local council, applied for permission to destroy a national monument and then effectively granted the approval to himself to fire ahead. With an environment Minister like this, environmentalists need eyes in the back of their heads, as does the High Court, which overruled ministerial approval for the destruction of the medieval castle. Legal actions initiated by the EU Commission during the Irish Presidency again show that the record of this Minister is particularly poor, not just embarrassing for the Government, but for the whole country.

On 13 January the Commission announced legal action against Ireland for non-compliance with EU laws on water quality. On 29 January the Commission again was driven to take legal action on Ireland's failure to protect biodiversity. Recently, Deputy Cullen was accused of acting in breach of the European Union (Scrutiny) Act 2002. In the end Ireland was found guilty by the European Court of Justice of failing to introduce the EU's 1991 nitrates directive.

Since the Minister was a member of the PDs, when we were told he would break the mould, he

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has gone on to represent the country by breaking the law on behalf of the people. However, I acknowledge that Deputy Cullen does not enjoy breaking the law; to avoid another *faux pas* he has sought to remove the cap on political corporate donations. It is hardly coincidental that this same Minister is the politician with the most corporate sponsorship in the country. With €35,000 in donations, this is even more than he is allowed to spend in a general election. Sadly, he has refused to put any cap on the amount allowable for local elections spending.

With such wealthy and generous friends the Minister needs to be reminded about the burden his lack of action to deliver adequate affordable housing creates. He needs to be reminded that his lack of support and antagonistic dialogue with environmental NGOs has worn down morale among many volunteers in organisations such as Birdwatch Ireland, Voice, An Taisce, Irish Peatland Conservation Council, Greenhouse Ireland Action Network and many more. Greenpeace and Earthwatch have had to pack up altogether. There is still no dedicated environmental representative in the partnership process.

This Minister is anathema to a sustainable and healthy environment. While he has talks to downgrade special areas of conservation, SACs, he also speaks about “grasping the nettle” to build a necklace of incinerators around Ireland. Even his colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell, called part of this adventure, “a ready-up” between Deputy Cullen and Dublin City Council. If that is so, it is the Government and not just the Green Party, which should vote “no confidence” in this so-called Minister for the Environment, Heritage and Local Government. Why should this Minister enjoy Government support when he publicly tried to humiliate his own Cabinet colleagues over the ban on smoking in the workplace? We therefore request Government as well as Opposition support for this motion.

**Mr. Eamon Ryan:** As our party’s leader said, carbon emissions and Ireland’s failure to meet its Kyoto obligations is one of the most serious areas in which Deputy Cullen has failed to deliver on what is required from a Minister for the Environment, Heritage and Local Government. The climate change problems include some of the biggest issues facing this country and the world. In reality, the only thing that may be said about the Irish position is that it is being ignored by the Minister.

As regards the recently proposed emissions trading regime, while many of the problems involved have originated from the EU, with such a large allocation of credits being given free to industry, uniquely this country has made matters worse, in a number of different ways. No proper public consultation was involved, as is required under EU rules, so that the level of allocation to

be given to the traded and non-traded sectors could be decided on. Not surprisingly, under this Minister, the maximum possible allocation has been given to large industry, leaving other sectors such as transport, farming and domestic areas of the economy trying to pick up the pieces to provide some kind of reduction in our carbon dioxide emissions. In reality, what we have is a massive multi-million euro subsidy to companies such as the ESB and Cement Roadstone Holdings.

Certain of the provisions, unique to this country, are incredibly damaging to Ireland’s long-term prospects of reducing its carbon emissions. The “use it or lose it” provision, which this Government and this Minister has decided to introduce, will encourage power generation companies to maintain in use the most polluting power stations during the life of this emissions trading system, contrary to the purpose of the emissions trading Bill. The proposal to use negotiated agreements, which the Minister strongly advocates and supports, will do nothing to help a proper reduction of carbon emissions but will do everything to help big business escape the consequences of a possible carbon tax or emissions trading system.

With regard to the emissions trading system, the blind faith the Minister has in forestry sequestration to solve the problem, goes against the scientific advice we have to hand which shows that it is very difficult. Far from being the “magic wand” that will allow Ireland to meet its Kyoto commitments, what we have is the worst Government in Europe as regards breaches of emissions regulations; and it has no proper plan to address the issue. The climate change strategy set out in 2000 has clearly gone adrift. There is no sign that any of the reductions talked about will actually be put in place. The only reductions of any sort introduced in recent years followed the closure of the IFI plant, which was a high-energy user. That appears to be the full extent of the reduction plan to date, to shut down Irish businesses that emit carbon.

What is required to tackle Ireland’s Kyoto commitments is constructive thinking from this Government. Responsibility for that comes from the Minister for the Environment, Heritage and Local Government, who is clearly failing in his duty. That Ireland completely fails to deliver in its energy policy renewable and other wind energy resources which we have in such great abundance is the responsibility of the Minister for Communications, Marine and Natural Resources, but also the responsibility of the Minister for the Environment, Heritage and Local Government, who is not pushing the Government in that direction. On transport policy, the utter failure to do anything other than provide for private car use, is in flagrant breach of what should be done if we were attempting to solve the climate change problems we face.

The Minister’s submission to the Department of Finance on the issue of carbon tax states that

one of the revenue uses that could be availed of would be to buy the credits on the international market under the joint implementation agreement set out in the Kyoto protocol. This is a case where we would actually use the carbon tax to fund further carbon emissions and is contrary to common sense.

**Mr. Cullen:** The Deputy knows well that this is nonsense.

**Mr. Eamon Ryan:** It is in the Minister's submission to the Department of Finance, if he would care to look at it. The Minister, in his early days in office famously appeared not to know, on RTE radio, the difference between the problems of the hole in the ozone layer and issues surrounding climate change strategy. I do not know whether he knows the difference now, but I do not think this matters because he does not seem to care.

**Mr. Cuffe:** I wish to talk about the National Spatial Strategy 2002-2020. Our motion said the Minister had failed to implement a national spatial strategy that properly distributed services, facilities and opportunities throughout the country. However, the Government states that a comprehensive range of measures has been put in place at national, regional and local levels to support the continuing implementation of the national spatial strategy. It seems crazy that the Government, in its own motion, says it is handsomely delivering the national spatial strategy when only last December it turned it on its head with a pork barrel hand-out of decentralisation. That pork barrel hand-out of the Minister and his colleague McCreevy failed to reflect the national spatial strategy.

**An Ceann Comhairle:** A Minister must be referred to by his or her title. It is the Minister, Deputy McCreevy.

**Mr. Cuffe:** The Minister for Finance, Deputy McCreevy and his colleagues turned the national spatial strategy on its head. Very few of the nine gateways and 11 hubs were selected for locating Government jobs through decentralisation. The latter programme failed miserably to reflect the issues headlined in the national spatial strategy. The Minister says he is implementing it, but when I put specific questions to each Ministry, the strategy appears to be completely ignored. I asked the Minister for Defence to outline the changes being made in his Department's plans, programmes, policies and spending, to which he replied that the publication of the Government's national spatial strategy had no implications for them. The Minister should use some joined-up thinking.

**Mr. Cullen:** The Departments are already in line with the spatial strategy.

**Mr. Cuffe:** Each Department is going its merry way, and the national spatial strategy is simply a piece of window dressing to give the impression of joined-up Government thinking, which could not be further from the truth.

**Mr. Cullen:** The Defence Forces were decentralised long ago. The Deputy does not know what he is talking about.

**Mr. Cuffe:** We either have a national spatial strategy or we do not, and a *laissez-faire* approach to planning or not. If we are to seriously consider the implications of the Kyoto Protocol and the need to put people, premises and communities closer so that people can live, work and relax, we would implement the national spatial strategy instead of having a Government that gives only *ad hoc* responses. I have no confidence that the Minister will deliver on the national spatial strategy because I doubt that he even understands its implications and what it can deliver. He allowed his colleague, the Minister for Finance, Deputy McCreevy, to completely reverse its contents.

When one examines in detail the Dáil replies from the various Ministers as to whether they are implementing the strategy, half of them are kicking to touch. There has been no concerted effort to deliver on the strategy. The people will suffer. The towns, communities and villages will fail to achieve the critical mass outlined as part of the strategy, which said clearly that investment in the gateways and hubs is essential if we are to achieve the critical mass which would allow urban areas to compete at European level. That has been miserably diluted by the Minister for Finance, Deputy McCreevy. The national spatial strategy will not be delivered on because it has been so diluted that it no longer stands up.

It is not good enough for the Minister for the Environment, Heritage and Local Government to pay scant regard to planning when implementing policies, nor for a Government to pay little regard to the people in their views on voting when the Minister introduces e-voting. The Minister ignores the Kyoto Protocol, while Ireland is the worst country in Europe regarding its implementation. He then boldly says that we are doing great things and will achieve these ambitious targets, when nothing could be further from the truth. That is not good enough. We have a Minister consumed by the needs of business, who pays little regard to the needs and issues of ordinary people, who is introducing policies which are the polar opposite of what the plain people of Ireland wish to see, and who pays scant regard to the programmes of his Ministry which were put in place a long time ago. I support the motion of no confidence in the Minister. We could do better. To put the environment, heritage and planning on the agenda, we need to have a change of Minister and of Government.

**Mr. Boyle:** It is in the housing area, one of the many areas under this Minister's stewardship, that he deserves most criticism. In his reply, the Minister will probably talk of the 70,000 houses built in the State last year. He must be aware that many of these represent a mismatch of the housing needs of many. There are 50,000 people on local authority housing lists. In its programme for Government, the Government promised 10,000 social housing units, none of which has yet been built. No planning permissions have been lodged for them and no architects have been appointed. In terms of building, the Government supports the private sector, allowing it build what it wants for maximum profit. I expect nothing less of a Minister who received the largest sum in political donations in the last general election, receiving more than he was required to spend in his constituency.

When these double standards apply, the Opposition has the right to ask questions. Many of the 50,000 people on local authority housing lists have no hope of being housed, given the current rate of construction in local authority areas. We all know from our constituency experiences of people awaiting housing for over ten years. The Minister, his Department and the Government have not addressed the changes which involve more single people seeking housing and families of different structures. Those in the private sector get the best support. The billions granted in foregone tax reliefs, which could be better spent through the Department in building houses, represent a scandal which should not continue one day longer and which the Minister helps to perpetuate by remaining in office. The private rented sector involves 150,000 units, only 16 of which are registered under legislation which the Minister is responsible for seeing enforced. No questions are asked. The people benefiting are those who support the Government financially as well as politically.

The Simon Community says that €6 million is needed to house the homeless. In my constituency, the Cork Simon Community has been short-changed by the Minister in the most recent year, with a promised allocation of €2 million reduced to €800,000. If this represents the Minister's sincere attempt to deal with homelessness, even he must be aware that the problem will worsen. The Minister's telling silence on the recent social welfare and supplementary rent allowance changes at the end of last year indicates his real concern for housing needs. The only progression, so to speak, the Minister has offered to the housing debate was to forego on the Government promise regarding the 20% of social housing. Almost the first item of environmental legislation he introduced in the House changed section 5 of the Planning and Development Act 2000, again for the benefit of his and his party's development friends.

The Minister has negatively changed legislation in every respect, not only in planning and development but also in foregoing powers in the

Waste Management Act and in rowing back the move to allow greater public accountability in the matter of electing mayors in city and county councils.

It is in the Green Party's political interests that the Minister, Deputy Cullen, remain in office. The longer he is there, and the worse job he does, the better it is for us politically. However, we fear for the damage he is doing to the built and natural environment. We move this vote of no confidence because it is in the country's interests that someone else attempt to put in place policies which make more sense environmentally, ecologically, democratically and for the benefit of our society.

**Mr. Morgan:** Sinn Féin supports this motion of no confidence in the Minister for the Environment, Heritage and Local Government, Deputy Cullen. I thank the Green Party for the opportunity to address this Minister's record.

The Minister is a deeply right wing free-marketeer with an anti-working class, individualistic and pro-privatisation agenda. His ideological position means that he can never be a competent Minister for the Environment, Heritage and Local Government.

**Mr. F. McGrath:** Hear, hear.

**Mr. Morgan:** He shares that ideological territory with a number of Cabinet colleagues.

**Mr. F. McGrath:** Deputy Peter Power too.

**Mr. Morgan:** How a person with such an agenda can ever be expected to deliver on social and affordable housing, the implementation of an environment-first waste management policy and empowering people through a reformed and inclusive system of local government is beyond comprehension?

I specifically wish to address the Minister's intentional mishandling of housing, waste management and local government. I cannot recollect the last time I heard the Minister address the housing issue. Housing has been left in the hands of a Minister of State who also has responsibility to another Department. The Government cares more for the rights of private property than it does for the rights of its citizens. Its housing policy appeals to the same constituency served by the property section of *The Irish Times*, for whom there is no problem of affordable housing, who will never experience the housing crisis or be in need of social housing. A glance through those property pages, or those of any other paper, make the claims by the Minister and his lackeys that there is no affordability problem utterly laughable and indicative of how far out of touch the Government is regarding the hardships and difficulties faced by people.

Of all that the developer-friendly Minister for the Environment, Heritage and Local Government has done since taking office, the

changes, as Deputy Boyle mentioned, to the Planning and Development Act 2000 were the most inexplicable and inexcusable. That action represented a capitulation to those developers whose greed was offended by the necessity to have 20% social and affordable housing in all developments. It represented a capitulation to those who would ostracise a working class family that moves into a development because they see it as somehow infecting their estate. Sinn Féin rejects this retrogressive attitude because the best housing model is that which involves a social mix.

That is the same agenda that created the vast sprawling ghettos which exiled the working class to cement deserts on the edge of Dublin and other cities, with no facilities, no jobs and no hope. This attitude led to the scourge of drugs in working class areas, particularly in Dublin.

**Mr. Cullen:** The Deputy should tell his friends to stop peddling those drugs.

**Mr. Morgan:** That so much progress has been made by residents in those areas through developing their communities is no credit to this or any other Government but a credit to those communities' endurance, will-power and resilience. We, as a society, need to build on what has been done by these communities which have pulled themselves out of the gutter, where successive Governments had thrown them, and build vibrant strong communities. All housing developments must be integrated and people must be able to secure affordable and social housing within their communities.

The Government, in particular this Minister, will never do that because it will never accept that there is another way, other than that driven by free market economics. Perhaps the Minister is merely a competent right winger who cares nothing for the homeless, those living in overcrowded conditions and those commuting ridiculous distances because they cannot buy a home near where they work. Investment in housing is an investment for the future of society and communities. However, the Minister cannot accept this. That is why the Government will never deliver a right to housing which is at the core of Sinn Féin's approach to the housing crisis.

My party is committed to working for a properly funded national housing strategy and the establishment of a national housing agency to co-ordinate all aspects of housing provision. It is equally committed to the elimination of homelessness. Unlike this cowardly Government, it would intervene in the property market to ensure that all people are able to access affordable housing. Capital gains tax on speculative buyers would be increased. Sinn Féin would also ensure that developers did not cream off huge profits at the expense of communities who cannot house themselves.

The Minister's record on environment raises the question of what on earth is he doing with his portfolio. Since taking office, he has only paid lip

service to environmental concerns and protection. Government policy has promoted private transport through road construction, incineration as a method of waste disposal and emissions trading as the preferred method of complying with the Kyoto Protocol. It shows little interest in promoting environmental sustainability. The Minister has distorted the polluter pays principle and has targeted households rather than the primary polluter, which is industry. The Minister will evidently not be content until he has further damaged our environment by forcing incineration on communities against their will. His commitment to incineration is in contrast to his lack of determination to reduce the amount of waste being created. Incineration flies in the face of a real environmental waste management strategy. It causes air pollution, the emission of toxic fumes and an increased volume of traffic generated by the transportation of waste over long distances. Building an incinerator requires large capital cost. Once built, it must be seen to be fed, which will lock incineration as the primary method of waste disposal for the next 20 years.

**Mr. Cullen:** The Deputy is always preying on people's fears by talking such nonsense. That is all he is good for.

**Mr. Morgan:** The Minister is not preying on people's fears but playing on the backs of the large speculators and developers, which has us where we are now.

**Mr. Cullen:** The Deputy has some neck.

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

**Mr. Morgan:** If Deputy Cullen is not swiftly removed from his ministerial position, there will be a network of incinerators throughout this State pumping toxic ash into the environment.

**Mr. Cullen:** Will the Deputy give me a break? He has some neck.

**Mr. Morgan:** The Minister has trampled over our local elected representatives in his drive to have waste management services privatised. The introduction of bin charges——

**Mr. Cullen:** If we were waiting for Deputy Morgan's crowd, we would be up to our necks in waste.

**Mr. Morgan:** ——is a deliberate pretext to the privatisation of all waste services, which is well under way. Bin charges are an unjust——

**Mr. Cullen:** I have no ideological position on that issue.

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

**Mr. Morgan:** —double taxation which penalise the less well-off in society. Under the threat of dissolution, local authorities have been forced to bring in these charges, causing real hardships. Though waivers are available in some cases, when waste services are privatised, this provision will immediately be dropped.

The Minister was recently quoted as saying he was not interested in more great debates. Do we know that?

**Mr. Cullen:** Better to solve the problem than just talk about it.

**Mr. Morgan:** This is evident in his dismissal of public concerns of the risk to democracy from his moves on electronic voting and the removal of powers from local government. The Minister, Deputy Cullen, has used his term in the Department of the Environment, Heritage and Local Government to demonstrate his disregard for democracy. His contempt for local government has been manifested on numerous occasions. As he has pulled the non-elected city and county managers closer, he has pulled the control of local government away from community elected representatives, leaving them prostrate in powerless councils. Since taking office, the Minister has further centralised power in an already excessively centralised system of local government. The Local Government Act 2003 further diminished local democracy by deleting the provision in the Local Government Act 2001 for the direct election of cathaoirleigh of city and county councils.

I again thank the Green Party for the opportunity to point out the Minister's waywardness. I call on Members to support this motion so as to remove this pillar of pro-privatisation that obstructs proper policy and incentive that will enhance the environment rather than damage it. By his record in office, the Minister stands indicted. He must resign.

**Mr. Gregory:** I support this motion from the Green Party because of the range of specific issues for which the Minister for the Environment, Heritage and Local Government has responsibility but has not inspired confidence. These issues are housing, the electoral process, the undermining of local government and animal welfare, the latter in which the Minister, in bad Fianna Fáil tradition, has no interest despite his responsibilities.

I wish to speak about housing issues. When the Minister, Deputy Cullen, enacted the Planning and Development (Amendment) Act 2002, he destroyed what I regarded as the most socially progressive measure to have come through the House in many years — the social and affordable housing provision in the Planning and Development Act 2000. I thought at that time that Fianna Fáil was turning over a new leaf by standing up to its old paymasters in the construction industry. It seemed that something

effective and significant would be done for thousands of young people who had been removed from the house purchase market by the criminal rise in the price of property which was becoming unaffordable for increasing numbers of people.

The builders refused to co-operate with the provisions of the 2000 Act, however, preferring instead to stockpile 80,000 sites. They lobbied the Government intensively. It seems that the builders found a more than sympathetic ear when they lobbied the Minister, Deputy Cullen, who agreed to abandon the social integration measure in the 2002 Act. It was the most reactionary and regressive move by a Minister for quite some time. The Minister did not demonstrate incompetence in pursuing such a measure, as the Act was competently engineered by him at the behest of the builder-developer lobby.

It amazes me that despite the continuing rise in house prices and the ongoing hoarding of development land by a handful of greed-obsessed billionaires, the Minister boasts in his amendment this evening of "the 9th successive year of record housing supply" and what he refers to as "a strong social and affordable housing programme". I do not know where such a programme is to be found, but it is certainly not to be found in Dublin, where the only records are the record number of people on the city council's housing waiting list, the record number of people on the homeless list and the record number of unfortunate people sleeping rough in doorways and on pavements. It is certain that "affordability" is a meaningless term, in the home-owning context, for record numbers of people.

I would like to speak about electoral procedures. I fail to appreciate the Minister's rationale in squandering up to €70 million on electronic voting, while the Government robs widows of their meagre entitlements. The Minister claims in his amendment that the new voting system will achieve "more accurate and more secure electoral procedures". It is arrogant cynicism to claim that there will be increased security when there will not be any back-up or paper trail. If the Minister wants more secure electoral procedures, he should start by introducing regulations that make the production of reliable identification a necessity for all voters before they cast a vote. Such a measure would not involve any cost, other than the cost of the loss of personated votes to certain parties that do that sort of thing.

The Minister has undermined local democracy by transferring powers from elected councillors to managers in his misnamed Protection of the Environment Act 2003 and by threatening with dissolution councils that do not do his bidding on the bin charges issue. He has reneged on the innovative proposal to have directly-elected mayors, a fact conveniently and hypocritically forgotten by his partners in Government at last weekend's Progressive Democrats party

conference. It is a pity he did not remind that party's leaders that they voted against the introduction of directly-elected mayors. Local government will be further weakened and the centrally-controlled managers will be further strengthened by the removal of the dual mandate without the introduction of provisions for full-time councillors with real powers.

This country is a disgrace in respect of animal welfare. There is a culture of cruelty among a small minority, against whom no legislative action is taken. The appalling conditions in so-called "puppy farms" are exposed by the ISPCA every week. We are told that the Department of the Environment, Heritage and Local Government is engaged in discussions with relevant interests, but it seems that this is a code for doing nothing. The Department is far too busy giving licences to millionaire property developers to amuse themselves by terrorising tame domesticated deer with packs of hounds in contravention of the Protection of Animals (Amendment) Act 1965. It issues licences to coursing clubs to traumatise the most timid of little animals. Such activities have been outlawed in most modern democracies, but the Minister, Deputy Cullen, has made no such moves.

**Mr. F. McGrath:** I thank the Chair for the opportunity to speak on this motion of no confidence in the Minister for the Environment, Heritage and Local Government. I will concentrate on the first three parts of the motion before the House, as they relate to important issues.

I am worried about our democratic process. I am worried and extremely angry about the fact that there are 50,000 people on local authority waiting lists. We should revisit the phrase "social housing", as there seems to be a strange attitude to it in the wider society. We should resolve this question soon, as the phrase "local authority housing" is good enough for me. The real issue in this debate is the fact that there are 50,000 people on housing waiting lists. It is a disgrace and an act of social vandalism. I believe strongly in the right to housing — houses should be built when people do not have enough. The Government should face the reality that there were more mass housing schemes in this country in poorer times than there are today.

We have a Minister who cannot deliver our post, a Minister who attacks working widows and a Minister who is so busy clapping himself on the back about his smoking ban and the new nanny state that he does not want to see or hear patients on trolleys or the 3,000 adults with intellectual disabilities on waiting lists. The Minister who is the subject of this debate cannot provide enough houses for those who want to make a positive financial contribution to the cost of their homes. That is the reality of the wealthy Ireland of 2004.

I would like to make some concrete and positive proposals in respect of housing. We need to legislate for the right to housing. Can the

Minister explain why this has not been done? Housing is a basic human right. Ireland must honour its international obligations by guaranteeing a right to housing and by legislating to remove the inequalities in the housing system. Urgent action is needed to cut the record housing waiting list, which stands at 48,413 households. The local authority housing budget should be tripled to at least €1.7 billion in 2004. This would help to produce an output of at least 7,000 local authority housing units in 2004. It would begin to tackle the backlog on the housing waiting lists. The housing budget will need to be adjusted accordingly in the coming years to maintain the required level of housing output. I am also calling for an increase in the amount of local authority housing provided under Part V of the Planning and Development Act 2000. This is needed because a massive 85% of households on housing waiting lists have incomes of less than €15,000. One could not afford to buy a home on such limited earnings.

Urgent action is needed to reduce the growing number of homeless young people and families with children. We should end the practice of housing families with children in bed and breakfast accommodation, other than in emergency cases. We should ensure that families do not stay in such accommodation for longer than a month before appropriate accommodation is secured. We have to provide adequate transitional and short-term housing, with access to appropriate support services, for families with children. We should provide move-on accommodation for families leaving emergency and bed and breakfast accommodation. Suitable housing and support services should be provided as part of a dedicated aftercare plan for young people leaving care. That is my rounded and broad view of housing.

I do not favour the Minister's boring new electronic voting system, which does not have a proper paper trail. There was nothing wrong with the dramatic system of people counting ballots by hand, which often led to exciting television coverage as details of counts and transfers were reported. I am concerned that the new system might drive voters away from polling stations and that the electorate might lose interest in politics. I urge Deputies to support the motion of no confidence in the Minister.

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I move amendment No. 1:

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

"affirms its confidence in the Minister for the Environment, Heritage and Local Government and commends the actions taken by the Minister to:

— improve, and promote confidence in, the electoral process;

[Mr. Cullen.]

— support sustainable development including the protection of the high quality of our natural and built environment;

— accelerate the provision of social and economic infrastructure and protective services (including record levels of housing output);

— implement policies to advance balanced regional development and social inclusion;

— promote and support effective local government;

and, in particular, welcomes and endorses:

— in relation to the electoral process:

— improvement of the electoral system by the introduction, on a national basis, of more accurate and more secure electoral procedures;

— the establishment of the independent Commission on Electronic Voting to report on the secrecy and accuracy of the proposed voting system;

in relation to housing:

— the 9th successive year of record housing supply involving the addition of 68,819 new houses in Ireland;

— establishment of a strong social and affordable housing programme involving investment of some €1.8 billion in 2004;

in relation to waste management:

— the major progress achieved in the modernisation of waste management, including major increases in recycling of wastes and significant advances in the development of our waste infrastructure and services;

in relation to the national spatial strategy:

— the comprehensive range of measures which have been put in place at national, regional and local levels to support the continuing implementation of the National Spatial Strategy 2002-2020, in achieving its objectives related to more balanced regional development;

in relation to greenhouse gas emissions:

— the active implementation of the Government's national climate change strategy, including the recent approval by Government of a national allocations plan for emissions trading;

in relation to the protection of national heritage:

— the reorganisation of heritage functions at central government level to ensure optimum alignment and integration with his environmental protection responsibilities; and

in relation to the enhancement of, and the quality of access to, local democracy:

— the continuing reforms of the local government system, including the greater focusing of the role of the local representative and the introduction of service indicators to ensure the delivery of value to local communities.”

I thank the Green Party for tabling the motion before the House.

**Mr. Boyle:** There is a first time for everything.

**Mr. Eamon Ryan:** At least the Minister turned up tonight — he did not turn up for our last Private Members' debate.

**Mr. Cullen:** The motion gives Members an opportunity to examine the complete range of policies for which I have responsibility. I assure Deputies that I sincerely welcome the opportunity to debate the issues at length and in detail.

I agree with the Green Party that at the core of this debate is a significant difference in policy and approach. It is the difference between taking action which makes a difference and the politics of empty gestures and shallow rhetoric. In my time in this Department I have worked to ensure that Ireland has the highest rate of home building in Europe; to produce Ireland's first ever spatial strategy; to make local democracy more transparent and accountable; to dramatically increase recycling facilities; to reduce both domestic and waste production——

**Mr. Boyle:** It is rising.

**Mr. Cullen:** ——to take the fight against Sellafield to the next level; and to do this in spite of the cynical, opportunistic and fundamentally flawed stance of the Green Party and its allies.

The contrast with the Green Party could not be more stark. As it has demonstrated yet again tonight, the Green Party does not believe it has any responsibility to set out credible policy options. It does not believe it needs to make a reasoned or proportionate contribution to debate. Most of all, it does not believe it must make any choices.

It is not by accident that the Green Party has become a laughing stock of the European Green movement.

**Mr. Boyle:** Is that why its members come to speak at our conferences?

**Mr. Eamon Ryan:** What about Fianna Fáil and its fascist friends?

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

**Mr. Cullen:** It takes much effort to achieve that standing. As they wave their sunflowers in the air and congratulate themselves for being the guardians of all things worthy, they continue to refuse to make any constructive contribution to debate. Sanctimony, double standards and conspiracy theories form the core of their approach.

**Mr. Sargent:** The Minister is not listening.

**Mr. Cullen:** Deputies can imagine the scale of the outcry we would hear from the Greens if I was found to have the investment policies of Deputy Cuffe.

**Mr. Boyle:** The Minister received €35,000 in political donations before the general election.

**Mr. Cullen:** Yes, and I am proud of it. It shows that democracy works.

**Mr. Boyle:** That was more than the Minister was allowed to spend.

**An Ceann Comhairle:** The Deputy had his opportunity to speak. It is now the Minister's opportunity to respond.

**Mr. Cuffe:** The Minister lifted the cap on corporate donations.

**Mr. Cullen:** What if the deputy leader of my party had copied the deputy leader of the Green Party in calling for a major economic recession in order to stop road developments?

**Deputies:** That is fiction.

**Mr. Boyle:** It never happened.

**Mr. Sargent:** The Minister is telling untruths again.

**Mr. Cullen:** That is excellent policy in the style of the Greens. What would happen if a member of my party managed to come up with any of the wild-eyed conspiracies which are so much a part of Patricia McKenna's approach to politics? What if a member of any other party showed Deputy Gormley's liking for promoting any new slur—

**Mr. Boyle:** This is a great defence of the Minister's office. He should keep slagging us instead of defending his own policies.

**Mr. Cullen:** —such as he did against the Tánaiste during the election?

**Mr. P. Power:** The Deputies have no intention of listening.

**An Ceann Comhairle:** The Deputy must remain silent and allow the Minister to speak.

**Mr. Cullen:** Deputy Boyle and his colleagues will not faze me.

I agree with the Greens that they do not operate to the standards of everyone else. They are more cynical and opportunistic than most.

**Mr. Sargent:** It takes one to know one.

**Mr. Cullen:** This should be no surprise to anyone, as they sit comfortably in a group which contains people who have taken approaches which directly undermine our environment. They sit beside Deputy Joe Higgins, who decided to go to jail in order to try to destroy a measure to deal with our waste crisis.

**Mr. Boyle:** We sit in the same House as the Minister. It does not bother us that he is in the Chamber.

**Mr. Cullen:** The House will surely not forget that Deputy Higgins announced on national radio that he waited until he was sitting snugly in his cell before taking the time to read anything about waste policy.

**Mr. Boyle:** Where are the Minister's policies? Let us hear a defence of the Minister's policies.

**Mr. Cullen:** Unlike Deputy Boyle, I have policies which I will explain to the House.

I am sorry that Deputy Morgan has left the House. The Greens also sit with the Sinn Féin Party, which has a one-size-fits-all approach to issues — whatever it is, it is against it. I congratulate its Deputies for sharing with us their opposition to illegal dumping — except, of course, when it involves semtex and Armalites. That is a different matter. Deputy Morgan showed much concern about environmental issues, but I would be happier to see him discuss his concerns about illegal waste dumping, which is a matter on which he might be able to help me, or oil laundering, which is something he and his colleagues know about, rather than filling the House with rhetoric.

The parties of the Technical Group share a remarkable distinction. None of them has ever bothered to publish a detailed alternative budget in order to show the people exactly what they are proposing.

**Mr. Sargent:** The Minister is wrong again.

**Mr. Cullen:** They adopt the Leona Helmsley approach to politics — detailed policy is for the little people.

**Mr. Boyle:** The quote refers to taxes.

**Mr. Cullen:** I know that.

**Mr. Cuffe:** The Minister should tell his donors that.

**Mr. Cullen:** They live in a world without choices — a world in which there is a magic wand that can solve every problem, which is hidden

[Mr. Cullen.]

because of a deep conspiracy. I reject this approach to politics, just as I have no problem in rejecting this motion and saying to the House that I am proud of my record as a member of Cabinet. Waste management has been my highest priority since coming into office. I have been up-front, direct and honest about the issues involved. Let us not kid ourselves — these are very serious issues.

**Mr. Sargent:** The Minister has failed.

**Mr. Cullen:** They require us to continue radical transformation of our waste management practices. This inevitably involves tackling difficult issues and making hard choices. It involves taking decisions, something which is not the Green Party's forte. Just as there are 40 shades of green, there are 40 shades of Green Party policy.

**Mr. Cuffe:** We are still not hearing about the Minister's policies.

**Mr. Cullen:** Many of them are sickly shades. The end result is a complete mish-mash, which means absolutely nothing to anybody, not even the Green Party Members opposite.

Lacking in the courage and capacity to make difficult decisions, the Green Party's solution is to try to convince us all that decisions do not need to be made in the first place. Because they cannot put forward a credible policy of their own, they adopt the tactics of negative campaigning. They hope that in trying to knock the Government's policy, people will not realise the policy vacuum they inhabit. Faced with questions about waste policy, the Green Party's response falls somewhere between silence and fantasy.

**Mr. Sargent:** The Minister has not read our policy documents.

**Mr. Cullen:** It would have us believe that we can simply wish our waste away. Deputy Sargent, the Dáil's equivalent of Paul Daniels, can just click his fingers and utter the magic words "zero waste" and our waste disappears.

**Mr. Boyle:** That is a different concept.

**Mr. Cregan:** The Deputies should have some manners and listen to the Minister.

**Mr. Cullen:** The use of the word "zero" in the context of Green Party waste policy is certainly appropriate — zero marks for zero credibility.

**Mr. Sargent:** Has the Minister read our policy?

**Mr. Cullen:** Yes, every detail, and it did not take me long. It will not take the children in school long to read it either. In the real world, where I live and where the electorate expects the Government to live, things are different. We are

following a policy approach proven to be effective by the best waste managers in Europe.

**Mr. Boyle:** That is because we are the worst.

**Mr. Cullen:** This means that in the first place we prevent, re-use and recycle as much of our waste as we can.

**Mr. Boyle:** Ten percent.

**An Ceann Comhairle:** I ask Deputy Boyle to allow the Minister to continue without interruption. The Chair cannot allow this to continue.

**Mr. Boyle:** I would be glad to, if the Minister will tell us his policies.

**Mr. Cregan:** The Deputies should have some manners.

**Mr. P. Power:** As usual, they just do not want to listen.

**Mr. Cullen:** Then, in line with best European practice, the policy is that we should recover energy from waste through the use of thermal treatment technologies, ensuring that the amount of waste we ultimately consign to landfill — the least environmentally friendly approach — is kept to an absolute minimum.

At the mention of thermal treatment the Green Party members turn hysterical. Yet their Green colleagues have filled the environment portfolios in the German and French Governments, both of which — I sit on the environment Council at the moment — use thermal treatment as part of an integrated approach to waste management. If the Green Party is serious about trying to rationalise its "40 shades of green" policy it might do well to consult its European colleagues for a reality check.

**Ms Hootor:** Hear, hear.

**Mr. Cullen:** This Government's clear policy approach to waste management is yielding results. Next week I will outline details of the progress made on the implementation of local authority waste management plans. While there is further work to do, substantial progress has already been made and is continuing. I thank the people for this.

**Mr. Sargent:** The amount of waste produced *per capita* has increased by 500%.

**An Ceann Comhairle:** The Deputy should allow the Minister to continue.

**Mr. Sargent:** It is increasing.

**Mr. Cullen:** The Deputy should save it for impressing his own party colleagues, because he

is not impressing anyone in the House with that nonsense.

**Mr. Sargent:** Clearly the Minister is not listening anyway.

**Mr. Cullen:** This has been supported by a major package of Government funding. I have allocated €22 million in the past 18 months to support the delivery of more than 70 local authority recycling projects. This funding has been provided courtesy of the environment fund, which is financed by the proceeds of the plastic bags and landfill levies. This is an imaginative use of policy instruments by the Government to ensure that less desirable environmental activities fund activities higher up in the waste hierarchy.

**Mr. Sargent:** That was our policy back in 1994.

**Mr. Cullen:** We are working effectively with various sectors of business to secure major advances in the recovery of particular waste streams. The EPA reported last year that Ireland achieved its 25% target for the recovery of packaging waste in 2001 and Repak indicates that good progress continues to be made towards the 50% target for 2005. We will achieve this. The recovery of construction and demolition wastes and farm plastics is also surging ahead and the successful producer responsibility model will soon be rolled out to other waste streams.

Driven by a policy objective set by the Government, major progress has also been made on the introduction of use-based charging for waste. As the House will be aware, I announced recently that 1 January 2005 has been set as the date for the completion of the changeover to these systems nationwide, providing a real incentive to householders to recycle more and more of their waste.

We hear much talk about illegal waste activities from many quarters. When it comes to enforcement of the law on waste, my focus has been on actions rather than words, actions such as the establishment of a new Office of Environmental Enforcement within the Environmental Protection Agency, with waste as its top priority.

**Mr. Boyle:** There were only eight prosecutions last year.

**Mr. Cullen:** I know the Deputy cannot stomach it, but he should listen.

**Mr. Boyle:** It is the effect of the Minister's policies that I cannot stomach.

**Mr. Cullen:** My focus has been on actions like the strengthening of the enforcement provisions and penalties, which I provided for in the Protection of the Environment Act 2003 and the provision of €7 million to support local authorities in delivering on the first year of a major five-year waste enforcement programme,

with a commitment of further funding in later years. I am resolutely determined to ensure that no effort is spared in the implementation of the law on waste. I will also liaise with the OEE on an ongoing basis and I will consider additional enforcement measures which its experience suggests might be required.

By raising the issue of the electoral process in this motion it is clear that the Green Party cares little about the need to encourage public support of the electoral process.

**Mr. Cuffe:** We would like a paper trail.

**Mr. Cullen:** I know the Deputy would like to cut down the rain forest to provide the paper for such a trail. That is typically consistent Green Party policy — half a rain forest to provide a paper trail.

**Mr. Cuffe:** Half a rain forest.

**Mr. Cullen:** For God's sake, give me a break.

**Mr. Boyle:** What about the paper for the Minister's speech?

**Mr. Cullen:** The Deputies should sit down and listen. Instead, of course, the Green Party seeks to revisit, in an unhelpful way, the debate which we had in this House just over a month ago on the introduction of electronic voting and counting. That debate was not about seeking safeguards for electronic voting.

**Mr. Cuffe:** Yes, it was.

**Mr. Cullen:** It was not about security.

**Mr. Cuffe:** It was.

**Mr. Cullen:** It was not about the integrity of the voting process.

**Mr. Cuffe:** It was.

**Mr. Cullen:** It was purely about political point-scoring and it was damaging to the credibility of politics. This is clearly demonstrated by the public statements of the Opposition parties that they are in favour of electronic voting. Indeed, some have gone further and said they are in favour of Internet voting. That element of the motion before the House tonight, referring to the electoral process, is in a similar vein, it is a cynical political exercise which, if unanswered, would have the opposite effect to that which it purports to serve. The public are strongly in favour of the electronic voting process.

**Mr. Sargent:** So are we.

**Mr. Cullen:** Did Deputy Sargent ask the electorate in Dublin North for their views after the 2002 general election? No, but my Department did, and 87% of voters surveyed

[Mr. Cullen.] indicated that they preferred the electronic voting system to the paper ballot.

**Mr. Sargent:** It is good I did not need a recount.

**Mr. Cullen:** Is Deputy Sargent suggesting 87% of constituents are wrong? In total, the system has been used successfully 400,000 times in this country.

**Mr. Boyle:** By those who vote for Fianna Fáil.

**Mr. Cullen:** Thank God the people of this country do. They do not vote for the Green Party in any numbers. However, I accept the need to ensure that there is utmost confidence in our electoral system. That is why, in response to the concerns that were raised, the Government decided to establish an independent commission on electronic voting to report to the Ceann Comhairle on the secrecy and accuracy of the proposed arrangements. I also promised to introduce legislation to ensure that there is no doubt about the application of electronic voting to European, presidential and local elections. The debate on the Electoral (Amendment) Bill will commence in the House tomorrow.

Throughout Fianna Fáil's time in government, we have consistently delivered on the provision of housing for our people. We have responded to changing times, changing needs and changing economic circumstances. The economic boom under the stewardship of Fianna Fáil Governments over the past 15 years has seen a tripling of output in housing provision. We are now building houses at three times the European average output and five times the output of the UK. Last year saw the ninth consecutive year of record housing output, with almost 70,000 new houses completed. I reject the insulting approach to the Minister of State with responsibility for housing, which has been taken by the Green Party and others in this debate. He is doing a first class job for which he should be respected.

**Mr. Boyle:** Where are the 10,000 new houses? Not a brick has been laid.

**Mr. Cullen:** If that is the biggest blow the Opposition can wield and it does not listen to me, it can forget about it. We have not been afraid to innovate to suit new circumstances. Our urban renewal policies have reopened our cities and town centres as places in which to live. We have encouraged the provision of higher residential densities in our urban cores to make better use of the available land.

In my first year in office I introduced the Planning and Development (Amendment) Act 2002 to ensure that the innovative provisions under Part V of that Act had the necessary flexibility to deliver on the promise of those provisions.

**Mr. Cuffe:** The Minister filleted it for his developer friends.

**Mr. N. Ahern:** That is untrue.

**Mr. Cullen:** Give me a break. It is clear that social and affordable houses under Part V are now coming on stream in increasing numbers. We have identified sites under the affordable housing initiative under Sustaining Progress, which will deliver more affordable houses.

**Mr. Cuffe:** They have not been built.

**Mr. Cullen:** Deputies are complaining that the planning system has not delivered yet, but when I try to introduce efficiency in the planning system to bring certainty to it, they also complain that it is not working. Would the Green Party Members make up their minds what they stand for? The people of this country do not have a bull's notion what they stand for.

**Mr. M. Smith:** They are a mass of contradictions.

**Mr. Sargent:** The Minister will be judged on his results.

**Mr. Cullen:** An incredible €1.8 billion will be invested this year in the various social and affordable housing schemes administered by my Department. The year 2002 saw the delivery of the highest level of output under the range of social and affordable housing measures for over 15 years, when the social and affordable housing needs of in excess of 12,700 households were met. While the March 2002 assessment of housing needs indicated that 48,400 households were listed as being in need of long-term social housing, it is important to remember that each of these households comprises individuals with their own set of needs.

**Mr. Sargent:** They need a house.

**Mr. Cullen:** It covers people who are single, people with families and people in a variety of existing accommodation. We need to ensure a range of responses that reflects these different needs and their relative priority. The Government's housing programme has been designed to respond to the full range of housing needs. To further tackle this issue, I recently asked local authorities to put in place five-year action plans covering the full range of their housing programmes. These plans will ensure that a full strategic approach is taken by local authorities and will ensure that they avail of the certainty provided by multi-annual expenditure programmes.

The Green Party accuses me of failing to implement a national spatial strategy, yet I am the first Minister for the Environment, Heritage and Local Government ever to have brought forward such a strategy.

**Mr. Boyle:** If the Minister wants to talk figures——

**Mr. Cullen:** I know it is difficult for the Green Party to count beyond five but this is a 20-year planning framework for achieving more balanced regional development. It is probably true to say that the Green Party's real concern is that it will not be around in 20 years' time to see it come to fruition, whereas Fianna Fáil will still be in government, making and leading the dynamic changes that have occurred.

**Mr. Sargent:** The Minister wants to kill us off.

**Mr. Boyle:** What political party will the Minister be in then?

**Mr. Cullen:** There is a strong focus on promoting the scale and critical mass at strategic regional locations — gateways and hubs — to lead and drive regional competitiveness. These strategic locations will in turn reach out to wider areas. In doing so, they will allow all areas of the country to grow to their potential. That has always been the approach of Fianna Fáil in government. We embrace all the people, not a selected elite.

I have put in place a comprehensive range of measures to advance the implementation of the national spatial strategy. There has been substantial progress on major NDP capital investment programmes supporting balanced regional development. In particular, I have maintained and increased the record level of investment in non-national roads, the arteries of local communities throughout the country.

**Mr. McCormack:** If one has a car.

**Mr. Cullen:** This year an unprecedented €4,610 on average will be spent on every kilometre of non-national road. Regional planning guidelines are well advanced in all regions and are expected to be adopted by May. Gateway implementation frameworks have been put in place — for example, the Cork area strategic plan and the Galway planning and transportation study. The Government's decentralisation programme sends a strong signal of our support for more balanced regional development.

In furthering the objective of rural housing policy framework, as set out in the national spatial strategy, the draft guidelines on sustainable rural housing, to which I referred, require local authorities to ensure that any demand for housing in rural areas suffering from population decline is accommodated.

**Mr. Allen:** The Minister's councils in Clare would not appear to agree with them.

**Mr. Cullen:** That is because they misread them and were misled by the planner who gave an outline at the meeting. The draft guidelines are far-reaching.

**Mr. Allen:** How cynical are they?

**Mr. Cullen:** For the first time, they provide a policy framework setting out in detail how Government policy on rural housing, as set out in the national spatial strategy, is to be taken forward by local authorities in planning more effectively for rural areas. The guidelines will deliver a new era of fairness and transparency in planning for rural dwellers. What do we get from the Green Party, however? That party, which does not have a single Member based in a rural area, wants to sit in its metropolitan ivory towers and pronounce to the people of rural Ireland about how they should live their lives.

**Mr. Sargent:** The Minister does not know much about Fingal County Council.

**Mr. Boyle:** Nor about my constituency.

**Mr. Cullen:** That will not happen as long as Fianna Fáil is in Government.

**Mr. Boyle:** That is Fianna Fáil's job.

**Mr. Cullen:** The Green Party, whose deputy leader's contribution to regional development is to wish the collapse of the economy because it would force the Government to abandon new road projects vital to our regions——

**Mr. Sargent:** That is totally false. I reject that. The person the Minister is accusing is not present and cannot defend herself. The Minister is uttering an untruth.

**An Ceann Comhairle:** The Deputy has had his opportunity and I ask him to resume his seat.

**Mr. Cuffe:** The Minister is trying to give a false impression.

**Mr. Cullen:** I do not have to give a false impression of the Green Party. It is well able to act on its own. It does not need help.

**Mr. Boyle:** The Minister might as well sit down.

**Mr. Cullen:** Deputy Sargent is the Paul Daniels of the Dáil — "Now you see it, now you don't".

**An Ceann Comhairle:** We are in a national Parliament, not a crèche. I ask Members to behave themselves.

**Mr. Cullen:** The bottom line is the Green Party is against everything.

**Mr. Cuffe:** We favour the Minister's resignation.

**Mr. Cullen:** The party claims concern for rural development, but when it comes to something such as these guidelines or decentralisation, its

[Mr. Cullen.]

Members will form queues on the plinth trying to get a new denunciation on camera.

**Mr. Cuffe:** The Minister is jealous.

**Mr. Cullen:** The party will have a long wait for that to happen.

**An Ceann Comhairle:** The Minister should not allow himself to be provoked and should address his remarks through the Chair.

**Mr. Cullen:** The Green Party criticises me for failing to comply with international obligations on greenhouse gases, yet tomorrow Ireland will be one of only two member states to notify the European Commission of its national allocation plan for emissions trading by its deadline. Ireland, under my direction, is leading the European field in this area.

**Mr. Cuffe:** We are the worst country in the world.

**Mr. Sargent:** The Minister is leading us down a cul-de-sac.

**Mr. Cullen:** The Green Party always says Ireland is the worst country for everything but it is the most dynamic country in the world and, as long as Fianna Fáil is in power, it will remain so.

**Mr. Sargent:** We will pay dearly for it.

**Mr. Cullen:** While Ireland's economic success has placed pressure on our emissions levels, the positive indications are that emissions growth is peaking. Overall greenhouse gas emissions in 2002 show Ireland at a little under 29% over 1990 levels as opposed to 31% in 2001.

**Mr. Sargent:** What is this year's figure?

**Mr. Cullen:** This is the first decrease in emissions in a decade. The Government's national climate change strategy is a clear and systematic programme for meeting our Kyoto obligations and it sets out a ten-year policy framework for achieving the necessary greenhouse gas emissions reductions. Many measures are in place and our economy is much more energy efficient than a decade ago.

**Mr. Cuffe:** The Minister is again confused.

**Mr. Cullen:** This is only a step in the right direction and we must continue to strive for every opportunity across all sectors of our economy to achieve the necessary sustainable emissions reduction in the most economically and environmentally efficient manner. The introduction of emissions trading from 1 January 2005 is only the pilot phase, a learning phase. The industrial and power generation sector is aware that the post-2008 phase will be much more

ambitious and I will not be found wanting in taking the necessary measures to meet our commitments.

**Mr. Sargent:** God help us.

**Mr. Cullen:** I refer to Ireland's international commitments and standing in the international community. I will have the honour next month of chairing a meeting of OECD Environment Ministers. This meeting will assess the progress made in implementing national and international environmental commitments and will identify key areas requiring additional action. I will work to ensure the OECD Ministers give increased impetus to international co-operation for the good of the environment.

**Mr. Boyle:** The Minister gives a good example.

**Mr. Cullen:** I am the first Irish Minister or EU representative to be asked to chair such a meeting.

**Mr. Boyle:** That is because the Minister has the worst record on greenhouse gas emissions.

**Mr. Cullen:** If the OECD had a question about Ireland's environmental credentials, it would not have been invited to chair the meeting.

**Mr. M. Smith:** It is in recognition of the Minister's work.

**Mr. Cullen:** On behalf of the Government, I have consistently led the case against Sellafield. Two cases have been taken against the United Kingdom to international tribunals in the Hague. I have consistently opposed the culture of secrecy that prevails in Britain's nuclear industry.

**Mr. Allen:** That is all huff and puff. There is no action.

**Mr. Cullen:** Ireland has a right to be fully informed about all aspects of Sellafield's activities which result in actual or potential environmental damage to the Irish Sea, as well as information which Ireland needs to help protect against the possibility of terrorists targeting Sellafield.

Ireland's need for information about BNFL's activities at Sellafield has been starkly illustrated by today's decision by the European Commission, which the Government and I greatly welcome. BNFL has failed to meet a basic standard of the nuclear industry — the requirement to maintain a complete inventory of nuclear material.

Ireland's robust litigation has focused the attention of the Commission on Sellafield. For years, Commission inspectors visited pond B30 but could make no meaningful inspection of it and the Commission was fobbed off by vague and informal BNFL promises that were never fulfilled. Ireland, under the leadership of the Government and through the Taoiseach's contacts with the British Prime Minister, is

leading the way against Sellafeld like never before and the Commission, in taking more effective action, is following Ireland's lead.

**Mr. Allen:** The Minister has achieved nothing. He still cannot get inspectors in there.

**Mr. Cullen:** On taking office the Government committed itself to a vigorous programme of environmental protection and renewal. It was appropriate that my Department was given responsibility for all the natural and built environment, in addition to its existing environmental protection remit, given the new focus on environmental sustainability.

My Department has made significant progress on enhancing the protection of our built and natural heritage. Under the national inventory of architectural heritage, 21 interim town surveys and eight county surveys have been completed and published and four or five more will be published this year.

**Mr. Boyle:** Where is Dúchas?

**Mr. Cullen:** This is the database which informs the protection of buildings of architectural interest under the Planning and Development Acts. I have maintained progress on the archaeological survey of Ireland with county reports for more than two thirds of all counties published. The first ever volume of a national shipwreck survey will be completed this year.

I have also supported a partnership approach with the development sector to ensure the protection of the archaeological heritage and Bord na Móna, Coillte, the National Roads Authority, the Irish Concrete Federation and the ESB have successful codes of practice in place. Other codes will follow and will allow for early identification of potential impacts on the heritage so they can be mitigated. I will also publish this year comprehensive legislation to consolidate the National Monuments Acts, 1930 to 1994, to modernise the legislative code and to strengthen the protection of the built heritage.

**Mr. Boyle:** This is because the courts forced the Minister to do so after he acted beyond his powers.

**Mr. Cullen:** All Green Party Members want to do is hang out of trees and talk out the back of their heads. That is as much as they contribute.

**Mr. Cullen:** Since coming into office in June 2002 I have, by any objective standard, made significant progress in protecting our natural heritage by working with farmers and other interests to achieve the best balance between farming and land use and requirements for conserving nature in all these special areas.

**Mr. Cuffe:** The Minister called in the bulldozers at Carrickmines.

**Mr. Cullen:** Special areas of conservation were proposed in respect of major river systems, including the Boyne-Blackwater, the Barrow-Nore, the Suir and the Slaney in June 2003. The proposal of sites for designation as SACs is nearing completion and it is time to move on to active management of these sites.

I have also made significant progress towards designating additional special protection areas under the birds directive and the designation of natural heritage areas under the Wildlife Acts. I signed 58 orders to protect raised bog sites as natural heritage areas in December last year. In years to come, people will look back on this period as the time the most far-sighted steps since the foundation of the State were taken to protect our built and natural heritage for future generations. Only a Fianna Fáil-led Government could have done it.

**Mr. Sargent:** Where is the truth? Who does the Minister think he is — Charlie Haughey?

**Mr. Cullen:** The Green Party criticises me for failing to enhance local democracy. Where have its Members been for the past two years? Does the party not realise that I brought in the legislation to end the dual mandate to ensure local councillors represent a local voice on local issues? The Green Party advocated this policy once.

**Mr. Sargent:** And implemented it.

**Mr. Boyle:** What about elected mayors?

**Mr. Cullen:** I have provided unprecedented resources to local authorities to enhance the services that local government delivers to local communities. Since the last local election support from the local government fund to local authorities has increased by 83%. Local government must provide value for money and be open and transparent. That is why I recently introduced 42 new performance indicators for local authorities. The public will see how their local authority is performing — what is working and why and what is not working. The 42 indicators span the full range of local authority services and include percentage and tonnage of household waste recycled, average time taken to get a pre-planning consultation, levels of housing vacancies, the average number of opening hours in public libraries and so on.

No other sector has gone so far in adopting a sector-wide approach to these services.

**Mr. Boyle:** What powers have councillors?

**Mr. Cullen:** In tabling the motion, the Green Party has again demonstrated it lacks political maturity. Rather than construct reasoned and realistic policies based on the facts, it remains wedded to the soft option, the elevation of woolly aspiration above actual achievement. Let us call this motion what it is — a stunt. Until such time

[Mr. Cullen.]

as Ireland's Greens put substance before soundbite and adopt a serious and pragmatic approach to environmental issues, as many of their European counterparts have done, they cannot and will not be taken seriously.

**Mr. Sargent:** The Minister should get off the stage.

**Mr. Cullen:** The Government's focus remains on action, implementation and delivery. It would have been better if we had the active support of a party that claims such strong environmental credentials. Instead the Green Party seeks to do what it does best, obstruct and delay. The people and I are not prepared to let the Green Party continue to obstruct and delay.

**Mr. Allen:** With the permission of the House, I wish to share my time with Deputies McCormack, Naughten and Neville.

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

**Mr. Allen:** The Minister has talked a good talk, but his performance since taking office has not lived up to his view of his ability. He is behaving like Superman when his performance is more akin to Mighty Mouse.

Since taking office, the Minister for the Environment and Local Government has stated he wants to increase the limits of political donations. Why would he not do so as he is the recipient of the highest level of donations in 2002? He launched a national spatial strategy to almost no effect. The Government's decentralisation programme not only ignored but seemed to be contrary to the ethos of the national spatial strategy, which was to create self-sustaining hubs of activity. Instead of working to reduce pollution in the atmosphere, he has championed incineration and is beginning to see his wishes implemented, with incinerators going ahead in Counties Meath and Cork and about to go ahead in Waterford and Ringsend, Dublin.

What stands out as the greatest failures of the Minister, Deputy Cullen, are housing and the attempted introduction of the proposed electronic voting system, which we will deal with in more detail tomorrow. The continued debt burden being forced on young people and the marginalisation of those on housing waiting lists and those who cannot even go on the waiting list must be condemned. The Minister has ignored the people. He decided to eliminate the first-time buyer's grant. He stood idly by as the Minister for Finance, Deputy McCreevy, raised the VAT rate on houses by 1% and he has allowed the drip feed of land for development to continue while prices move more out of reach of first-time buyers.

The Minister promised that a commission would look at the land holding in Dublin and

report before the end of 2003. We have not had sight nor sound of that report in spite of the promises. It is a short-term strategy that cares little for the young, who will be Ireland's future. The Minister is creating a generation of debt-ridden people who cannot afford to take risks to open up businesses in the open market. This is an anti-enterprise Minister and Government.

The introduction of electronic voting, if it is allowed, will be a sad day for Irish democracy. People will no longer be able to see his or her vote being cast and counted and we must trust the system which uses two separate types of computers and has major question marks over its reliability, accuracy, transparency and security. This is not a system that the electorate has looked for, but one which the Minister is thrusting upon us. He has failed to prove the system. He stifled debate by keeping reports under wraps and has seen to it that the committee finished its deliberations prematurely, thereby allowing the money to be committed, and by insisting on using scaremongering tactics such as that somebody opposed to the system is either a Luddite or a crackpot. The people can see through this and would like the Minister to be honest for a change. He must add the verifiable paper audit trail to the system immediately, but more on that tomorrow.

The system of local government has been done untold damage by the Minister. He has forced local authorities to increase service charges in line with the Government's tax by stealth policies. He knew he could save money by forcing local government to find more finance locally for the same service. The double blow is that when people pay more for the same service, they blame local authorities and local politicians and this creates a bad image of local government in general. He decided also that development levies should be jacked up to fund local government and the cost of services to rezone land had to be diverted to pay for the cost of benchmarking. The Taoiseach and the Minister have been great at promising to do something about the housing crises. They have promised one-off housing guidelines, with which councillors could not agree.

The Taoiseach promised 10,000 houses under Sustaining Progress but 12 months later, not a single house has been designed or built. It was proposed to have constitutional change in the housing area. The committee on the Constitution has talked about taxing land holding, but anybody who knows Fianna Fáil and the tactics used in the past seven years knows that this is another false promise before another election. The Minister has ensured that demand continues to outstrip supply at an unsustainable rate. Perhaps someone else in Fianna Fáil has what it takes to come to grips with this Department. The Fine Gael Party supports this motion.

**Mr. McCormack:** It is a serious matter when a political party tables a motion of no confidence, and I am sure the Green Party did not do so

lightly. The public and Members have lost confidence in the Minister. Governments become arrogant and complacent when in office for a long time, and the Minister, Deputy Cullen, has fallen into that trap. Having listened to the debate, I hope he will learn from it. The Minister thanked the Green Party for tabling the motion and referred to the party on several occasions, with three favourable mentions during his contribution.

I will deal with just two aspects of the Minister's failure, first electronic voting, which will be dealt with in more detail tomorrow. I wonder what is driving the Minister in this regard? Most Ministers would like to have a monument to their achievement — for example, the Taoiseach failed to deliver the Bertie bowl. I hope the Minister for Health and Children's monument does not go up in smoke. The Minister, Deputy Cullen, thought electronic voting would be a suitable monument, but the issue was handled so badly that the Opposition, the public and perhaps the Minister's partners in government were not behind the Minister.

I am conscious of this issue because I am on the environment committee with Deputy Allen and other Members and I remember clearly the manner in which this matter was handled at the environment committee on 18 December, when in a premature vote the Government members stifled further debate on it that day. The contract was signed the next day, 19 December, yet we found out under the Freedom of Information Act that three months before the contract was signed, €20 million worth of machines had been important to Ireland and 1,100 machines had been delivered to Ireland before they were verified in September. If the Minister had been in a public company, he would have been sacked immediately. Those are some of the reasons that the Green Party has tabled this motion of no confidence.

The Minister referred to the Green Party motion as a stunt, but since the Minister shaved off his beard, the greatest bare-faced stunt — pardon the pun — that he produced is the pretence to be in favour of once-off rural houses, pretending to the councillors and people in rural areas that he will change this area. I challenge the Minister that no planning permission will be granted before 11 June 2004 to a person who was previously refused permission

**Mr. Cullen:** It has already happened.

**Mr. McCormack:** It will not. In early March the Minister sent out draft proposals to the planning authorities which have until 31 April 2004 to reply. Before the end of May, the real proposals will go out but there will be no opportunity between then and 11 June to lodge an application and receive a decision. Of course we will find out after 11 June that it is only a stunt. Even if there is a difference in what is proposed, every county development plan will have to be amended to

cater for it which would involve a six-month process. At that point, we will be safely over the local elections.

Perhaps this motion was premature. The real vote of confidence in the Minister will take place on 11 June in the local elections. The people will then have an opportunity to demonstrate their confidence in Fianna Fáil and the Progressive Democrats. The people of Galway have realised that no matter what the Minister says about the planner in Clare misleading the councils there will be no change in any planning decision unless there is a change in the relevant county development plan. I have checked this with my local planning authority. A change to a county development plan cannot be achieved until the end of the year. By then, the Minister will be safely over the local and European elections. I warn the people of west Galway and every other rural area to be very careful on 11 June. They must not be taken in by the Government's deception. It is to warn them that I rise to support this motion. I am not one for putting down motions and I would sooner let the people judge confidence in the Minister.

**Mr. Cullen:** I did not think I would see the day the Deputy would support such a motion. I am surprised.

**Mr. McCormack:** I support the motion because of my experience of the Minister trying to pull this type of stunt. The Minister should believe me when I tell him he will not get away with it.

**Mr. Cullen:** I would have thought Fine Gael would have supported me.

**Mr. McCormack:** Already, Fianna Fáil councillors in Clare are wise to him as are the people in Galway. The Minister should relax. We will deal tomorrow far more extensively with the stunt he is trying to pull on electronic voting.

**Mr. Allen:** The dolly birds will not save him then.

**Mr. Naughten:** I welcome the opportunity to speak on this motion. While the national spatial strategy was announced with a fanfare, we have yet to see if an implementation group will be established with a supervisory role to ensure it is delivered upon. An example of the farce of the national spatial strategy is that while the midland towns of Athlone, Mullingar and Tullamore constitute a new growth hub, County Roscommon, which is adjacent to the first of these, is in the western region. While the plans have come out over the last few weeks detailing the manner in which the Minister sees hubs growing, the people who live within 100 yards of the hub of Athlone are not allowed to have an input into its development plan. That is indicative of the planning under way. The national spatial strategy is supposed to plan for the next 20 years,

[Mr. Naughten.]

but the Minister does not know what regions are involved and how it is being structured.

Nothing happened with the Government's decentralisation plans. There has been no co-ordination. It is a typical example of the operation of the Minister's Department. We see it again on the Water Services Bill. Water is a very interesting issue and the Bill will allow for the privatisation of water services. The Minister spoke earlier about the special protection areas and clapped himself on the back. Can the Minister tell me when the negotiations open with farmers in the Shannon callows on compensation for special protection areas? Not only have they not been concluded, but discussions were not ongoing from the time the Minister took office until I put down a parliamentary question to find out that nothing was happening. Despite this, the Minister clapped himself on the back. What else should we expect from the Minister?

He is dithering on that issue and he is dithering on the nitrates directive. The Department of Agriculture and Food went to Brussels with one proposal on the nitrates directive while the Minister for the Environment, Heritage and Local Government went there with another. Surely, one of the Ministers could have picked up the telephone to ask what proposals were being put forward to ensure the Government had a common approach. It could not be done as it would have been a good idea. At this point, there are two separate proposals before the European Union. We held a very weak discussion on whether the nitrates directive should be issued as a whole. Can someone explain to me the logic behind the designation of the country and the closed period? Under the famous closed period, one cannot spread slurry even if the weather is at its finest in 12 months. From the day the closed period reopens, the rain could spill for six months preventing one from spreading slurry. Sadly, when it comes to adopting the logical, sensible approach on the environment brief, the Minister has failed. We cannot predict the weather and the Minister cannot put basic structures in place to ensure flexibility. How can we put forward two proposals to Brussels when one must contradict the other? The Minister will get his answer next June as director of elections for Fianna Fáil and as Minister with responsibility for the electronic voting system. He might have spent €50 million on it and he might spend a great deal more to promote his candidates, but he will get his answer come 11 June.

I wish also to make a point about the Minister's role in protecting the environment and promoting the race against waste campaign. The greatest criminal act in the context of the campaign has involved the cost of advertising which is doing nothing. There is no point talking about the race against waste unless alternatives are put in place. The only alternative the Government is talking about is incineration. While the Minister talks about recycling facilities, every county manager

with a landfill is afraid to put them in place because he or she thinks they will reduce the income of the local authority. Income is the only priority county managers have. The Minister is the person who gave managers the responsibility for implementing the waste management strategy rather than leaving it with the local authority members who would have ensured that the recycling facilities were established. They would not have prioritised the Minister's issue of incineration. I commend the motion.

**Mr. Neville:** I welcome the opportunity to discuss this matter. In the very short time I have I wish to examine two issues. I would like the Minister to examine the rationalisation of the disabled person's grant, special housing aid for the elderly and the essential repairs grant, for which there is an urgent need.

**Mr. Cullen:** I am looking at that at the moment.

**Mr. Neville:** Very good.

**Mr. Allen:** For 12 months.

**Mr. Cullen:** It is very difficult.

**Mr. Durkan:** The Minister should clear the backlog.

**Mr. Neville:** I am glad to hear the Minister is examining this issue. That there are difficulties in many counties with regard to the disabled person's grant was brought to our attention by the Irish Wheelchair Association last year. While we have managed in Limerick County Council to deal with the essential repairs grant reasonably well, special housing aid for the elderly is in crisis. It is a disgrace and it does not mean anything to most people. People have been joining the list for years and some of them died before anything was done. I know people who have been waiting 12 months to have a bath they can no longer use converted to a shower. What is the point in someone having to wait that long? I have a very elderly constituent with an incurable back injury who has been waiting for such a conversion for over 12 months. It is a simple but vital service for an elderly person. I do not have time to deal with all the issues involved, but I draw it to the Minister's attention.

Limerick County Council has built many houses in Rathkeale over the years which are now being bought for prices above their value for cash before being shut up. People who do not want to sell their houses see neighbours on the same estates being forced, intimidated or otherwise deciding to sell. Yesterday, a woman came to me and said she had five callers offering her cash for her house. She was told that if she did not sell her house at this time, they would buy it for half the value at a later stage. The woman in question tried to get a mortgage to build another house, but because she is not in full-time employment she cannot obtain one. She is selling her house

because she is forced to. While she will earn €40,000, it is useless to her because she cannot buy a house with it. She will be homeless. Various Ministers, and the Taoiseach before the last election, promised to examine the difficulties in Rathkeale. I implore the Minister to ask his staff to examine this.

Debate adjourned.

### Message from Select Committee.

**An Leas Cheann-Comhairle:** The Select Committee on Finance and the Public Service has completed its consideration of the following revised Estimates for the public services for the year ending 31 December 2004: Votes 1, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16 and 17.

### Adjournment Debate.

### Decentralisation Programme.

**Mr. Stanton:** I thank the Minister of State for coming to the House to address the matter and I hope he will address it sympathetically.

In his budget statement in December, the Minister for Finance announced the decentralisation of part of the Department of Agriculture and Food from Cork city to Macroom. I understand the rationale behind decentralisation was to decentralise posts from Dublin. This is one of the few cases where civil servants based outside Dublin will be moved to another area.

As the Minister of State knows, Cork is a big county and there already is a Department of Agriculture and Food office in Clonakilty. My constituency is east of the city and includes towns like Youghal, Middleton, Michelstown, Cobh and Fermoy. Farmers from this area currently travel to Cork city to conduct business with the Department. While there are problems with parking near the office on the South Mall, they get around this.

Under the decentralisation programme, staff working in the office on the South Mall will move to Macroom. I am sure the Minister of State will sympathise with farmers from Youghal who will now have to pass Cork city in order to get to Macroom to conduct business. This does not improve the service for farmers. Surely improving the service to customers, as they are now termed, is what the Department should be concerned with. I ask the Minister for Agriculture and Food to re-examine this decision. While I am not saying there should not be an office in Macroom, there should be an office on the eastern or northern periphery of the city that would be easily accessible to farmers from east and north Cork. A number of well-attended meetings have been held and this is what farmers have called for.

The office on the South Mall serves two DVO areas. The Cork north district veterinary area has

6,032 herds while the Cork central district veterinary area has 2,357 herds. Therefore, more than 8,000 herds will be affected by this move. As of last November, there were 280 restricted TB herds for the Cork northeast area and 349 for the Cork southwest area.

This is crucial for farming in Cork. It does not make sense to move the offices to Macroom and require farmers to travel from Youghal, through Cork city and on to Macroom. Farmers from Youghal have no connection with Macroom. Macroom is a lovely town and is a great place and should have an office that serves mid-Cork. However, east and north Cork should not be discommoded in the way proposed by the Minister.

While I have raised this issue on a number of occasions with the Minister by way of parliamentary question, he did not give me great solace in his responses. He should look at this again. I hope the Minister of State will be able to tell me that this will be re-examined. While I am aware of the decentralisation implementation committee, I am not sure of its role. I understand the OPW must locate buildings and premises. The Minister for Finance has made a decision and I am not sure if it can be reversed at this stage. Although farmers are social partners, I am told they were not consulted about this issue and they are somewhat upset about this.

I hope the Minister of State can give me good news on this. The office in question is a service office and must be accessible and within easy reach of the farmers it serves. Farmers cannot afford the time to drive all the way to Macroom and back. The office could be located on the outskirts of the city.

### Minister of State at the Department of Agriculture and Food (Mr. Treacy):

The Government's decision on the decentralisation of 10,300 staff from Departments and the Office of Public Works includes plans to decentralise 70 staff from Cork city to Macroom. Since the decision was taken, the Department has established an implementation committee to oversee all aspects of decentralisation. If we are to realise the benefits of decentralisation it is clear that implementing this ambitious programme will require careful planning and organisation while minimising the disruption to the work of the Department during the transition period. Officials from the Department have been involved in discussions with the Department of Finance, the OPW and the central implementation committee — chaired by Mr. Phil Flynn — on how best to progress the matter. Contacts have also been established with the relevant local authorities. These contacts have been productive and will be maintained and deepened in the months ahead.

The benefits of decentralisation are numerous and will result in a change of culture in policy formation and will provide career prospects for those being transferred. Benefits for those

[Mr. Treacy.] involved include reduced commuting time and lower house prices.

**Mr. Stanton:** The Minister of State is not being serious.

**Mr. Treacy:** On a wider scale, the creation of jobs and the movement of families to the 53 locations chosen for decentralisation will bring considerable economic benefit to those communities and a greater element of service delivery at local level. In this context, we will keep in mind the issue of providing the best possible quality of service to the Department's customers when formulating plans for implementing the overall decentralisation programme. This is a topic my colleague, the Minister for Agriculture and Food, Deputy Walsh, has discussed with the Minister for Finance and which will be kept in mind as the process progresses. The Department will comply with the Government time scale for completion of the relocation and the House will be kept advised of relevant developments.

**Mr. Stanton:** Surely the Minister of State did not write this response.

**Mr. Treacy:** It is the current status of the great move from Dublin to the regions. It will deliver real service to people across Cork.

**Mr. Stanton:** The Minister did not address the issue. It is a farce.

### Hospitals Building Projects.

**Mr. Healy:** I hope the Minister of State has more information for me than was offered to Deputy Stanton on the previous matter raised.

A building at South Tipperary General Hospital at St. Joseph's, Clonmel, has been vacant for more than 12 months. It should house a 40 bed surgical unit, a 15 bed day unit and an accident and emergency unit. It has been idle and had been a white elephant for the past 12 months. The local health board has repeatedly contacted the Department of Health and Children requesting funding to equip and staff the units. They have been promised on a number of occasions since last March that the moneys would be made available and that it would be possible to open the units in a reasonably short period of time.

I hope the Minister of State will be able to answer the questions I have raised. When will the moneys and funding be made available to equip the units that are lying idle in St. Joseph's Hospital? When will the moneys be made available to employ the staff to run the units? Despite the best efforts of well-qualified and committed staff, health services in south Tipperary have been inadequate for a number of years. Staff have not been given the necessary

resources to provide a quality health service for the citizens of south Tipperary.

After waiting 12 months, I demand that the Minister finally announce the funding for equipping and staffing the unit and give a date for opening it. Even if it is just before the local elections, I want to see the unit opened and not left lying there for another 12 months having already lain idle for the past 12 months denying a quality service to the people of south Tipperary. I do not want to hear a load of balderdash from the Minister tonight — I want answers to the questions raised. I ask the Minister to inform the House when funding will be made available to equip and staff the unit and when it will be opened.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I take this opportunity to outline the position regarding the development of hospital services at South Tipperary General Hospital.

**Mr. Healy:** I did not ask about that.

**Mr. B. Lenihan:** The south Tipperary hospital agreement, which was signed in January 1996, paved the way for development——

**Mr. Healy:** On a point of order, I did not ask the Minister anything about the development or any agreement signed. I asked the Minister to tell the House when he will make funding available to equip and staff the unit and I would appreciate if he would outline that.

**Mr. B. Lenihan:** The south Tipperary hospital agreement, which was signed in January 1996, paved the way for development of hospital services in the region and the bringing together of surgery and medicine on a single site. The major capital development programme, to which the Deputy referred, to provide the infrastructure to facilitate the transfer of surgical services from Our Lady's Hospital, Cashel, to St. Joseph's Hospital, Clonmel, is now complete. In October of last year, St. Joseph's Hospital celebrated the 150th anniversary of its foundation and these celebrations coincided with the official opening of a number of new facilities at the hospital, including a coronary care step down unit, medical assessment unit, cardiac rehabilitation unit, a new 35-bed medical ward, a CT department and a library and education centre.

The next phase of the development involves the provision of a new accident and emergency department, ward accommodation, operating theatres, intensive care unit, day care unit, central sterile supplies department, physical medicine department and education and consulting rooms.

**Mr. Healy:** There are no answers to the questions I raised.

**Mr. B. Lenihan:** The integration of acute services on one site will greatly enhance the services available to patients in the region.

**Mr. Healy:** We get pure evasion and no replies to matters on the Adjournment and parliamentary questions.

**Mr. B. Lenihan:** This is not a parliamentary question but a——

**Mr. Healy:** No, it is a matter on the Adjournment and I have got no replies to the matters I raised.

**An Leas-Cheann Comhairle:** The Deputy should allow the Minister of State to speak.

**Mr. B. Lenihan:** My colleague, the Minister for Health and Children, Deputy Martin, has already stated that he is fully committed to achieving this objective in as timely a manner as possible——

**Mr. Healy:** Some 12 months after it was completed hardly represents a timely manner

**Mr. B. Lenihan:** ——and subject to available resources.

**Mr. Healy:** That was what he said 12 months ago when he visited the hospital for its 150th anniversary.

**An Leas-Cheann Comhairle:** The Minister should be allowed to reply. It is not in order to interrupt.

**Mr. B. Lenihan:** After the transfer of the surgical services, Our Lady's Hospital will be used to provide services for the elderly and for those with mental and physical disabilities. The estimated capital investment for the first phase of the development of Our Lady's Hospital, Cashel, will be approximately €12 million.

As the Deputy will be aware the provision of hospital services for south Tipperary is a matter for the South Eastern Health Board.

**Mr. Healy:** It is funded by the Department.

**Mr. B. Lenihan:** The board has sought additional resources to complete the transfer of surgical and emergency services to South Tipperary General Hospital.

**Mr. Healy:** When will it get them?

**Mr. B. Lenihan:** The Deputy made his name by not giving his local town council resources so I will not be treated in this way in the House on the Adjournment.

**Mr. Healy:** The people in south Tipperary do not want to be treated in this way either.

**An Leas-Cheann Comhairle:** The Minister should reply without interruption.

**Mr. Healy:** For 12 months we have been asking for money to be made available. It is about time we got an answer.

**Mr. B. Lenihan:** The Department of Health and Children and senior management of the health board are working closely together with a view to equipping and opening the new facilities as soon as possible. The Minister and his officials will continue to work with the South Eastern Health Board to resolve the outstanding issues so that the people of south Tipperary can see the benefits of the significant investment in health services in the area.

**Mr. Healy:** There were no replies to any of my questions.

### Sexual Offences.

**Mr. Costello:** I hope the Minister of State has a more specific response to my question than Deputy Healy got to his.

**Mr. Healy:** So do I.

**Mr. Costello:** I want the Minister for Justice, Equality and Law Reform to provide the necessary resources and personnel to deal with the large increase in prostitution in the Arbour Hill area of Dublin. That area comprising Arbour Hill, Montpelier Hill and Bricins Park has become a major centre for prostitution day and night. This was an unexpected fall-out from the Luas works. Construction for Luas has continued for far longer than we expected. Benburb Street had been the centre for that activity, but once the Luas work commenced, it displaced that activity. Consequently many prostitutes now ply their trade in a highly residential area comprising Arbour Hill, Montpelier Hill and Bricins Park.

Bricins Park has a large community of senior citizens, Montpelier Hill has a large community of local authority housing tenants, many of whom are young, and there are many residents in Arbour Hill. It is particularly undesirable and dangerous that the punters, who come to attract the attentions of the women there, accost young girls and women on their way to the shops or just walking in the area. It has become a hazard and is dangerous. There have also been allegations of more criminal activity in the area. For the old folk it is particularly embarrassing as much activity takes place in the confines of the senior citizens' complex.

At a recent public meeting in the local community centre involving the residents, the Garda and the local authority, there were very angry scenes and expressions of annoyance and concern that nothing was being done. It was stated that the situation had got out of hand, that there was an alarming increase in this type of activity and that young women and children were

[Mr. Costello.]  
being accosted in the area. This problem did not exist in the past and has now become a serious concern in the area.

At the meeting residents stated that police patrolling is inadequate. I understand that gardaí stationed at the Bridewell do not have their own vehicles and have to get them from elsewhere. Garda numbers in the Bridewell have not increased in ten years. Given the increase in crime in the country, particularly in the inner city, it is incredible that the Government has not given a single additional garda to the Bridewell station. There are two fewer gardaí there when compared with ten years ago, which is unbelievable considering the enormous increase in public order offences etc. in the area.

The residents requested the installation of CCTV cameras, particularly in the vicinity of the senior citizens complex and where children and young people congregate and play, to assist in identifying those involved in kerb crawling in the area. The need for greater lighting, which would be an effective deterrent, was highlighted. Most of all, there was a demand for the Garda to be more proactive and assiduous in arresting not just the women plying their trade there but also the punters. While this is sometimes seen as an offence committed by only one person, that is not the case. If more of the clients were brought to the courts and named and shamed, it might be possible to disperse much of the activity that takes place. I ask that action be taken and resources provided to implement some of the proposals I have suggested.

**Mr. B. Lenihan:** I thank the Deputy for raising this matter on the Adjournment. The area of the city to which the Deputy refers has a reputation as one in which prostitutes have operated for a long time.

**Mr. Costello:** It did not have such a reputation in the past.

**Mr. B. Lenihan:** That is correct. The Deputy will note from my script that I rephrased the opening sentence. I assure him that the Garda and the Minister share his concern in respect of the problems caused to residents of the area by prostitutes and their clients.

The legislation governing this activity is quite modern, with the Criminal Law (Sexual Offences) Act 1993 being the most recent statute. As Deputies will be aware, prostitution is not in itself a crime but the law does seek to protect prostitutes from exploitation and to protect the public from certain manifestations of prostitution. It is an offence for a person, in a street or public place, to solicit or importune another person for the purposes of prostitution. The offence applies equally to a prostitute soliciting a client, a client soliciting a prostitute or a third party soliciting one on behalf of the other. The same offence and penalties apply to prostitutes, clients or anyone

who solicits in a public place. It is also an offence to solicit or importune another person in order to commit certain sexual offences, such as sexual offences with under age persons, to keep or to manage a brothel.

A significant provision in terms of the Deputy's concerns is that a member of the Garda Síochána who has reasonable cause to suspect that a person is loitering in a street or public place in order to solicit for the purpose of prostitution may direct that person to leave the scene immediately. It is then an offence not to comply with such a direction without reasonable cause. Loitering includes loitering in a motor vehicle and this provision, therefore, applies to kerb-crawlers.

In addition to its other provisions, the Criminal Law (Sexual Offences) Act 1993 also extended the law on soliciting in public which previously applied only to prostitutes and any third parties, for example, pimps. It strengthened the law on the protection of prostitutes from exploitation by introducing new offences aimed at curbing organised prostitution and strengthening the law against living off the earnings of a prostitution of another person. It is now an offence for a person to compel or coerce another person to be a prostitute or to control or direct a prostitute or to organise prostitution. It is also an offence to live knowingly off the earnings of a prostitute and to aid and abet prostitution.

I am informed by the Garda authorities that the area in question is regularly patrolled by uniform and plain-clothes gardaí from the Bridewell district with a view to ensuring a concentrated and visible Garda presence in the area. I understand that in addition to the normal patrols operating in the area, two gardaí have recently been assigned to specifically deal with street prostitution in the Bridewell district. Community gardaí assigned to the area liaise with residents and community representatives on an ongoing basis. I am further informed by the Garda authorities, who are responsible for the detailed allocation of personnel and resources to individual areas, that the current Garda strength of 163 in the area is adequate to meet existing policing needs. However, the situation will be kept under review in the overall context of the needs of Garda districts throughout the country.

The Deputy will be interested to know that in 2002, the Garda brought 117 cases for soliciting or importuning for prostitution in the Dublin north-central area and 29 persons were convicted by the court. The corresponding figure for 2003 was 115 proceedings commenced and 36 persons convicted. In 2002, proceedings were commenced for loitering for prostitution against 32 people and nine persons were convicted. The corresponding figure for 2003 was 36 proceedings commenced and two persons convicted.

The Deputy will be aware of the good work undertaken by the Ruhama women's project, which receives funding from the Department for its work with and on behalf of women involved in prostitution. The project organises both

individual and group counselling for women, assists in the area of prevention and rehabilitation directly and, in liaison with other agencies, raises awareness about the problem and engages in research and integration between European countries.

I am assured by local Garda management that it will ensure that a concentrated visible Garda presence continues to be maintained to deter this activity.

### **Probation and Welfare Service.**

**Ms Burton:** Almost two years ago, the OPW purchased for €1.5 million the old Allied Irish Banks premises on Main Street, Blanchardstown, with the intention of using the building for a probation and welfare service offices for Dublin 15. This move was undertaken without any consultation with local people or local politicians and public representatives. It is not known what type of consultation or evaluation process took place in either the Department of Justice, Equality and Law Reform or the OPW prior to the acquisition regarding whether this was the best site and offered the best value for money.

Two years later, this building remains empty and idle, a monument to the Government's ineptitude with public money. Other public institutions in the area, such as FÁS, the citizen's information centre and the Department of Social and Family Affairs all occupy office premises on the Blanchardstown Town Centre complex, which is now the business and shopping heart of Dublin 15. At meetings with local residents, the probation and welfare service's representatives indicated that they wanted a site in the central business and commercial district of Dublin 15. However, they seemed to be unaware that this is now the town centre complex.

If the probation and welfare service is anxious to have a successful service in Blanchardstown, a development I support, providing some degree of anonymity for its clients, why does it not follow the example of FÁS, the Department of Social and Family Affairs, etc., and locate to purpose-built office accommodation at the town centre complex? This is likely to be a far more economical proposition because, in addition to the €1.5 million spent on purchasing the AIB building, it has emerged that the project will accrue in the region of a further €1.4 million in refurbishment costs. This refurbishment will include, for example, knocking down the back of the building to create 12 car parking spaces. Locals remain unconvinced about the suitability of the building and the exorbitant costs involved. Unusually for a justice building, the structure faces directly on to the main street, which is infrequently supervised by regular or community gardaí and does not have CCTV, and has no forecourt or grounds, leading to potential security problems.

Were any value for money criteria applied to this project and were any feasibility studies carried out in respect of the suitability of the site

and more economic alternatives? Local residents have expressed their concerns about the appropriateness of this project, located as it is directly opposite a large public house. With the flight of public service offices to the town centre, participants in the probation and welfare service scheme will now stand out much more rather than being more anonymous if they had to attend at a town centre location.

Many local residents in the immediate area are advancing in age. Residents in Dublin 15 are happy to have a probation service and many would also like to have a court service. Anyone familiar with the recent extraordinary development of Dublin 15 would be aware that the logical place for these developments is within the town centre and its environs.

At a public meeting last night, the Government representatives present indicated that the refurbishment has been put on hold. Will the Minister of State clarify what this involves? During the debate on the Estimates today, I spoke to the Minister of State, Deputy Parlon, who has responsibility for the OPW. He seemed to indicate that the holding period would be short and that there would be a cursory examination followed by the project proceeding. Will the Minister of State agree to meet a deputation of local public representatives and local people to discuss this issue in detail in order to achieve an outcome that is favourable for local people and provides a probation and welfare service for the people of Dublin 15 at the most appropriate location?

**Mr. B. Lenihan:** The probation and welfare service nationwide has moved towards localisation of its offices during the past number of years.

The mission statement of the probation and welfare service is to foster public safety and to promote the common good by reducing the level of re-offending. This is achieved through the management of offenders on supervision orders from the courts in their local and/or immediate surrounding areas. The service aims to reduce victimisation of members of local communities by developing positive relationships with offenders to reduce and/or eliminate offending. Local service delivery enhances the chances of co-operation from offenders and facilitates contact between the service staff, families of the offenders and staff of health boards and other locally-based agencies.

Currently, the only District Court team working from the probation and welfare service headquarters in Smithfield is the team covering Dublin 7 and 15. The location of the team in Smithfield can place considerable financial expense and travel time on the client and service staff in keeping appointments. All other Dublin District Court teams have been localised. It should be noted that in Dublin, the probation and welfare service has been successful in localising

9 o'clock

[Mr. B. Lenihan.]

its offices in Dún Laoghaire, Ballyfermot, Tallaght, Finglas, Crumlin and Clondalkin. No complaint has been received to date from any member of the public, nor has any complaint been brought to the attention of any officer of the service by the Garda regarding the behaviour of those attending a local office.

The premises referred to by the Deputy at Main Street, Blanchardstown, was acquired on 15 April 2002 by the Office of Public Works on behalf of the probation and welfare service. The total cost of the purchase, as stated by the Deputy, was €1.5 million, including VAT. Provision of a probation centre fulfils one of the commitments agreed under the national development plan. The development is taking place after much discussion with groups in the local community. Officers of the service have met with the local authority, the local chamber of commerce and residents to share with them the proposed plans. The Office of Public Works has met with local neighbours and has taken on board their views in regard to the development. The architect has also taken considerable time to provide a building that is in harmony with the

surroundings and that brings minimum change to the street vista. The fit out will be to the highest standards.

The overall project budget is in the region of €2.9 million.

**Ms Burton:** One could imagine what a local school could do with that money.

**Mr. B. Lenihan:** Provision has been made for local schools in the area.

**Ms Burton:** Children are being taught in prefabricated accommodation, not permanent buildings.

**Mr. B. Lenihan:** The Deputy should read this year's Estimates. The Department of Justice, Equality and Law Reform has requested the Office of Public Works to examine alternative options in the Blanchardstown area. However, I should emphasise that there is considerable urgency attaching to the development of a probation and welfare centre in the Blanchardstown area.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 31 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 and 2 answered orally.*

*Questions Nos. 3 to 116, inclusive, resubmitted.*

*Questions Nos. 117 to 125, inclusive, answered orally.*

### Schools Building Projects.

126. **Mr. Hayes** asked the Minister for Education and Science if he has satisfied himself with the operation of schools constructed under the public private partnership system; if he has further satisfied himself with the success of the PPP system utilised for the construction of schools to date; and if he will make a statement on the matter. [9665/04]

**Minister for Education and Science (Mr. N. Dempsey):** The contract for the first pilot education PPP in Ireland, a bundle of five post-primary schools, was signed in November 2001 with Jarvis Projects. Construction of the schools was completed by the end of December 2002, four of the schools ahead of schedule while the fifth was signed off as scheduled demonstrating clearly that timely delivery in the construction phase is one of the attractions of this form of procurement.

At the outset it is important to stress that in giving the go ahead for the first bundle of schools the Government wanted to explore and test this procurement model with a view to further and wider use. The Department's interest in participating in the PPP pilot programme arose primarily for four reasons. The first key reason was to test value for money of school provision over a longer period than construction. Second, we wanted to get new ideas on school design through an output-based approach, and third, we wanted to see better usage of school buildings outside of school hours. Also, we wanted to test how the model could allow school principals to concentrate to a greater extent on their core educational-management functions if relieved of buildings and services management issues.

By definition the value for money test over the full life cycle of the buildings can ultimately be fully evaluated only with the passage of time and when assumptions about residual values and useful remaining life at the end of 25 years are tested in reality. It is however possible to make some preliminary judgements on the operation of the schools to date. These are based on my Department's initial evaluation of the project which involves regular meetings with the management of each school in order to get

updates on their operation and contract performance by Jarvis.

In his budget speech the Minister for Finance provided €500 million for PPP developments in the education sector within a five year multi-annual capital envelope. In publishing the 2004 building programme in December last I indicated that by this summer I will be setting out a multi-annual framework for the school building programme and that this will include the further use of PPPs. The outcome of ongoing evaluation and assessment by my Department of the existing projects and the experience gained in the pilot phase will be applied going forward in order to both build on and refine the initial positive experience of the PPP approach to procurement of school buildings.

### Early School Leavers.

127. **Mr. P. Breen** asked the Minister for Education and Science his views in relation to the stay-in-school retention initiative; if his attention has been drawn to the considerable concern at the phasing out of this initiative in certain schools; and if he will make a statement on the matter. [9705/04]

**Minister for Education and Science (Mr. N. Dempsey):** In 2002, my Department introduced the school completion programme or 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 approach, which my Department is now taking to address the problem of early school leaving, replaces the previous process of funding individual second level schools under the stay in school retention initiative.

The 82 SCP projects, comprising 112 second-level schools and 288 primary schools, being supported and the 53 SSRI schools not originally selected for the project strand are being supported on a phasing out basis under the school completion programme to 31 August 2005. This involves providing 50% of the 2002-03 allocation for the school year 2003-04 and 25% of the 2002-03 allocation for 2004-05.

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 under way in my Department.

### **Lisbon Agenda.**

128. **Mr. McGinley** asked the Minister for Education and Science the progress made by his Department in pushing forward the Lisbon agenda during Ireland's Presidency of the European Union to date; and if he will make a statement on the matter. [9704/04]

**Minister for Education and Science (Mr. N. Dempsey):** The strategic goal set at the Lisbon European Council in March 2000 is to make the EU the most competitive and dynamic knowledge based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion, by 2010. To ensure their contribution to the Lisbon strategy, Ministers of Education in 2001 agreed a work programme on the future objectives of education and training systems.

Three major goals were set to be achieved by 2010 for the benefit of the citizens and the EU as a whole: to improve the quality and effectiveness of EU education and training systems, to ensure that they are accessible to all and to open up education and training to the wider world.

In the context of the Irish Presidency I decided to prioritise certain areas of the Lisbon agenda. A major priority of the Irish Presidency in the education and training area has been to review the progress made on the Lisbon objectives to date. On 26 February last I chaired an education council which approved an interim report on the implementation of a work programme established to follow up the objectives set by the Lisbon agenda as regards education and training systems in Europe.

The key message in the interim report is that human resources are the European Union's main asset. They are central to the creation and transmission of knowledge and a determining factor in each society's potential for innovation. The report emphasises that investment in education and training is a key factor of the EU's competitiveness, sustainable growth, and employment and therefore a prerequisite for achieving the economic, social and environmental goals set in Lisbon for the European Union. In addition, it highlights the need to strengthen synergies and complementarity between education and other policy areas, such as employment, research and innovation, and macroeconomic policy.

The report also states that in order to make the EU the leading knowledge based economy in the world, there is an urgent need to invest more and more efficiently and effectively in human resources. This involves a higher level of public sector investment in key areas for the knowledge society and, where appropriate, a higher level of private investment, particularly in higher education, adult education and continuing vocational training. Community funding, including the structural funds and the education and training programmes, should have an

increasing role to play in supporting the development of human capital.

The interim report identifies three main levers for action in the education sector. These are to focus reform on key areas such as higher education, adult education and continuing vocational training, to make lifelong learning a concrete reality and to establish a Europe of education and training.

Another important element in achieving the Lisbon goals is the Europass proposal. Europass is a new instrument for better recognition of qualifications and skills in the enlarged Europe. It provides for a single framework for the transparency of qualifications and competencies and will be accessible via the Internet.

Also at the next Education Council in May, I intend to bring forward conclusions on quality assurance in vocational education and training and on common European principles for the validation of non-formal and informal learning. I also intend to secure the adoption of a Council Resolution on lifelong guidance. High quality lifelong guidance provision that supports lifelong learning, social inclusion, social equity, mobility, and employability is a key component of the Lisbon strategy.

Work is progressing on agreeing and implementing the consolidated Directive on the recognition of professional qualifications. The Presidency is committed to further advancing this agenda to the maximum extent possible to achieve a liberalisation and streamlining in an area which is critical to mobility and competitiveness which are key Lisbon goals.

### **Physical Education Facilities.**

129. **Mr. Eamon Ryan** asked the Minister for Education and Science if there are plans to carry out studies regarding the availability of and participation in physical education during school hours, or by pupils outside of school hours on school premises. [9766/04]

137. **Mr. Deenihan** asked the Minister for Education and Science if he will outline his Department's policy on the promotion of physical education in our primary and post-primary schools; and if he will make a statement on the matter. [9757/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 129 and 137 together.

The Economic and Social Research Institute has been engaged by the Sports Council to carry out a study of school sport and physical education, both during schools hours and after. The inspectors of physical education in my Department will act in an advisory capacity to the research process, the results of which are expected to be available in early 2005.

Physical education is part of the prescribed curriculum for primary schools. Second level schools should offer a physical education programme based on an approved syllabus with

teaching hours registered on the school timetable. The focus of physical education in schools is on the young person's holistic development, stressing personal and social development, physical growth and motor development. Goal setting within the curriculum focuses on individual improvement and not on winning or being the best.

Physical education is one of the seven primary education curriculum areas and plans are in place to implement the new syllabus in PE in September 2005, with a programme of inservice training for all primary school teachers to begin in September 2004.

At post-primary level, a revised syllabus for PE for junior cycle as a non-examination subject is being introduced on a phased basis. This commenced in September 2003 when 112 schools started to deliver the revised syllabus. It is planned that a further cohort of schools will introduce the revised syllabus in September 2004, with the remaining schools becoming involved over the following years. The revised junior cycle physical education syllabus, with its practical focus, provides young people with an opportunity to explore a range of intelligences and represents a balance in what has long been acknowledged as an academically dominated curriculum. The school's physical education programme can help raise educational standards, promote healthy lifestyles, cultivate social responsibility and citizenship, nurture socialisation skills and ultimately help students realise their individual potential.

In addition to the formal curriculum, most schools provide students with further opportunities through extra-curricular programmes for sport. Teachers and parents make extremely valuable inputs to children's social and physical development through their contribution of time and expertise to these extra-curricular sporting activities. Many schools also gratefully avail of the services of coaching personnel offered to them by sporting organisations such as Cumann Lúthchleas Gael, the Football Association of Ireland and the Irish Rugby Football Union.

### **School Transport.**

130. **Mr. Eamon Ryan** asked the Minister for Education and Science if he will clarify who holds responsibility for the safety of pupils waiting for school transport, either within the school grounds or outside; if within the school grounds, whether this is the responsibility of the school and whether in fact the school management representative bodies acknowledge this; the consultations which have taken place regarding same; and the funding which has been provided to ensure this happens. [9767/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Deputy will be aware that the responsibility in any particular case will be determined by the particular circumstances of

that case. However, in general where the operation of a school transport service according to timetable involves children being brought to school in the morning before normal time of commencement of school business, or children waiting at school in the afternoon after conclusion of school business, the board of management may be held liable in the event of accident to pupils during the period intervening. A board may also be held liable if an accident occurs as a result of the board undertaking supervision of children while they are walking from the vehicle to the school or vice versa.

### **Educational Administration.**

131. **Mr. Howlin** asked the Minister for Education and Science the reasons behind his Department's call for more modern, corporate management as opposed to the present system of governing bodies for third-level colleges, as presented in his Department's submission to the OECD review; and if he will make a statement on the matter. [9780/04]

**Minister for Education and Science (Mr. N. Dempsey):** The call for modern corporate governance structures made in my Department's submission to the OECD reflects the demands of the dynamic and competitive environment within which higher education institutions operate. It is important, in common with all public service organisations, that higher education institutions are sufficiently in tune with and responsive to wider societal needs. At present some higher education institutions have governing authorities of some 40 persons, while others have 27. The level of external representation on these authorities varies significantly.

Ireland's higher education institutions need management and governance structures that are marked by dynamic decision-making and leadership. There is a need to develop appropriate governance models for the increasingly complex and competitive environment in which they operate. The challenges of international competitiveness in the knowledge society, the demands of a more diverse student population for quality service and the ever changing broader needs of the economy and society all place major demands on higher education institutions.

My objective in inviting the OECD to conduct a detailed review of the higher education system was to map a strategy for the sector which will foster excellence and position it to meet the long term challenges of the intensely competitive environment in which we operate.

### **Research Funding.**

132. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science if he intends to establish a new agency for research funding along the lines of that recently proposed by the Higher Education Authority; if he has made contact with the Department of Enterprise, Trade

[Ms B. Moynihan-Cronin.]  
and Employment about such an undertaking; and if he will make a statement on the matter. [9783/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposal referred to by the Deputy was contained in the submission of the Higher Education Authority to the OECD review on higher education in Ireland. However, I clarify that the HEA did not propose a new agency, rather the establishment of a dedicated statutory fund called the “Knowledge Ireland” fund. Reflecting the medium to long-term nature of research, the basis of the proposal is that this would provide guaranteed capital and current research funding on a five year rolling basis for research programmes currently managed by a variety of agencies, including the Higher Education Authority, Science Foundation Ireland, Health Research Board and Enterprise Ireland.

As part of its review, the OECD is analysing all of the submissions received from a wide variety of stake-holders. Along with all with an interest in higher education in Ireland, I await its recommendations with interest.

My Department and the Department of Enterprise, Trade and Employment are in very regular contact on a range of policy issues relating to research. This reflects my desire to ensure that research activities in higher education contribute to the wider Government policy for the development of the knowledge society in Ireland.

#### **Residential Institutions Redress Board.**

133. **Mr. Costello** asked the Minister for Education and Science the number of persons who have made compensation applications to the Residential Institutions Redress Board at the latest date for which figures are available; the way in which the number of applications compare with the original estimate made by his Department; if he will give the latest estimate of the number of likely applications; and if he will make a statement on the matter. [9785/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Residential Institutions Redress Board is an independent body established under the terms of the Residential Institutions Redress Act 2002. The Act provided for the establishment of the Residential Institutions Redress Board. This board is in place and is fully operational. Judge Sean O’Leary, a High Court judge, is the chairperson of the board and seven other members have also been appointed.

On the basis of the most recent information available from the Residential Institutions Redress Board, the board has received 3,015 applications. To date, the board has completed the process in 765 cases. The average award is approximately €80,000.

The board provides regular updates as to the number of claims received on its website, [www.rirb.ie](http://www.rirb.ie). It is finalising its first annual report

which will cover the period 16 December 2002 to 31 December 2003. When this report is received I will make arrangements for it to be laid before each of the Houses of the Oireachtas.

Prior to the establishment of the board, my Department had estimated that there would be approximately 5,000 applicants to the board. It is too early to determine what the final outcome will be at this stage of the process.

#### **Special Educational Needs.**

134. **Mr. Connolly** asked the Minister for Education and Science the resources and structures he has put in place at second level to provide appropriately for the education of children with special educational and behavioural needs; if teachers have received specialist training to cater for the milder category of the aforementioned special needs; and if he will make a statement on the matter. [9721/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department allocates resource teacher support and special needs assistant support to second level schools and VECs to cater for students with special educational needs. The nature and level of support provided in each cases is based on the professionally assessed needs of the individual student.

The level of resources being made available to support students with special educational needs in the second level system has grown significantly in recent years. In the current school year, provision is being made for 1,050 whole-time equivalent resource teachers and 450 special needs assistants. This represents an increase of approximately 300 resource teacher posts and 50 special needs assistant posts on the previous school year. These resources are supporting approximately 12,500 students with special educational needs in the second level system.

The precise model of provision made available will depend on the assessed needs of the pupils involved. Some students are capable of attending ordinary classes on an integrated basis with resource teacher and/or special needs assistant support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil teacher ratios. For example, a special class catering for children with a mild general learning disability would have a support rate equating with a maximum pupil teacher ratio of 11:1. A class catering for children on the autistic spectrum would be supported at pupil teacher ratio of 6:1. My Department also supports arrangements whereby students attached to these special classes are facilitated in attending ordinary subject classes on an integrated basis wherever possible.

My Department’s in-career development unit has developed a strategy designed to meet the continuing professional development needs of personnel working with children with special educational needs. This involves a major

expansion of the range of postgraduate professional training programmes available to teachers in the special needs area.

In addition to the measures which I have outlined, I am confident that the advent of the National Council for Special Education will prove of major benefit in ensuring that all children with special educational needs receive the support they require when and where they require it.

### **School Discipline.**

135. **Mr. O'Dowd** asked the Minister for Education and Science his views on reports by the INTO that its members were reporting significantly more problems regarding discipline in the classroom in recent months, including violence against teachers; and if he will make a statement on the matter. [9687/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am concerned by reports of problems in relation to discipline in the classroom and in particular reports involving violence against teachers. Teachers, like other employees, are entitled to feel safe and be protected from all forms of bullying and intimidation in their working environment.

In 1997 my Department issued a circular, entitled Assaults on teachers/school employees, to boards of management and principals of all primary schools. This circular was drawn up in consultation with the partners in education, including the INTO, and drew the attention of boards of management to a number of issues such as: the board's duty to provide a safe place of work for employees; measures to be taken to prevent or minimise the risk of assaults to teachers or other staff employed in schools; and measures to be taken in support of staff who have been assaulted or threatened with assault and in ensuring that appropriate action is taken to safeguard against a recurrence.

Under health and safety legislation, school managerial authorities in their role as employers are responsible for ensuring the safety and health of their employees. This duty requires the drawing up a safety statement for the school in consultation with those at risk. The statement should identify potential hazards and assess the risks to health and safety. Harassment and other similar behaviours should be considered as potential hazards and assessed accordingly. Where there is a risk to health from these forms of behaviour, school based measures should be devised to prevent and deal with them and create an awareness within the school that they are unacceptable.

In addition, my Department issued guidelines to boards of management to assist them in discharging their obligations in the area of school discipline. These guidelines were drawn up following consultation with representatives of management, teachers and parents, and are sufficiently flexible to allow each

school authority to adapt them to suit the particular needs of the school.

Each board of management is responsible for formulating, in consultation with parents, a fair and efficient code of behaviour. This code should ensure that the individuality of each child is accommodated while acknowledging the right of each child to education in a relatively disruption-free environment. The code should also include provision for dealing with serious breaches of discipline and continuously disruptive pupils. Social attitudes and parental approaches to discipline vary from one school community to another, and it would be inappropriate for me as Minister to set out a formal and detailed code of behaviour for all schools.

### **Teachers' Conferences.**

136. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science if he will be attending the teachers' conferences in 2004. [9809/04]

144. **Mr. Boyle** asked the Minister for Education and Science the reasons behind his refusal to engage in debate with the teacher unions at their annual conferences regarding the future of education in a format chosen by the unions. [9761/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 136 and 144 together.

I welcome this opportunity to set the record straight on the question of my attendance at the forthcoming teacher union conferences. The teacher unions are important bodies in Irish education and it is highly desirable that they should have a significant role in the debate on the major issues facing our education system. It is equally desirable that there be clear and transparent communication between the Minister of the day and the unions.

In my view the traditional format of the Minister's attendance at teacher conferences does not lend itself to either dialogue or communication. Frankly, it is more about heat than light and a changed format is long overdue.

I wrote to the three teacher unions in February outlining my views and suggesting a revised format. Both TUI and ASTI indicated that they were not disposed to a change of format. INTO was constructive in its response and, following discussions with my officials, revisions to the traditional format were agreed with that union. Subsequently my officials met with representatives of TUI and ASTI. As of now there is no agreement in place with these unions, which would enable me to attend their conferences.

*Question No. 137 answered with Question No. 129.*

### **Site Acquisitions.**

138. **Mr. English** asked the Minister for

[Mr. English.]

Education and Science the steps he intends to take to ensure that land for future school developments is earmarked for such development when new housing estates are being constructed to ensure that his Department must not spend far more for the land at a later date when commencing school developments; and if he will make a statement on the matter. [9667/04]

**Minister for Education and Science (Mr. N. Dempsey):** I share the Deputy's concern about the availability of sites for schools and I want to assure the House that my Department has a number of proactive strategies to ensure that the requirement for schools in developing areas are addressed in a manner that provides value for money to the taxpayer. The process of assessing the need for new or additional educational facilities at primary or post-primary level in any given area entails consideration of all relevant factors, including enrolment and demographic trends, housing developments and the capacity of existing schools to meet the demand for places. As part of this process, my Department is included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or proposed variations to development plans. As a matter of course meetings are arranged with local authorities to establish the location, scale and pace of major housing developments and their possible implications for school provision.

Planning school provision is not an exact science. There are no guarantees that planned developments will proceed in the first place or will proceed at the pace previously anticipated. Nor can there be any certainty concerning the profile of people who may occupy developments. This latter factor in particular may result in a disparity between anticipated and actual demand. When planning educational infrastructure, my Department requires a significant degree of certainty that a need for places exists or will exist.

Where emerging or potential need is identified it is the practice to request the local authority to reserve a site for educational purposes. Officials in the school planning section of my Department are strengthening contacts already in place or making contact with the planning authorities in each of the local authorities to enable informed decisions to be made in planning future provision. For example, a specific forum, the Dublin school planning committee, chaired by officials of my Department interacts with the Dublin local authorities. This forum comprises representatives of the local authorities in Dublin together with representatives of the patron bodies of primary schools.

Furthermore, for a number of years officials in my Department have worked proactively with the four local authorities in the Dublin region in monitoring demographic changes and assessing the likely impact of planned new developments. I welcome in particular the identification of strategic development zones as that process

creates the correct impetus for the provision of land at reasonable cost for school developments in the context of the overall housing development.

I have indicated my willingness to consider innovative ideas that comply with procurement procedures and will welcome any proposals, aimed at easing the burden on the taxpayer and ensuring educational facilities are provided in a timely fashion.

### Transition to Second Level.

139. **Mr. Gilmore** asked the Minister for Education and Science if his attention has been drawn to a recent report by the ESRI on the difficulties facing pupils transferring from primary to secondary education, that one way of overcoming these difficulties would be to allow teachers to spend more time on those pupils who require most attention, and that teachers do not have the time to do so due to the high teacher-pupil ratio here; and if he will make a statement on the matter. [9775/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am aware that the National Council for Curriculum and Assessment has commissioned a research report on the subject of Moving up — The Experience of First Year Students in Post-Primary Education and that the study in question has been conducted by the Education Policy Research Centre of the ESRI.

I understand that the National Council for Curriculum and Assessment is currently finalising its commentary on the report and that the report and the NCCA's commentary will shortly be submitted to my Department. I look forward to receiving the report and I will give careful consideration to any proposals put forward as a result of the study.

While it is undoubtedly the case that some students can encounter difficulties in making the transition from first to second level, it should also be recognised that the pupil-teacher ratio in the second level system has improved significantly in recent years having reduced from 16.0:1 in 1996-97 to 13.48:1 in 2003-04.

The difficulties associated with making the transition from primary to second level education are specifically identified in the guidelines issued by my Department in relation to guidance and counselling services. In this regard, I have recently announced the extension of the guidance enhancement initiative for a further two years and my decision to allocate an additional 30 posts to the guidance service.

The school completion programme also has a crucial role to play in ensuring the successful transition and retention of students in the second level system. The programme is based on an integrated cross-sectoral and cross-community approach to tackling educational disadvantage. It involves primary and post primary schools, parents, communities and relevant statutory and voluntary agencies. Its objective is to provide a

range of interventions which support and encourage the retention of young people within the education system.

I am reviewing the overall range of support services aimed at addressing educational disadvantage. My objective is to maximise the effectiveness of these interventions by ensuring that they are properly focused and relevant to the needs of the students they are designed to serve, including the students to whom the Deputy refers.

#### **School Placement.**

140. **Mr. Neville** asked the Minister for Education and Science the position in relation to the case of a number of families in Limerick city who have been unable to get a second level school place for their children; and if he will make a statement on the matter. [9689/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am aware of the difficulties experienced by some families in Limerick city in securing a second level place for their children. Responsibility for ensuring that a child progresses from primary to post-primary education rests in the main with the child's parents. Under section 17 of the Education (Welfare) Act 2000, parents are responsible for ensuring that their children attend a recognised school or otherwise receive an appropriate minimum education.

The Education Welfare Board is required to assist parents who are experiencing difficulty in ensuring that their children attend school regularly and will also assist schools in fulfilling their role under the Act. Through its educational welfare officers, the board provides a welfare-focused service that is accessible to parents, school and others concerned with the welfare of young people.

The selection and enrolment of pupils in second-level schools is the responsibility of the management authorities. My Department's main responsibility is to ensure that schools in an area can between them cater for all pupils seeking second level places in an area. This may result, however, in some pupils not obtaining a place in the school of their first choice. As schools may not have a place for every applicant, a selection process may be necessary.

The application of fair and objective entrance criteria for entry to second level schools has agreed by my Department with the three post-primary managerial associations. There are 15 post-primary schools in the Limerick city area. I am satisfied that there is sufficient capacity overall in these schools to meet the demand arising from pupils leaving primary schools and requiring second level education.

Section 29 of the Education Act 1998 provides parents with an appeal process where a board of management of a school or a person acting on behalf of the board refuses enrolment of a student. Where an appeal under section 29 is upheld, the Secretary General of my Department

may direct a school to enrol a pupil. To date, 19 applications for appeal under section 29 of the Education Act 1998 have been lodged with my Department in respect of refusal to enrol in post-primary schools in the Limerick area for the school year 2004-05. Each appeal will be processed under the procedures for hearing and determining appeals, as published by my Department.

#### **School Staffing.**

141. **Mr. Gormley** asked the Minister for Education and Science if he will consider the pressing concerns of St. Mary's BNS, Haddington Road, Dublin, for a full-time learning support teacher for its school as well as proper accommodation for resource and the existing part-time learning support teachers; if a timeframe can be provided for the provision of same; and if he will make a statement on the matter. [9765/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school in question currently has the services of a shared learning support teacher. My Department is at present reviewing existing arrangements for the allocation of special educational supports to primary schools. In that context, my officials have initiated discussions on the matter with representative interests. At this stage it would be premature to anticipate the outcome. The basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

I confirm that an application has been received for additional ancillary accommodation, comprising resource accommodation, library, storage and wet play area. This application is being assessed in the school planning section of my Department. As soon as this assessment is completed, contact will be made directly with the management authority of the school with a decision on the matter. The school has also submitted a request for temporary accommodation to alleviate the current difficulties pending a permanent solution. The planning section is considering the application and a response will issue to the school management as quickly as possible.

#### **Teaching Qualifications.**

142. **Mr. Rabbitte** asked the Minister for Education and Science if, in view of recent statements from the INTO, he has plans to drop the requirement for teachers trained outside the State to pass the SCG Irish language examination within five years of working in schools here; if his attention has been drawn to the fact that the exam is a barrier to filling chronic teacher supply shortages; and if he will make a statement on the matter. [9793/04]

**Minister for Education and Science (Mr. N. Dempsey):** I established a working group to

[Mr. N. Dempsey.]

review all aspects of the syllabus and examination for the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge in 2001. The report of the working group was recently submitted to me and a copy of the report has been published on my Department's website.

The period of provisional recognition granted to applicants within which they are expected to pass the SCG is one of the issues dealt with in the report. The report is currently under consideration and decisions in relation to the recommendations contained in it will be taken very shortly.

At primary level teachers are class teachers rather than subject specialists and must be qualified to teach the range of primary school subjects to children aged four to 12 years. Accordingly, applicants must satisfy my Department that they are competent to teach the Irish language and to teach the range of primary school curricular subjects through the medium of Irish before being granted full recognition to teach in mainstream classes in national schools.

Teachers trained outside the jurisdiction of the State, whose qualifications have been assessed and accepted by my Department, but who do not possess an appropriate Irish language qualification, are granted a five year period of provisional recognition to teach in mainstream classes in national schools. During this period these teachers are expected to obtain their Irish language qualification to become fully recognised. These teachers are remunerated in the same manner as fully qualified teachers during this period.

There are of the order of 780 teachers, who were trained outside the State, serving in primary schools. In the circumstances, I do not accept that the Irish requirement is a barrier to filling vacancies.

### **Racism in Schools.**

143. **Ms Lynch** asked the Minister for Education and Science if his attention has been drawn to recent comments by the Chairperson to the National Consultative Committee on Racism and Interculturalism at the Oireachtas Committee on Education and Science that racism in schools and colleges here needs to be addressed, and that the more diverse and multi-ethnic nature of Irish society needs to be addressed in the education system; and if he will make a statement on the matter. [9799/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department's approach to the increasing diversity of Irish society, as reflected in the school population, has been and continues to be an intercultural approach, promoting mutual respect, dialogue and collaboration within the whole school community, and promoting anti-racism as an integral part of this approach. The new curricula at primary and post primary levels provide ample opportunity to extend students'

awareness of the wider world and to learn about the lives and histories of people in other countries, and of their contributions to art and science. This is achieved particularly through the language, arts, religion, history and geography, music, business and home economics programmes, and through the social education module of the leaving certificate applied course.

In addition to the whole school intercultural approach, my Department has been providing resources to support English language acquisition by non-national children who have needs in this area and who are enrolled in primary and post-primary schools. To date in the current school year, grant assistance has reached almost €2 million and just under 500 additional teacher posts have been sanctioned. The aim of language support is to ensure that each child has sufficient language skills not only to benefit from but also to contribute to the educational activities taking place in the school. In this way, dialogue and sharing will leave no opportunity for racism to take root.

The social personal and health education programmes at primary and post-primary levels, and the civic social and political education programme at second level, are designed to prepare students for participatory citizenship and to develop the skills of critical appraisal and decision-making based on human rights and social responsibilities. They also promote a respect for human dignity, tolerance for the values and beliefs of others, and a celebration of diversity. Their format allows scope for teachers to deal with issues such as gender equity, racism and xenophobia, interculturalism and development education. In addition, many schools address the issue of racism in their religious education programmes.

A range of additional resources and information materials have been made available for schools including videos, resource packs and guidelines for teachers. In addition, following a national consultation process, a report on anti-racism and interculturalism in the education sector has been made available on the Department's website at [www.education.ie](http://www.education.ie). Actions in this area are supplemented by working groups, research reports, and seminars organised by various educational interests, including the management bodies and teacher unions.

My Department is supporting the National Council for Curriculum and Assessment, the NCCA, in producing guidelines on intercultural education and the curriculum for schools and teachers. Intercultural education and the primary school curriculum is being finalised for publication, while intercultural education in the post-primary school is expected to reach the same stage by summer 2004. These guidelines aim to mainstream intercultural education across all aspects of the curriculum, discussing diversity within Irish society, racism in attitude and practice and providing practical examples of how to develop an intercultural perspective across

each area of the curriculum. The publication of the guidelines should ensure an increase in awareness of the issues around our multiethnic society and make a significant contribution to intercultural and anti-racist education in first and second level schools throughout the country.

*Question No. 144 answered with Question No. 136.*

#### **Insurance Costs.**

145. **Mr. Ferris** asked the Minister for Education and Science if his attention has been drawn to the financial hardship caused to schools by rising insurance costs; and if he will consider increasing the school capitation grant to enable schools to overcome this difficulty. [9807/04]

194. **Mr. O'Shea** asked the Minister for Education and Science if his attention has been drawn to the concern expressed by the joint managerial body that soaring insurance and other costs are putting secondary schools in an impossible position; the steps he has to provide additional assistance to assist such schools, especially in regard to insurance costs; and if he will make a statement on the matter. [9787/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 145 and 194 together.

I am aware of concerns expressed by the joint managerial body for voluntary secondary schools in relation to increased insurance costs. Responsibility for arranging insurance cover on school property and against public liability is a matter for the managerial authorities of primary and secondary schools, which are privately owned. Also, it would not be reasonable to expect the state to meet the full insurance costs of privately owned buildings.

Funding is provided to primary and secondary schools by way of *per capita* grants which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils. This is in general a preferable approach to putting in place grants for specific cost items such as insurance. Moving to a position where the Government covers the insurance costs of primary and secondary schools may encourage the insurance sector to keep increasing premia on the basis that the State would meet the cost. Having made that point, I emphasise that such an approach would also reduce the incentive for school management to reduce risks.

I am committed to improving the funding position of primary and secondary schools in the light of available resources. At a time of increased financial constraints, the recent announcement of further significant increases in the funding of primary and secondary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

In the case of primary schools the standard rate of capitation grant has been increased from €57

in 1997 to €121.58 per pupil from 1 January last, an increase of almost 113%. In the case of secondary schools, the standard *per capita* grant now amounts to €274 from 1 January last as against the rate of €224.74 that applied in 1997. In addition, the support grant that was introduced under the school services support initiative was also increased from 1 January last and now stands at €131 per pupil. This increase is in addition to the range of equalisation grants of up to €15,554 per school per annum that was approved in December 2001. A measure of the increase in overall funding for secondary schools is that by comparison with 1997, a secondary school with 500 pupils now receives extra annual funding of up to €108,000 per annum.

#### **School Transport.**

146. **Mr. Neville** asked the Minister for Education and Science the outcome of the review being conducted by his Department into the cost of school transport services; and if he will make a statement on the matter. [9676/04]

**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.

#### **Schools Building Projects.**

147. **Mr. O'Shea** asked the Minister for Education and Science his views on the fact that the €31 million allocated under the summer works scheme is sufficient to address the dilapidated state of many schools around the country; if the schools who were left off the list for 2004 will be able to avail of this scheme in the future; and if he will make a statement on the matter. [9788/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school building programme for 2004 is further testimony to this Government's ongoing commitment to addressing the historical educational infrastructural deficit. The programme provides for an unprecedented level of investment of some €387 million in providing new and upgraded schools around the country. By the end of this year, in excess of €2 billion will have expended in modernising schools since 1997.

Within the 2004 programme I introduced a new initiative, called the summer works scheme, for capital grants for small-scale improvements for both primary and post-primary schools. This new initiative is in addition to the existing devolved grant scheme for minor works that applies to all primary schools. The €31 million provided for the new scheme is targeted at small-scale improvement works in those schools that are most in need of resources. The scheme reflects my overall approach of empowering school authorities to manage their own building programmes with minimal interaction with my

[Mr. N. Dempsey.]

Department. In excess of 450 schools will benefit from the scheme in 2004.

I confirm that it is open to schools that were unsuccessful this year to re-apply for funding as part of the 2005 scheme, details of which I will be announcing later this year. My Department will be in direct contact with all unsuccessful applicants outlining the reason works were not approved for their schools.

#### **Employee Assistance Scheme.**

148. **Mr. Quinn** asked the Minister for Education and Science, in view of the commitment given by his Department in the Programme for Competitiveness and Work, the reason he has failed to establish a permanent nationwide employee assistance service for teachers; the reason, unlike other public sector workers such as civil servants and the gardaí, teachers do not have such a back-up service; and if he will make a statement on the matter. [9791/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Interim phase of the employee assistance service for teachers concluded its operation in August 2003. A detailed review of the operation of the interim phase of the service was considered by the steering committee responsible for overseeing the operation of the service. The steering committee concluded that the current service arrangements should not be extended beyond the scheduled end of the interim phase in August 2003. Rather, it was considered that there was a need for a more fundamental review of the objectives and remit of an employee assistance service for teachers and the preparation of a blueprint for the future development of such a service. My Department is currently considering possible options to advance this issue in the context of available resources.

#### **Special Educational Needs.**

149. **Mr. Murphy** asked the Minister for Education and Science the number of applications for special educational resources that were received by his Department prior to 31 August 2003; the number of applications that have been resolved; and if he will make a statement on the matter. [9700/04]

153. **Mr. Ferris** asked the Minister for Education and Science if there are 7,000 children on waiting lists for special needs resources; and the measures he proposes to take to reduce this list. [9806/04]

161. **Mr. Murphy** asked the Minister for Education and Science the number of applications for special educational resources received by his Department since 31 August 2003; the number of applications that have been resolved; and if he will make a statement on the matter. [9703/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 149, 153 and 161 together.

Approximately 5,000 applications for special educational resources, or SER, were received between 15 February and 31 August 2003. Priority was given to some 1,000 cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year.

The balance of approximately 4,000 applications have been reviewed by a dedicated team comprising members of my Department's inspectorate and the national educational psychological service, NEPS. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

The processing of the applications is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

My Department has received a further 2,722 SER applications since 31 August 2003. The arrangements for processing applications received after this date will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. Further communications will be sent to schools in this regard.

#### **Insurance Costs.**

150. **Ms McManus** asked the Minister for Education and Science his plans to address rising insurance costs for schools; if his attention has been drawn to the fact that the INTO have stated that money spent on insurance could be better spent on teaching materials; and if he will make a statement on the matter. [9782/04]

**Minister for Education and Science (Mr. N. Dempsey):** Funding is provided to primary and secondary schools by way of *per capita* grants which afford schools considerable flexibility in the use of these resources to cater for the needs of their pupils. This is in general a preferable approach to putting in place grants for specific cost items such as insurance. Also, moving to a position where the Government covers the insurance costs of primary and secondary schools may encourage the insurance sector to keep increasing premia on the basis that the State would meet the cost. Having made the above point, I emphasise that such an approach would also reduce the incentive for school management to reduce risks.

I am committed to improving the funding position of primary and secondary schools in the light of available resources. At a time of increased financial constraints, the recent announcement of further significant increases in the funding of primary and secondary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools. In the case of primary schools the standard rate of capitation grant has been increased from €57 in 1997 to €121.58 per pupil from 1 January last, an increase of almost 113%. In the same period, the rate of capitation grant in the case of secondary schools has increased from €222.74 to €274 per pupil. A measure of the increase in overall funding for secondary schools is that by comparison with 1997, a secondary school with 500 pupils now receives extra annual funding of up to €108,000 per annum.

### Education Reports.

151. **Mr. Sherlock** asked the Minister for Education and Science when he plans to implement the recommendations of the McIver report; and if he will make a statement on the matter. [9801/04]

**Minister for Education and Science (Mr. N. Dempsey):** Commencing in October 2003, officials in my Department have had separate discussions with the management and staff representative interests in the sector to examine their respective priorities and to consider issues surrounding a number of the recommendations of the report, having regard to the implications for other areas of the education system. Discussions of the issues raised in the report are ongoing.

### Computerisation Programme.

152. **Ms McManus** asked the Minister for Education and Science the number of schools across the country that will benefit from Government plans to provide broadband Internet access; the timeframe for the introduction of broadband to all schools; if the provision of broadband will be backed-up by the provision of necessary hardware; and if he will make a statement on the matter. [9781/04]

**Minister for Education and Science (Mr. N. Dempsey):** Making broadband Internet access available to all schools is a central objective of my Department in the promotion of ICT in first and second level education. Broadband will significantly enhance the potential of ICT in teaching and learning in schools by facilitating whole class access to a wide range of multimedia applications through the Internet, much faster downloading of educational content and online communication and collaboration between schools.

Last year my Department commissioned a consultancy study on the options for providing broadband to schools around the country, taking into account the market ability to provide such

connectivity, the range of deliverable technologies available, timescale for delivery, cost and scalability. Since the completion of the report in the autumn of 2003, my Department has been engaged in detailed discussions with the Department of Communications, Marine and Natural Resources on a broadband implementation plan for schools.

Following on from these discussions I recently announced with my colleague the Minister for Communications, Marine and Natural Resources details of an agreement which will see the telecommunications sector and the Government commit €18 million towards the roll-out of broadband connectivity to all first and second level schools by the end of 2005. The telecommunications sector has pledged contributions on a voluntary basis of some €15 million of this outlay. The Government will contribute €3 million towards school connectivity costs and will in addition fund the provision of a dedicated centrally managed schools broadband network and associated help desk facility for schools.

The schools' network will link the broadband connectivity provided to all schools to a central point allowing for the provision of content filtering, virus scanning, firewall and intrusion detection services and technical support on a centrally managed basis. In addition, the network will facilitate schools in communicating with each other directly and with education networks in Europe, the US and the rest of the world. Ultimately the network will also act as a platform for the hosting and delivery of curriculum related digital content and applications.

Future funding for computer hardware in primary and post primary schools will be considered in the context of available resources and plans for a new schools' ICT strategy which are currently at an advanced stage of preparation in my Department.

*Question No. 153 answered with Question No. 149.*

### Further Education.

154. **Mr. G. Mitchell** asked the Minister for Education and Science the level of resources allocated to further education colleges for 2004; and if he will make a statement on the matter. [9668/04]

**Minister for Education and Science (Mr. N. Dempsey):** Further education colleges are operated under the management of the vocational education committees and funding is provided for pay and non-pay costs on the basis of the approved number of places on approved courses run by the colleges.

### Educational Disadvantage.

155. **Mr. P. Breen** asked the Minister for Education and Science the position regarding the broad review of initiatives to tackle disadvantage

[Mr. P. Breen.]  
under way in his Department; and if he will make a statement on the matter. [9680/04]

**Minister for Education and Science (Mr. N. Dempsey):** One of my key concerns in relation to tackling educational disadvantage is to improve the level of integration between the various educational disadvantage programmes operated by my Department. I anticipate that the review process referred to by the Deputy will be completed shortly.

#### **Computerisation Programme.**

156. **Mr. Morgan** asked the Minister for Education and Science if his attention has been drawn to the fact that the provision of computers for students at secondary level in this State is well below the OECD average; and the measures he proposes to take to remedy this situation. [9804/04]

**Minister for Education and Science (Mr. N. Dempsey):** The OECD report to which the Deputy refers is based on an international survey of second level schools carried out in the period November 2001 to May 2002 across 17 OECD countries. Some 255 Irish school principals participated in the survey. While the survey portrays Irish second level schools as having an average pupil-computer ratio of 13 to 1 substantial additional funding has been provided for schools' ICT since the survey was undertaken resulting in further reductions in pupil-computer ratios in Irish schools.

In late 2002-early 2003, the National Centre for Technology in Education conducted a full census of schools' ICT infrastructure on behalf of my Department, a key finding of which was that the average pupil-computer ratio in second level schools had fallen to 9.4 to 1.

While significant progress has been made in providing ICT access and support to teachers and students in schools, there is still some way to go before ICT is fully integrated in the teaching and learning process. My Department is preparing a new strategic plan which will address a range of issues aimed at enhancing the potential of ICT for the benefit of both teacher and learner, including: provision of networked computer facilities in schools; broadband Internet access for every school in the country; teacher training and support programmes focused on practical ICT applications in the classroom; advancement of ICT as a central teaching and learning tool across the curriculum; development of quality digital content for use in the curriculum; promoting a participative e-learning environment within the school; industry/school collaboration on ICT issues; and evaluating the impact of ICT at school level. I will be announcing details of the new policy plan in the near future.

#### **Linguistics Institute of Ireland.**

157. **Ms O. Mitchell** asked the Minister for

Education and Science the position with regard to the liquidation of the Linguistics Institute of Ireland and the continued use of the library resource; and if he will make a statement on the matter. [9696/04]

**Minister for Education and Science (Mr. N. Dempsey):** At an extraordinary general meeting of ITE, held on 18 July 2003, the company agreed to initiate a process of voluntary liquidation. This decision was a matter for the members in accordance with their Memorandum and Articles of Association and relevant company law and was not related to financial considerations.

A meeting of the executive committee of ITE on 5 December agreed a timetable for the appointment of a liquidator, who was subsequently appointed on 9 January 2004, and agreed to issue redundancy notices to staff in advance of this. I understand from the liquidator that he has extended the period of notice of redundancy for the staff to 9 April 2004.

My Department has given a commitment to provide every assistance to the company in giving effect to its decision, in partnership with the staff of the institute, and is working closely with the liquidator in this regard. This includes exploring possible arrangements for the continuation of certain research activities previously carried out by the institute and, in the interests of assisting with an orderly wind-up, facilitating appropriate re-deployment or other appropriate arrangements for staff in line with general public service policy in these matters and subject to agreement with the Department of Finance.

Options that may be available in this context continue to be explored by my Department. In this regard, staff will be kept appraised as developments occur. The entitlements of those employees for whom appropriate re-deployment arrangements are not made will be determined in accordance with the terms of their contracts.

My Department is committed to ensuring that any arrangements for the future of the ITE library are made in a manner that recognises its wider academic and national policy importance. The director of An Chomhairle Leabharlanna, who agreed to assist the liquidator in this regard, has completed her report and its recommendations are now being considered. I have asked to be kept informed of progress in these matters.

#### **Montessori Teachers.**

158. **Mr. J. O'Keeffe** asked the Minister for Education and Science his views on whether it is unfair and unjust to fully qualified Montessori teachers working in national schools to be regarded and paid as unqualified persons; when the latest report on the issue was received by him; and if he will take the appropriate steps to provide recognition of those with Montessori degrees. [9729/04]

**Minister for Education and Science (Mr. N. Dempsey):** Two Montessori qualifications are

recognised for restricted recognition by my Department, namely the AMI — Association Montessori Internationale — qualification, which has been recognised for teaching in special education settings since 1963, and the National Diploma or Degree in Humanities in Montessori Education from St. Nicholas Montessori College, which has been recognised since 1997 and is accredited by HETAC, formerly NCEA. Both courses are full-time and of at least three years' duration.

Teachers with the above recognised Montessori qualifications are granted restricted recognition to teach in special schools and in the categories of special classes in mainstream schools where Irish is not a curricular requirement. Such teachers are also eligible for posts as resource teachers for children with special needs in mainstream schools. The conditions governing the recognition of qualifications are set out in circular 25/00, recognition of teacher qualifications for the purpose of teaching in national schools.

It is open to all other institutions which award Montessori teaching qualifications to submit their course to the National Qualifications Authority-HETAC for validation. It is a matter for this authority to decide on the equivalence of the courses provided by the college in question with the course already validated. The St. Nicholas Montessori College courses underwent significant changes in order that accreditation might be awarded. It was as a result of this process of accreditation and the course changes made that the qualification became acceptable to my Department for restricted recognition purposes. A comparative study on the St. Nicholas course and courses in the colleges of education has been carried out in the context of a request for full recognition of that course. This study is currently being examined in my Department.

Teachers with Montessori qualifications recognised by my Department are also eligible to work as substitute teachers in mainstream schools. For this work, they are paid at the trained teacher rate.

### School Management.

159. **Mr. Kenny** asked the Minister for Education and Science the level of funding to be allocated by his Department towards the training of members of school boards for 2004; and if he will make a statement on the matter. [9685/04]

183. **Mr. Broughan** asked the Minister for Education and Science the reason his Department chose to cut funding to the Congress of Catholic Secondary Schools Parents Association; his response to the CSPA's claims that it will not be able to train parental representatives on school boards as a result of the decision; the alternative training he will provide to parental representatives on school boards; and if he will make a statement on the matter. [9771/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 159 and 183 together.

My Department has reviewed the process whereby it supports a range of inservice activities, including board of management training, for schools at primary and post-primary levels. In the past, limited financial support was provided to a range of course providers-organisers for elective programmes of inservice to the extent that resources permitted and having regard to other commitments and priorities such as curricular reform and special needs. In addition, my Department funds a national network of 21 full-time and nine part-time education centres to deliver in-service support for schools and their personnel.

To rationalise matters and to make the best use of available resources, direct support to the range of bodies and groups who wish to be involved in inservice provision is no longer being made by my Department. Such groups and bodies are advised to contact their local education centre whose role it is to provide local inservice and support and to provide advice and assistance to schools and their personnel in these matters.

The education centres are providing board of management training courses, usually in conjunction with other bodies and groups. To ensure consistency of provision, my Department will be liaising with appropriate bodies at central level and this will include the National Parents Council at both primary and post-primary levels.

### Third Level Fees.

160. **Mr. M. Higgins** asked the Minister for Education and Science the action he intends to take to stop universities and third-level institutions withholding exam results from apprentices who have yet to pay registration fees in view of their protests against such charges; and if he will make a statement on the matter. [9777/04]

**Minister for Education and Science (Mr. N. Dempsey):** FÁS-registered apprentices attend institutes of technology for the fourth and sixth phases of their apprenticeship training. They do not attend universities for any part of their training.

In 2003 I received requests from a number of governing bodies of institutes of technology for approval to apply the student service charge to defray the costs of registration, examinations and student services to students enrolled on FÁS apprenticeship courses. The institutes argued that a *pro rata* charge should be levied on apprentices on the basis that they avail of the full range of services provided to students in the institutes. The institutes considered that it was unfair to levy the charge on full-time students only, as this gave rise to a situation whereby full-time students were effectively subsidising apprentices through their contributions toward the cost of providing student services.

[Mr. N. Dempsey.]

The institutes also pointed out that unlike other categories of students, apprentices receive wages and either a travel or an accommodation allowance while studying in the institutes. Nevertheless, the institutes have indicated that they are prepared to consider reducing or waiving the charge in cases where it would cause hardship to the apprentice or their family.

Following consideration of the case made by the institutes of technology I decided to approve the introduction of a *pro rata* student services charge for FÁS apprentices from January 2004. I understand that the majority of apprentices have paid the charge.

Having regard to the question of withholding examination results from apprentices who have not paid the student services charge, the position is that the institutes of technology are statutory bodies established under the Regional Technical Colleges Act 1992 and the Dublin Institute of Technology Act 1992. Under those 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. This includes decisions in relation to examinations. Accordingly, it would not be appropriate for me as Minister to intervene in this matter.

*Question No. 161 answered with Question No. 149.*

### University Privatisation.

162. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science his position on the privatisation of third level universities in view of the current OECD review of third level education. [9808/04]

**Minister for Education and Science (Mr. N. Dempsey):** I have invited the OECD to conduct an extensive review of higher education in Ireland in order to map a future strategy for the sector. This is set against a background of Ireland's strategic objective of placing its higher education system in the top rank of the OECD in terms of both quality and level of participation and by the priority to create a world class research, development and innovation capacity and infrastructure in Ireland.

The OECD review will evaluate how well the Irish higher education sector is meeting these strategic objectives and will offer recommendations for future progress by reference to comparative performance in other OECD countries. The OECD review team bring an unprecedented wealth and spread of expertise to the task. They have undertaken extensive consultation with all key stakeholders in the sector during a visit to Ireland in February and are currently engaged in the complex process of formulating their report.

A wide range of suggestions and proposals have been put to the OECD team, both through

the many formal submissions received and in the extensive discussions that they have undertaken. All of these are under consideration as part of their deliberations and should be considered openly in the context of the broad nature of the exercise being undertaken. I do not propose to pre-empt the outcome of the review at this time. In common with all those in society with an interest in the development of our higher education system, I await the outcome of the review with interest and look forward to future dialogue on the next steps.

### Education Welfare Service.

163. **Mr. Allen** asked the Minister for Education and Science the number of education welfare officers recruited to date in 2004; and if he will make a statement on the matter. [9692/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Education (Welfare) Act was fully commenced on 5 July 2002. Under the Act, the National Educational Welfare Board was established to ensure that every child attends school regularly or otherwise receives an education.

To discharge its responsibilities, the board is developing a nationwide service to provide welfare-focused services to children, families and schools. It has appointed a chief executive officer, directors of corporate and educational services together with a further eight head office staff. To date, 53 educational welfare officers have been appointed. This includes 29 former school attendance officers who transferred to the board from the pre-existing service. The board advertised a competition last December to fill a further 15 vacancies which will bring the total staff complement to 84, including 68 service delivery staff. I understand the board anticipates making eight further appointments in April 2004 from the competition which will increase the number of education welfare officers to 61.

As provided for under section 10 of the Education (Welfare) Act 2000, I have arranged for officials of my Department to work with the board to ensure that any opportunities for integrated working between educational welfare officers and staff on other educational disadvantage programmes whose work involves a school attendance element are exploited to the maximum. I consider the implementation of protocols for such integrated working on attendance matters to be between the NEWB and, in particular, the home-school-community liaison scheme, the school completion programme and the visiting teacher service for Travellers to be very important. When in place, these will assist the NEWB in carrying out its remit and ensure that all available existing resources are utilised to the full.

As I have stated previously, I consider it essential that the board should focus on ways in which it can deliver the service with the personnel

it has the moment and with the help of other people involved in the area. When this has been achieved, I will consider the position again taking into account the available resources.

At this stage of its development, the aim of the board is to provide a service to the most disadvantaged areas and most at-risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed since early December in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. The 13 towns with significant school going populations, 12 of which are designated under the Government's RAPID programme, also now have an educational welfare officer allocated to them. These towns are Dundalk, Drogheda, Navan, Athlone, Carlow, Kilkenny, Wexford, Bray, Clonmel, Tralee, Ennis, Sligo and Letterkenny. In addition, the board will follow up on urgent cases nationally where children are not currently receiving an education.

The board issued an information leaflet to 330,000 families and 4,000 schools in early March. The leaflet targeted parents and guardians of children aged between six and 16 years of age and young people aged 16 and 17 who have left school early to start work. It outlines the role that parents and guardians play in ensuring that their children do not miss out on education and training and also gives information about the National Educational Welfare Board. In addition, the board launched a new lo-call telephone number to inform parents and guardians about their legal role and responsibilities under the Education (Welfare) Act 2000.

#### **Educational Disadvantage.**

164. **Mr. P. McGrath** asked the Minister for Education and Science his views on whether, if the aim of the National Educational Welfare Board is to provide a service to the most disadvantaged and most at risk groups, that, by definition of the Education (Welfare) Act 2000, all other schools are left without assistance from the NEWB and without recourse to the gardai for persistent truancy problems; and if he will make a statement on the matter. [9679/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Education (Welfare) Act was fully commenced on 5 July 2002. Under the Act, the National Educational Welfare Board was established to ensure that every child attends school regularly or otherwise receives an education.

To discharge its responsibilities, the board is developing a nationwide service to provide welfare-focused services to children, families and schools. It has appointed a chief executive officer, directors of corporate and educational services together with a further eight head office staff. To date, 53 educational welfare staff have been appointed. This includes 29 former school

attendance officers who transferred to the board from the pre-existing service. In December 2003, the board advertised a competition to fill a further 15 vacancies which will bring the total staff complement to 84, including 68 service delivery staff. I understand the board will shortly be making eight educational welfare officer appointments from this competition.

As provided for under Section 10 of the Education (Welfare) Act 2000, I have arranged for officials of my Department to work with the board to ensure that any opportunities for integrated working between educational welfare officers and staff on other educational disadvantage programmes whose work involves a school attendance element are exploited to the maximum. I consider the implementation of protocols for such integrated working on attendance matters between the NEWB and, in particular, the home-school-community liaison scheme, the school completion programme and the visiting teacher service for Travellers to be very important. When in place, these will assist the NEWB in carrying out its remit and ensure that all available existing resources are utilised to the full.

As I have stated previously, I consider it essential that the board should focus on ways in which it can deliver the service with the personnel it has at the moment and with the help of other people involved in the area. When this has been achieved, I will consider the position again taking into account the available resources.

At this stage of its development, the aim of the board is to provide a service to the most disadvantaged areas and most at-risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed since early December in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. The 13 towns with significant school going populations, 12 of which are designated under the Government's RAPID programme, also now have an educational welfare officer allocated to them. These towns are Dundalk, Drogheda, Navan, Athlone, Carlow, Kilkenny, Wexford, Bray, Clonmel, Tralee, Ennis, Sligo and Letterkenny. In addition, the board will follow up on urgent cases nationally where children are not currently receiving an education.

The board has also moved to provide a service to families who decide to have their children educated in places other than in recognised schools. A small number of people with the appropriate skills have been allocated to this work and assessments will commence shortly. My Department has recently issued guidelines to assist the board in meeting its responsibilities in this area. An information leaflet and an application form are being prepared for issue to families who are educating their children at home. Work is also proceeding on the

[Mr. N. Dempsey.] establishment of the register for 16 and 17 year olds who leave school to enter employment.

Guidelines are being prepared for schools on the reporting of student absences and a protocol outlining the interaction between schools and educational welfare staff is being developed with the assistance of the school implementation group recently established by the board.

### School Staffing.

165. **Mr. Stanton** asked the Minister for Education and Science the total number of primary teachers; the number of males and females; the age profile in ten year intervals with reference to males and females; and if he will make a statement on the matter. [9718/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information requested by the Deputy is set out as follows:

Age Profile	Female teachers	Male teachers
Between 21 and 30 years	6,132	681
Between 31 and 40 years	4,267	735
Between 41 and 50 years	6,161	1,461
Between 51 and 60 years	4,139	1,475
Between 61 and 70 years	782	211
Totals	21,481	4,563

I am concerned about the position of imbalance between male and female applicants for the primary teaching profession. My Department commissioned a research study on the issue of take-up of primary teacher training by males and females. The report on the study, which was completed in 2002, showed that the pool of males with the necessary qualifications is smaller than the equivalent pool of females. In addition, many third level course choices seemed to be gender stereotyped and significantly more girls were attracted to teaching of all kinds. The authors concluded that it may be difficult for any society to bring about an early reversal of the feminisation trends in teaching.

Arrangements are being made for the establishment of the Teaching Council, which will provide an important and influential forum for presenting the views of the profession on all aspects of the teaching career from initial recruitment to in-career professional development. The responsibilities of teachers in promoting teaching as a profession and in recruiting the next generation of teachers form an important role for the Teaching Council.

Any proposal to attract more males to the primary teaching profession must take account of the requirements of current equality legislation.

### Education Issues.

166. **Ms Burton** asked the Minister for Education and Science if his attention has been

drawn to the address to the recent Irish Primary Principals Network by a UCD professor, that education is increasingly being treated as a business rather than a public service here; the need for a full public debate on whether market-driven education further disadvantages the disadvantaged; and if he will make a statement on the matter. [9774/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am aware of the speech, Public Issues in Education, to which the Deputy refers and I value Professor Lynch's contribution.

I welcome the discussion on the many issues raised by Professor Lynch in her recent presentation to the Irish Primary Principals' Network. The Deputy will be aware that in this context, I have instigated a nationwide consultation process, Your Education System, that is giving me the opportunity to hear the concerns of all stakeholders at first hand. As I stated during the launch of the Your Education System process, I invite everyone in the country to participate in discussion and debate on education in Ireland into the future. At the heart of this process is the key question of the future of our schools.

I share many of the concerns raised by Professor Lynch in relation to our education system, particularly those related to children who are disadvantaged. I recognise the need for us to consider what it is we as a community require from our schools as society changes and evolves.

Choice must remain at the heart of our system but it must never be allowed to compromise the development and care values that have traditionally characterised education in this country. For parental choice to be effective it must be informed by more than league tables of examination results in their raw form, to which I am opposed. It is for this reason that I have recently initiated debate on how we can inform parents and students on the effectiveness of our schools.

I agree that a quality education needs to be inclusive and accessible to all and as the Deputy is aware, both I and my Department are very much focused on the needs of the disadvantaged in our society. Consequently a number of programmes are in place at all levels to support the needs of students in this regard from early start programmes for pre-school children right through to community education initiatives designed to provide a second chance education for adults.

I am aided also in this debate by the educational disadvantage committee which is an independent statutory body, established in March 2002 under the Education Act 1998. The committee, which is chaired by Professor Áine Hyland, vice-president and professor of education, University College Cork, is responsible for advising me on policies and strategies to be adopted to identify and correct educational disadvantage. In addition a broad

review of all initiatives to tackle educational disadvantage is under way in my Department. In this context I believe that Professor Lynch's contribution will prove invaluable as this debate continues.

### **School Discipline.**

167. **Mr. English** asked the Minister for Education and Science if his attention has been drawn to reports from the ASTI on the growing number of students involved in binge drinking which is having a detrimental effect upon their work rate; and if he will make a statement on the matter. [9683/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is aware of the many concerns which have been raised about young people's behaviour in relation to alcohol. For most young people it is the misuse of substances — particularly alcohol — which is the greatest threat to their physical and emotional health and to their well-being. As a consequence, students' engagement with their studies can be seriously affected.

While education has a role in addressing the problem, there appears to be an expectation in some quarters that the education system can effect change even in the absence of consistent support from the drinks industry, parents and society as a whole. The drinks industry needs to adopt a more responsible attitude to the promotion of alcohol, especially in targeting young people, and retailers should ensure that the law on the sale of alcohol to those under the legal age limit is rigorously observed. Parents have a responsibility in helping children and young people to adopt sensible and responsible attitudes and behaviours in relation to alcohol. In general the community as a whole needs to reflect on the general attitude to alcohol use.

Schools can play an active role in addressing the problems and consequences of the misuse of alcohol through the SPHE — social, personal and health education — curriculum which focuses on developing an informed and sensible attitude to substances. Through the SPHE curriculum, students are enabled to develop a framework for responsible and informed decision-making about their health, personal lives and social development. In particular, the substance use module of the SPHE curriculum focuses on the issues relating to the use and misuse of a range of substances with particular attention being paid to alcohol and tobacco. While most young people are aware of the implications and consequences of misusing substances including alcohol and tobacco, the SPHE curriculum actively seeks to promote healthy and responsible choices by students in relation to their lives.

All post-primary schools were required to implement the SPHE curriculum as part of the junior cycle core curriculum from September 2003. The 2003-04 return of pupil information from 743 post-primary schools indicates full

compliance with this requirement. Ongoing support in the implementation of SPHE continues to be provided to schools through the post-primary SPHE support service, a partnership between the Department of Education and Science, the Department of Health and Children and the health boards.

Supports are also being provided to schools through the SPHE support service for the development of their substance use policies within which alcohol can be addressed alongside tobacco and drugs. Guidelines for developing a school substance use policy were prepared by my Department together with the Department of Health and Children and the health boards and circulated to schools in 2002. The central objective of a school substance use policy is the welfare, care, protection and education of every young person. The school policy can ensure schools have a coherent framework for providing appropriate education and managing issues relating to substance misuse, including alcohol misuse, in a planned and considered way.

### **Residential Institutions Redress Scheme.**

168. **Mr. Costello** asked the Minister for Education and Science If he intends to reopen negotiations with religious congregations to increase their contributions arising from the deal struck between them and the Government in relation to child abuse indemnity; and if he will make a statement on the matter. [9784/04]

**Minister for Education and Science (Mr. N. Dempsey):** I do not have plans to reopen negotiations regarding the indemnity agreement. The original negotiations culminated in an agreement being reached whereby the congregations would make a total contribution of €128 million to the redress scheme. In return for the above contribution the State agreed to give the congregations an indemnity to the effect that if a person decided to pursue a case through the courts rather than apply to the Residential Institutions Redress Board, the State would take over the defence of the case and meet the costs associated with it. This indemnity only applies to cases in which proceedings commence within six years of the date of the agreement — 5 June 2002.

The indemnity agreement is a legally binding contract and as such there is no provision to facilitate any of the parties in renegotiating its terms.

169. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science when he intends to introduce regulations adding to the list of institutions included under the Residential Institutions Redress Act; and if he will make a statement on the matter. [9786/04]

**Minister for Education and Science (Mr. N. Dempsey):** At present 128 institutions are listed on the schedule to the Residential Institutions Redress Act. Section 4 of the Act enables

[Mr. N. Dempsey.] additional institutions that are identified as reformatory schools, industrial schools, orphanages, children's homes and special schools, in which children were placed and resident and in respect of which a public body had a regulatory or inspection function, to be added to the Schedule.

My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the schedule. Discussions have taken place between my Department and other Departments that may have provided a regulatory or inspection function in the operation of these facilities in order to ascertain whether these institutions are eligible for inclusion. The initial information received in some cases was limited due to the long period that had elapsed since these institutions were closed and therefore the process of verifying each of these institutions has been time consuming and is continuing.

It is my intention that a list of additional institutions will be brought before both Houses of the Oireachtas as soon as the verification process is completed.

#### Higher Education.

170. **Mr. M. Higgins** asked the Minister for Education and Science the precise reasoning behind the recently established financial review of Ireland's seven universities being conducted by the Higher Education Authority; if he will state the remit and timeframe for this review; and if he will make a statement on the matter. [9778/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Higher Education Authority, in light of the financial provision this year, is undertaking an in-depth review of the overall financial position of each university, including level of debt, assets, reserves and the financial position of the pension funds. The review may inform funding allocations by the HEA.

A working group has been established to facilitate the review, to advise on the analysis of data and to place the findings in an international context. The working group first met in February 2004 and it is anticipated that the review will be finalised by June 2004.

#### Child Care Services.

171. **Mr. Connaughton** asked the Minister for Education and Science the allocation to be made to vocational educational committees for the provision of child care services; and if he will make a statement on the matter. [9669/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department provides funding to VECs to assist towards the child care expenses of participants in VTOS, Youthreach and senior Traveller centre programmes. The financial provision for childcare assistance for participants

on these programmes for 2004 is €4.8 million. This compares with the initial budget in 2003 of just under €3 million.

A working group comprising representatives of my Department and the Irish Vocational Education Association has been established to review the criteria for the allocation of grants for child care for 2004 and into the future with a view to making the most efficient use of the funds available in the light of increasing demand.

#### Education Reports.

172. **Mr. Crowe** asked the Minister for Education and Science if he will report on the progress to date in implementing the recommendations of the McIver report. [9802/04]

**Minister for Education and Science (Mr. N. Dempsey):** Commencing in October 2003, officials in my Department have had separate discussions with the management and staff representative interests in the sector to examine their respective priorities and to consider issues surrounding a number of the recommendations of the report, having regard to the implications for other areas of the education system. Discussions with regard to the issues raised in the report are ongoing.

#### Schools of Music.

173. **Ms Lynch** asked the Minister for Education and Science if he is now in a position to proceed with the construction of a new Cork School of Music; and if he will make a statement on the matter. [9800/04]

**Minister for Education and Science (Mr. N. Dempsey):** On Thursday last I announced that the Government has given the go-ahead for the building of the new Cork School of Music at a capital cost of just under €60 million which includes fit out, equipment and professional fees.

The new school will be the first full purpose built school of music in the country and will be built and operated by Jarvis projects as a public private partnership for 25 years. The Government was always committed to this important project but were faced with real difficulties, both national and European, in clearing the project and these have now been fully resolved.

#### School League Tables.

174. **Mr. Morgan** asked the Minister for Education and Science the consultations he has had in regard to changes he is considering to the ban on publishing school league tables. [9805/04]

187. **Aengus Ó Snodaigh** asked the Minister for Education and Science his position on the existing ban on publishing school league tables. [9810/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 174 and 187 together.

It is desirable that parents have information about schools that is meaningful, fair and fully rounded. This information can often be anecdotal and based on hearsay. More recently, we have seen the introduction of an unofficial form of league table based upon third level entry patterns. All of this simply reflects the fact that we have steered away from a real and honest public debate about this issue in favour of catch phrases and sound bites. We have allowed a vacuum to develop and it has been filled by superficial and limited information.

It is not good enough to suggest that the issue is one of crude league tables based upon raw examination results or nothing. I do not support the form of league table, which has come into being in the absence of a well-constructed alternative. I do not want to see third level entry data continue as the only published yardstick of our schools' effectiveness. We are all aware that league tables based solely on academic results are a flawed measure of the effectiveness and quality of schools. Their use can distort the pattern of school enrolments, the access of students to education as well as the provision of curricula and participation in examinations. They can adversely affect the motivation of students and teachers alike. Their use can also lead to distortions and inequalities in the education system. It is not enough to say what we are against. We must also discuss what we want. For my part I want a real debate about the real issue.

### Higher Education.

175. **Mr. Penrose** asked the Minister for Education and Science if he will expand on comments he made at UCD in February 2004 that universities must be made more accountable to the taxpayer; if this view will be reflected in his Department's submission to the OECD review of the third level sector here; the structures he envisages for doing so; and if he will make a statement on the matter. [9789/04]

**Minister for Education and Science (Mr. N. Dempsey):** Institutions in the higher education sector are operating in an increasingly competitive and dynamic environment. To respond to the many challenges associated with this, institutions require modern corporate governance structures that both support dynamic decision-making and acknowledge the requirements for accountability to a diverse range of internal and external stakeholders, including the taxpayer.

I have touched on some of these issues in recent addresses and this is also reflected in my Department's submission to the OECD review of higher education in Ireland, which is currently under way. My objective in inviting the OECD to conduct this review was to lay down a strategy for future excellence for higher education in Ireland at a time of key transition for the sector as a whole. The sector is facing many challenges, including international competitiveness in the

knowledge society and the demands of an increasingly diverse student population. Institutions must develop appropriate governance models and management structures that will enable them to show the kind of dynamic leadership necessary to meet these varied demands and challenges, while demonstrating an openness and responsiveness to the needs of the broader community.

The OECD review will assist us in addressing these challenges and I await their findings with interest.

### Site Acquisitions.

176. **Mr. Cuffe** asked the Minister for Education and Science if he intends to consult the Department of the Environment, Heritage and Local Government with a view to amending legislation in order that designated serviced school sites and possibly buildings are provided free of charge to the State as part of the granting of planning permission for all housing developments over a certain cumulative number of units in a given geographical area. [9762/04]

**Minister for Education and Science (Mr. N. Dempsey):** While I am concerned at the cost to the State of acquiring lands for providing new schools, my Department has a number of proactive strategies to ensure that the requirement for schools are addressed in a timely manner that provides value for money to the taxpayer.

Officials in the school planning section of my Department are strengthening contacts already in place or making contact with the planning authorities in each of the local authorities to enable informed decisions to be made in planning future provision. A specific forum, the Dublin school planning committee, chaired by officials of my Department interacts with the Dublin local authorities in this matter. This forum comprises representatives of the local authorities in Dublin together with representatives of the patron bodies of primary schools.

I welcome in particular the identification of strategic development zones since this process creates the correct impetus for the provision of land at reasonable cost for school developments in the context of overall housing developments. I have indicated my willingness to consider innovative ideas that comply with procurement procedures that will ease the burden on the taxpayer and ensure educational facilities are provided in a timely fashion.

### Departmental Funding.

177. **Mr. Ring** asked the Minister for Education and Science the amount allocated towards the provision of IT equipment in primary and secondary schools for 2004; the amount allocated in 2000, 2001, 2002 and 2003; and if he will make a statement on the matter. [9686/04]

**Minister for Education and Science (Mr. N. Dempsey):** Significant resources have been provided by my Department under the Schools IT 2000 Project 1998-2000, and the Blueprint for the Future of ICT in Irish Education 2001-2003. In addition to a range of advisory and training supports, capital grants were made available to schools for the development of their ICT infrastructure. The levels of capital support for first and second level schools, which were in addition to that provided as a consequence of new school building or refurbishment projects, are set out below for the period 2000-03: 2000, €3.793 million; 2001, €27.571 million; 2002, €23.748 million; and 2003, €6.518 million. My Department's capital allocation for expenditure on schools' IT equipment for the current year is €6.323 million.

Future funding for computer equipment in primary and post-primary schools will be considered in the context of available resources and plans for a new schools' ICT strategy which are currently at an advanced stage of preparation in my Department.

#### **School Accommodation.**

178. **Mr. Rabbitte** asked the Minister for Education and Science his views on the practice that has emerged in Swords, County Dublin, whereby parents hoping to enrol their daughters in a local school (details supplied) are forced to camp out overnight prior to the school opening applications for enrolment the following day; if this reflects the shortage of school places available in the area; his plans to address this shortage; and if he will make a statement on the matter. [9794/04]

**Minister for Education and Science (Mr. N. Dempsey):** In the matter of providing school places, my Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result in pupils not obtaining a place in the school of their first choice.

Since Swords is an area of population growth there may be a demand in future years for additional provision in the area. Currently, however, my Department is satisfied that collectively the four existing post primary schools have adequate provision to cater for demand.

In regard to the specific school to which the Deputy refers, I cannot comment on the school's enrolment procedure since this is a matter for the school's board of management. An application for additional accommodation has been received from the school's management authority. The application is under consideration in the school planning section of my Department and will be examined in the context of the overall educational requirements of the Swords area.

#### **Bullying in Schools.**

179. **Mr. Hayes** asked the Minister for

Education and Science if an anti-bullying strategy will be introduced on a mandatory basis for all schools; and if he will make a statement on the matter. [9681/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am aware of the issue of bullying in schools and my Department has moved to tackle it on a number of fronts. The education of students in primary and post-primary schools in relation to anti-bullying behaviour is a central part of the social, personal and health education curriculum.

At post-primary level, the implementation of the SPHE curriculum at junior cycle has been supported by the post primary SPHE support service since September 2000. The support service is being jointly funded by my Department and the Department of Health and Children, together with the health boards. To date the support service has received funding in excess of €1.5 million. An SPHE syllabus for use at senior cycle level is being prepared by the National Council for Curriculum and Assessment.

At primary level, the issue of bullying is addressed in the SPHE curriculum in the strand *Myself and Others* from infant classes onwards. The primary curriculum support programme has organised, on a phased basis, in-career development programmes for all teachers in SPHE and since 2002 the PCSP estimate that they have allocated approximately €2.7 million to this work.

My Department's in career development unit has also provided support for the cool school anti bullying programme for second level schools in the North Eastern Health Board region. This programme involves teacher training, curriculum development, a support service for schools, group therapy for persistent victims and interventions with persistent bullies. To date, ICDU has provided funding of €76,200 in support of this programme and has committed further financial support of €25,400 in respect of the 2004-05 academic year.

Individual school management authorities are responsible for implementing effective policies to counter bullying in schools. In 1993 my Department issued Guidelines on Countering Bullying Behaviour to all primary and post-primary schools. The purpose of the guidelines was to assist schools in devising school based measures to prevent and deal with instances of bullying behaviour and to increase awareness of the problem among school management authorities, staff, pupils and parents. A further circular in 1994 reminded school authorities of their responsibility in formulating a written code of behaviour and discipline, which should include specific measures to counter bullying behaviour.

The national educational psychological service is also available as a support service to schools in relation to individual students who encounter difficulties. I have no plans to introduce anti-

bullying strategies on a mandatory basis in all schools.

### Third Level Fees.

180. **Mr. Gilmore** asked the Minister for Education and Science if, in view of the recent protests by apprentices around the country, he plans to review the requirement on them to pay the €223 registration fee levied on them for attending university courses; if his attention has been drawn to the apprentices' arguments that this charge is unfair as they are effectively full-time employees and only part-time students; and if he will make a statement on the matter. [9776/04]

**Minister for Education and Science (Mr. N. Dempsey):** I have no plans to review my decision to approve the introduction of a *pro rata* student service charge for FÁS apprentices while they are attending the institutes of technology.

In 2003 I received requests from a number of governing bodies of institutes of technology for approval to apply the student service charge to defray the costs of registration, examinations and student services, to students enrolled on FÁS apprenticeship courses.

The institutes conducted a survey in 2002 of the level of usage of student services by FÁS apprentices. All institutes involved in provision of apprenticeship courses participated in this survey. The survey findings indicated that there was justification for levying a student services fee on FÁS apprentices commensurate with their usage of services.

The institutes argued that a *pro rata* charge should be levied on apprentices on the basis that they avail of the full range of services provided to students in the institutes. The institutes considered that it was unfair to levy the charge on full-time students only, as this gave rise to a situation whereby full-time students were effectively subsidising apprentices through their contributions toward the cost of providing student services.

The institutes pointed out that, unlike other categories of students, apprentices receive wages and either a travel or an accommodation allowance while studying in the institutes. Nevertheless, the institutes are prepared to consider reducing or waiving the charge in cases where it would cause hardship to the apprentice or their family. Following consideration of the case made by the institutes of technology I decided to approve the introduction of a *pro rata* student services charge for FÁS apprentices from January 2004. I understand that the majority of apprentices have paid the charge.

### Suicide Incidence.

181. **Mr. S. Ryan** asked the Minister for Education and Science if his attention has been

drawn to recent comments by the chief executive of Educate Together that young male suicide and high levels of young men's alienation from society should be addressed in the second level school system; his plans to introduce awareness of these issues into the education system in general; and if he will make a statement on the matter. [9795/04]

**Minister for Education and Science (Mr. N. Dempsey):** The high rates of suicide by young males and issues relating to young men's alienation from society are matters of major concern to me, particularly as many of the young men who have taken their own lives were still in the education system.

Within the curriculum, social, personal and health education provides for the development of personal and social skills including self-awareness, respect for others, self-esteem and communication skills which are important in addressing these issues. SPHE is now a compulsory subject both at primary level and in the junior cycle of post-primary schools.

Civic, social and political education, which is also a compulsory subject for junior cycle students, aims to prepare students for active participatory citizenship, achieved through the exploration of the civic, social and political dimensions of their lives. Through focusing on concepts, attitudes and values central to citizenship, the programme aims to develop the moral and critical faculties of the student. A desired learning outcome of such a programme is that the student should consider himself or herself as a valued citizen who has much to contribute to society and to the community within which he or she lives.

For senior cycle students, I am aware that the developers of the exploring masculinities programme consulted with experts in the area of suicide and followed the advice given on how best to deal with the issue in an educational setting. Many of the topics dealt with in the programme were designed to assist young males to become more open when experiencing personal problems and to seek professional help. The materials contained in the exploring masculinities programme are described in the recently published review of the programme by the National Council for Curriculum and Assessment as "excellent, relevant, practical" and as "a well-researched set of curriculum resources suitable for both transition year and senior cycle". I believe, therefore, that the use of the exploring masculinities materials by schools as part of an SPHE programme for transition year, and throughout senior cycle, can greatly assist the schools in dealing with the many sensitive issues that young people, and young males in particular, may not have the opportunity to deal with otherwise.

[Mr. N. Dempsey.]

The NCCA is currently preparing a curriculum in social, personal and health education for the senior cycle of post-primary education. Many of the topics included in exploring masculinities will be developed further and included in the curriculum. In the meantime, as recommended in the NCCA's report of their review, the exploring masculinities materials will continue to be available to schools on an optional basis.

### Special Educational Needs.

182. **Ms Enright** asked the Minister for Education and Science if he will report on the recruitment of special education needs organisers by the National Council for Special Education; and if he will make a statement on the matter. [9691/04]

**Minister for Education and Science (Mr. N. Dempsey):** The recruitment of special education needs organisers is a matter for the National Council for Special Education. The Office of the Civil Service and Local Appointments Commissioners is undertaking the recruitment process on behalf of the council. I am pleased to be able to tell the Deputy that the council has informed me that the recruitment process is almost complete and that it is expected that offers will be made to successful candidates very shortly.

*Question No. 183 answered with Question No. 159.*

### Educational Projects.

184. **Mr. Deenihan** asked the Minister for Education and Science if permanent recognition will be granted to Tralee Educate Together national school, Collis-Sandes House, Oak Park, Tralee, County Kerry; and if he will make a statement on the matter. [9663/04]

**Minister for Education and Science (Mr. N. Dempsey):** Tralee Educate Together national school, located at Collis-Sandes House is operating with provisional recognition from my Department since September 2002. An application for permanent recognition was submitted very recently to the school planning section of my Department and is currently being considered. Officials will contact the school authority when the application has been appraised.

### Medical Education.

185. **Dr. Twomey** asked the Minister for Education and Science if his Department still plans to make medicine and other allied health professions a postgraduate qualification; and if his Department will publish the drop-out rate of medical students in both the pre-clinical years and the clinical years. [9724/04]

265. **Mr. Allen** asked the Minister for Education and Science the number of Irish nationals, EU nationals and non-EU nationals in each of our medical schools; and his views on whether the number of places available to Irish nationals must be increased to cope with the future demand for doctors in the health service. [9938/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 185 and 265 together.

As the Deputy may be aware, on 24 September 2003, together with my colleague the Minister for Health and Children, Deputy Martin, I announced details of the membership and terms of reference for a working group on undergraduate medical education and training which has been jointly established to make recommendations on the organisation and delivery of high quality training for doctors in Ireland.

The membership of the working group draws on a broad representation from medical academia, university, hospital and health board management and Government Department officials. The working group will examine and make recommendations on a range of aspects of medical education and training in Ireland. This will include the areas of course curriculum, teaching methods, interdisciplinary working and other issues relating to the organisation and delivery of undergraduate medical education and training.

The working group has been asked to consider and provide advice on issues arising from the recent Higher Education Authority report that recommended a move to all graduate entry for medicine and other health science disciplines. I have signalled my support for the broad thrust of that report which was commissioned by the HEA, at my request, on foot of a commitment in the programme for Government to address the issue of the distortionary impact of these high points courses on the points system.

The report recommends that students should undertake an undergraduate programme of their choice in any area before taking a decision to enter medicine or one of the other health science disciplines. The other programmes in question are physiotherapy, occupational therapy, speech and language therapy, dentistry, veterinary medicine, pharmacy and radiography, all of which currently require extremely high points for entry. The initial consideration by the recently established working group of the detailed implementation issues that arise for medical education will also inform my approach to the proposed later introduction of changes for the other health disciplines. I expect to receive the recommendations of the working group later this year.

On the number of Irish, EU and non-EU national students in each of our medical schools, the latest information available from the Higher Education Authority is as follows:

UCC Overall Enrolments 2002-03

	Male	Female	Total
Ireland	120	227	347
Other EU	5	1	6
Non EU	97	70	167
Total	222	298	520

UCD Overall Enrolments 2002-03

	Male	Female	Total
Ireland	232	392	624
Other EU	19	23	42
Non EU	193	193	386
Total	444	608	1052

NUIG Overall Enrolments 2002-03

	Male	Female	Total
Ireland	102	227	329
Other EU	5	11	16
Non EU	100	78	178
Total	207	316	523

TCD\* Overall Enrolments 2002-03

	Male	Female	Total
Ireland	152	218	370
Other EU			
Non EU	149	136	285
Total	301	354	655

\*It is not possible for TCD to differentiate between those students from Ireland and the rest of the EU on the basis of fee status; therefore the data is presented on the basis of EU and Non-EU only

RCSI overall entrants 2002-03

	Male	Female	Total
Ireland	96	127	223
Other EU	27	15	42
Non EU	539	441	980
Total	662	583	1245

**Minister for Education and Science (Mr. N. Dempsey):** The projection model used in the report of the national task force on medical staffing — the Hanly Report — suggests a need for an average undergraduate intake per year of 767 students to supply the numbers required for the consultant-provided service proposed in the

report. The working group on undergraduate medical education and training that has been charged with the task of making recommendations relating to the organisation and delivery of undergraduate medical education and training in Ireland will, *inter alia*, have regard to the recommendations contained in the Hanly report.

[Mr. N. Dempsey.]

On the question of the drop-out rate for students studying medicine, the specific detailed information requested by the Deputy is not readily available. However, the HEA commissioned report, *A Study of Non-Completion in Undergraduate University Courses*, published in 2001 found that the non-completion levels for students in veterinary-medicine and dentistry courses was 7.3%. This was well below the university average of 16.8%

### Schools Building Projects.

186. **Mr. Naughten** asked the Minister for Education and Science the action he is taking to upgrade primary schools in County Roscommon; and if he will make a statement on the matter. [9722/04]

**Minister for Education and Science (Mr. N. Dempsey):** I draw the Deputy's attention to the 2004 school building programme which was published in December 2003 and is available on my Department's website, *www.education.ie*. This publication outlines in county order all projects in architectural planning and at construction. The 2004 programme has been presented in a user friendly way to enable all interested parties to establish information in relation to the capital development of schools. In addition to information on individual schools the school building programme also outlines details of the different schemes and includes a guide to the prioritisation of large scale building projects at both primary and post primary.

The grant scheme for minor works has been in place since 1997 and all primary schools benefit annually from this scheme. Details of this scheme can also be accessed on my Department's website.

*Question No. 187 answered with Question No. 174.*

### School Transport.

188. **Mr. J. O'Keeffe** asked the Minister for Education and Science the position in relation to safety belts for children on school transport provided by, or contracted by his Department, especially in relation to special needs children; and if there is an insistence on the provision of same. [9730/04]

**Minister for Education and Science (Mr. N. Dempsey):** Legislation regarding the fitting and use of seat belts on public vehicles is the responsibility of my colleague the Minister for Transport. Under existing regulations the wearing of seat belts is not compulsory on all school buses. In operating the school transport scheme, Bus Éireann is fully compliant with all relevant regulations as laid down by the Department of Transport.

### School Curriculum.

189. **Mr. Howlin** asked the Minister for Education and Science his reaction to a recent INTO report, teaching religion in primary schools; if his attention has been drawn to the fact that the INTO have recommended that a core common religious education programme should be taught in all schools; and if he will make a statement on the matter. [9779/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am aware of the proposals made by the INTO in its recent report. At primary level, my Department recognises the rights of the different church authorities to design curricula in religious education and to supervise their teaching and implementation. This right is enshrined in the Education Act 1998. Consequently, although religious education is part of the curriculum for primary schools and schools are obliged to allocate 30 minutes per day for religious instruction, the content of the religion programme is determined by the patron of the school. The question of having a core common religious education programme is a matter for school patrons.

My Department is currently considering a proposal to hold a convention on interdenominational education. A decision on this matter will be taken shortly.

### Third Level Charges.

190. **Mr. S. Ryan** asked the Minister for Education and Science if his attention has been drawn to the financial crisis being faced by the State's universities due to the series of Government funding cutbacks to third level education; if he has plans to reverse the cutbacks he has introduced; and if he will make a statement on the matter. [9798/04]

**Minister for Education and Science (Mr. N. Dempsey):** An amount of €630.5 million has been provided in the 2004 Estimates for universities and HEA designated institutions. I have no plans to provide additional funding to the sector this year.

From 1997 to 2004 there has been an increase of almost €300 million in the recurrent provision to the university sector. This represents an increase of approximately 90% over this period. Overall funding, capital and current, for the wider higher education sector will stand at €1.48 billion in 2004. This is up €631 million or 74% on 1997 levels.

I am aware that the universities will be challenged in the short term by the constraints on recurrent Exchequer funding placed on them in 2004, having regard to overall cost pressures. I appreciate that individual institutions are required to find economies and to become more streamlined in some of their operations in order to reconcile available budgets with pre-existing demands and commitments. This must be viewed, however, in the context of overall increases in

investment in higher education over recent years and the Government's longer term strategic objective for excellence in the sector.

In relation to capital development in the third level sector the Deputy is probably aware that the Higher Education Authority, at my request, is carrying out a review in order to assess the entire set of demands in all publicly funded third level institutions, to establish prioritisation and agree rephasing.

It is the intention of the review group to have a report submitted to the HEA by the end of March. The authority will then advise me of its views. I will then make decisions in respect of the capital investment programme for the third level sector in the context of the capital envelope of funds available to me.

While all major projects at third level remain paused pending the outcome of the work of the review group, the Deputy will know that I have made provision of €32.5 million in the 2004 Estimates for the capital element of cycle three of the programme for research in third level institutions this year. This allocation is a clear recognition of the Government's commitment to the programme, which will play a key role in developing world-class capabilities in research and innovation.

#### Education Reports.

191. **Aengus Ó Snodaigh** asked the Minister for Education and Science the consultations he has had with stakeholders with regarding to implementing the McIver report; and if his attention has been drawn to the concern caused by the long delay in the implementation process. [9811/04]

**Minister for Education and Science (Mr. N. Dempsey):** Commencing in October 2003, officials in my Department have had separate discussions with the management and staff representative interests in the sector to examine their respective priorities and to consider issues surrounding a number of the recommendations of the report, having regard to the implications for other areas of the education system. Discussions with regard to the issues raised in the report are ongoing.

#### Education Schemes.

192. **Mr. Durkan** asked the Minister for Education and Science his views on whether ongoing confrontation with the teachers' unions is beneficial to the interests of the educational system, parents, teachers or pupils; if he will consider working with all interested parties to deliver an improved educational system in better quality buildings with a higher degree of ancillary services and with the objective of giving each child a better education; and if he will make a statement on the matter. [9741/04]

**Minister for Education and Science (Mr. N. Dempsey):** I do not accept that there is ongoing

confrontation with the teacher unions. Both my officials and I continue to engage with the teacher unions in a meaningful way on all matters relating to the education system.

Consultation with all the education partners is crucial to the ongoing development of our education system. In that regard I launched Your Education System a process of national consultation on Irish education. The aim of the process is to encourage the widest possible debate-discussion on the future of Irish education. The process will last for this year. At the end of the process it should be possible to identify and document shared themes-issues and concerns, which can then be used in planning the policies that will shape our education system going into the future.

In relation to school buildings, the school building programme for 2004 that is published on my Department's website represents a further major step in progressing the Government's consistent commitment since 1997 to deal with school accommodation needs. The total allocation for school buildings in 2004 is €387 million, which enables in excess of 200 projects to go to construction during 2004 providing new school buildings, extensions to and-or refurbishment of, existing school buildings; accommodation for children with special needs as well as many more smaller scale projects such as access for all; roof replacements, mechanical and electrical improvements. I have also extended the small and rural and the permanent accommodation initiatives and I have put in place a new devolved summer works scheme.

#### Further Education.

193. **Ms O'Sullivan** asked the Minister for Education and Science if his attention has been drawn to recent comments from the general secretary of the Irish Vocational Education Association that the capping on the number of students enrolling on post-leaving certificate courses could lead to cutbacks in existing courses and the loss of teachers; if he has any plans to remove the cap; and if he will make a statement on the matter. [9797/04]

**Minister for Education and Science (Mr. N. Dempsey):** Most colleges offering PLC courses are operated under the management of the vocational education committees and funding is provided for pay and non-pay costs on the basis of the approved number of places on approved courses run by the colleges.

In the current academic year the enrolments on PLC courses in certain schools and colleges have exceeded the number of places approved by my Department. Teacher allocations for 2004-05 and capitation grants have been allocated on the basis of the approved number of places or the numbers enrolled. In the 2003-04 academic year nearly 28,700 places were approved by my Department.

My Department is considering appeals from the VECs, schools and colleges for the

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recognition of the excess numbers enrolled for the purposes of teacher allocations and grants and a decision in the matter will be taken shortly in the light of the totality of demands for teaching resources across the system.

*Question No. 194 answered with Question No. 145.*

### Third Level Education.

195. **Mr. Quinn** asked the Minister for Education and Science his views on the recent fall-off in numbers applying for third-level places through the Central Applications Office; if he is particularly concerned at the drop in applications for computer and engineering courses despite Government efforts to stimulate interest in these areas; the general consequences this fall in numbers may have; and if he will make a statement on the matter. [9792/04]

**Minister for Education and Science (Mr. N. Dempsey):** Data available from the Central Applications Office indicates trends in applications for places in higher education institutions, provided through the CAO. At an overall level, the data shows a year on year decline in total first preference applications, from 55,239 to 54,263 for degree courses and from 47,571 to 43,305 from diploma and certificate courses from 2003 to 2004.

This decline reflects a fall-off in the number of school-leavers, driven by wider demographic changes in society, and in particular a declining birth rate from 1980 to 1994. In overall terms, however, enrolments at third level have been quite robust against a background of falling leaving certificate numbers in recent years. While the high point of applications for higher education courses through the CAO was attained in 1998 with some 66,012 applications, declining to some 62,802 in 2003, actual enrolments in higher education have continued to rise, from some 36,777 in 1998 to some 38,231 this year. This is an important and positive trend, which we must aim to sustain in future years as Ireland moves towards a knowledge society and as wider policy efforts aimed at improving higher education participation rates among the socially disadvantaged and mature learners impact. Overall projections for future enrolments at third level are currently being examined by my Department in light of all the available trend data.

Recent research setting out a continued and increasing need for higher education graduates into the future is also relevant in this regard. The ESRI and FÁS in their recent analysis of employment trends in Ireland from 2001 to 2010 have projected that over 60% of all new jobs to be created to 2010 will require third level qualifications equating to over 300,000 higher education graduates.

The CAO data shows small declines in first preference applications for technology-engineering and science degree courses and somewhat larger declines in these areas for diploma-certificate courses. I am concerned at this trend, particularly given the longer term requirements for skilled graduates in these

areas as identified by the expert group on future skills needs. In its fourth report, published last year, that group reported that the ICT industry would return to growth and that by 2006 a skills gap in ICT would re-emerge. This points to the importance of strong enrolment on these courses at this stage.

As part of a response to this issue, the Higher Education Authority has this year, in conjunction with the ICT sector, launched an active publicity campaign to support students in considering the value of ICT when making their higher education choices through the CAO. Further, following the recommendations of the expert group on future skills needs, measures have been taken in all the third level institutions to reduce the non-completion rates on ICT courses. It is hoped that these measures will help to stimulate the supply of graduates in these areas over the medium to long term.

The Government has last year launched an integrated awareness programme for science and engineering, Discover Science and Engineering, aimed at stimulating interest in these areas among those of a schoolgoing age. My Department and the higher education sector generally are partners in this programme, which is managed by Forfás. Together with a range of curriculum reform measures that have recently been introduced at primary and post-primary levels, aimed at supporting an enhancement of interest in the sciences, it is hoped that these efforts will support and enhance Ireland's innovative capacity through the availability of a strong supply of technologically skilled graduates over the longer term.

### School Staffing.

196. **Ms Burton** asked the Minister for Education and Science his views on recent reports that a growing number of primary schools cannot get applicants for teaching principalships when they are advertised; and that the ratio of applications for principalships has fallen dramatically in the past ten years; and if he will make a statement on the matter. [9773/04]

**Minister for Education and Science (Mr. N. Dempsey):** The recruitment of a principal of a primary school is a matter for the board of management of the school concerned. My Department does not hold any statistics in relation to the number of applications for principalship received by boards of management.

I acknowledge and appreciate that the post of school principal is of critical importance in the management of primary education. In recent years many improvements have been made to

assist principal teachers in the performance of their duties and to relieve their administrative burden. Up until the 1999-2000 school year, principals were released from teaching duties to become an administrative principal where the school had a staffing of eight or more mainstream class teachers. From the commencement of the 2000-01 school year, administrative principals were appointed to ordinary schools with seven mainstream class teachers. In addition, smaller schools with a principal plus 11 or more teachers when ex-quota posts were counted could appoint an additional teacher to facilitate the principal take on administrative duties.

Further improvements were granted to this provision in the 2001-02 school year when the staffing requirement was reduced to principal plus ten or more teachers and in the 2002-03 school year to principal plus nine or more teachers.

The scheme of release time was introduced for the 2000-01 school year. This scheme enables teaching principals of primary schools to be released from their teaching duties for a specified number of days annually to undertake administrative leadership and management functions. The number of days release time allowed varies between 14 and 22 and is determined by the number of mainstream class teachers in the school. Paid substitution is provided by my Department for the days that principals are on release time.

Arising from the implementation of the PCW agreement significant improvements were introduced to the management structure of primary schools by the allocation of additional posts of responsibility. These middle management posts, deputy principal, assistant principal and special duties teacher are members of the management team of the school and are paid significant allowances in respect of their duties. It is a matter for the boards of management of schools to delegate functions to post of responsibility holders. The number of post holders range from two posts of responsibility in a two teacher school to, for example, 20 posts of responsibility in a 40 teacher school.

In addition to the above, funding to primary schools for secretarial and caretaking services has increased from the €50.79 per pupil in the 2000-01 school year, to €127 per pupil in the current school year.

My Department is currently engaged in the development of a computerised on-line system for the submission of claims for the payment of certain categories of teachers. The implementation of this project should help to further reduce the administrative burden on principal teachers.

### **Special Educational Needs.**

197. **Mr. Durkan** asked the Minister for Education and Science the full extent of the requirements in terms of psychological

assessment, resource, remedial or special needs teachers throughout the educational system; the extent to which this requirement has been met to date; his plans to meet such needs in full; and if he will make a statement on the matter. [9740/04]

**Minister for Education and Science (Mr. Dempsey):** I am committed to providing for all children and young persons with special needs in the education system. The precise nature and level of support provided is based on the professionally assessed needs of the individual child.

Reports on psychological assessments are required by my Department in support of applications for additional resources in primary and post-primary schools on behalf of children with motional-behavioural disorders, general and specific learning disabilities, autistic spectrum disorders and specific speech and language disorders. Psychological reports are also required in support of applications for reasonable accommodations in certificate examinations on grounds of specific learning disability.

The level of support within the education system for children and young persons with special educational has grown substantially in recent years. At primary level, there are currently more than 2,600 resource teachers, 4,319 full-time and 1,353 part-time special needs assistants and 1,531 learning support teachers. At post-primary level, there 1,050 resource teachers, 450 special needs assistants and 533.5 learning support posts.

My Department will continue to respond to special educational needs and, in the process, will review and develop its models of resource allocation and educational response.

### **School Transport.**

198. **Mr. Sargent** asked the Minister for Education and Science if it is possible to end the three for two rule for transporting school children before 2008; and if not, the factors which prevent this. [9769/04]

**Minister for Education and Science (Mr. Dempsey):** The loading on all school buses is determined by the relevant sections of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations which are laid down by the Department of Transport.

One of the consequences of ending the 3:2 arrangement on school transport is that additional seats will be required. It is inevitable, therefore, that the cost of operating the school transport service will increase. The allocation for school transport has more than doubled since 1997 and this year's allocation is just over €110 million.

Safety on school transport is of paramount importance to my Department and Bus Éireann, who operate the scheme on behalf of my Department. Great care is taken to ensure that loading does not exceed the maximum legal carrying capacity of the different bus types in use.

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Bus Éireann complies with these regulations and all other relevant safety legislation.

### Further Education.

199. **Mr. Crowe** asked the Minister for Education and Science the reason for his decision to cap PLC student numbers for the 2004-2005 school year. [9803/04]

**Minister for Education and Science (Mr. Dempsey):** Most colleges offering PLC courses are operated under the management of the vocational education committees and funding is provided for pay and non-pay costs on the basis of the approved number of places on approved courses run by the colleges.

In the current academic year the enrolments on PLC courses in certain schools and colleges have exceeded the number of places approved by my Department. Teacher allocations for 2004-05 and capitation grants have been allocated on the basis of the approved number of places or the numbers enrolled. In the 2003-04 academic year nearly 28,700 places were approved by my Department.

My Department is currently considering appeals from the VECs, schools and colleges for the recognition of the excess numbers enrolled for the purposes of teacher allocations and grants and a decision in the matter will be taken shortly in the light of the totality of demands for teaching resources across the system.

### Legislative Programme.

200. **Mr. J. O'Keeffe** asked the Taoiseach the cost to the State in 2002 and 2003 of maintaining a dedicated legislative drafting service in the form of the Office of the Parliamentary Counsel; and if he will make a statement on the matter. [9545/04]

201. **Mr. J. O'Keeffe** asked the Taoiseach the consideration he has given to the dissolution of the Office of the Parliamentary Counsel and the establishment of satellite offices as has occurred in other comparable jurisdictions, in the context of Government decentralisation plans; and if he will make a statement on the matter. [9543/04]

202. **Mr. J. O'Keeffe** asked the Taoiseach the consideration he has given to the dissolution of the Office of the Parliamentary Counsel and the appointment of at least one parliamentary counsel to each Department decentralised, in the context of Government decentralisation plans; and if he will make a statement on the matter. [9542/04]

203. **Mr. J. O'Keeffe** asked the Taoiseach the number of Acts, both pre and post-1922, which are in force in the State; and if he will make a statement on the matter. [9582/04]

204. **Mr. J. O'Keeffe** asked the Taoiseach the approximate number of pages of both pre and post-1922 Acts which are in force in the State;

and if he will make a statement on the matter. [9583/04]

205. **Mr. J. O'Keeffe** asked the Taoiseach if, in the context of successful and efficient outsourcing of the transposition of EU directives by barristers in private practice, he will direct or encourage a greater use of outsourcing in the drafting of legislation generally; and if he will make a statement on the matter. [9544/04]

**The Taoiseach:** I propose to take Questions Nos. 200 to 205, inclusive, together.

The cost of maintaining the Office of the Attorney General as a whole in 2002 and 2003 amounted to €8,669,000 and €10,085,000, respectively. There are no separate figures available for the Office of the Parliamentary Counsel which is a constituent part of the Office of the Attorney General.

As I indicated to the Deputy in reply to a written question on 27 January, 2004, I have no plans to dissolve the Office to the Parliamentary Counsel to allocate parliamentary counsel to each Department. To do so would be inefficient since the office operates through three groups each serving a number of Departments and this is most effective in prioritising the Government legislative programme. For the same reasons, I have no plans to establish satellite offices.

Currently, the statute law revision unit do not have precise information on the number of Acts or pages of Acts which are in force in the State. However, it is estimated that there are 500 pre-1922 Acts and 3,000 post-1922 Acts in force. Apart from the continued outsourcing of some EU directives for transposition by way of statutory instruments, I have no plans to direct or encourage a greater use of outsourcing of the drafting of legislation. The staffing of the Office of the Parliamentary Counsel has been built up over recent years and it continues to produce all primary legislation, significant amounts of secondary legislation and all Government orders. Parliamentary counsel work closely with the Attorney General and advisory counsel in the process of drafting legislation.

### Irish Press Group.

206. **Mr. F. McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason the Government has failed to force a newspaper (details supplied) to divest itself of its 24.9% shareholding in the Irish Press as requested by the Competition Authority; and if she will make a statement on the matter. [9641/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** In March 1995, the then Minister for Enterprise and Employment received the interim report of the Competition Authority which recommended *inter alia* that the shareholding in Irish Press held by Independent Newspapers represented an abuse of a dominant position under section 5 and an

anti-competitive agreement under section 4 of the Competition Act 1991. During 1995, the Irish Press titles ceased publication and certain companies of the Irish Press Group went into liquidation followed by an examinership. In October 1996, Irish Press Publications Limited announced it had convened an extraordinary general meeting of shareholders to seek authorisation to sell the Irish Press titles. The events surrounding the above matters are the subject of legal proceedings and I do not propose to comment on them prior to the conclusion of these proceedings.

### **Community Employment Schemes.**

207. **Mr. McCormack** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a directive has been given to FÁS employment offices regarding the employment of persons over 55 years on social employment schemes; the status of persons aged over 55 years now; and if she will make a statement on the matter. [9648/04]

208. **Mr. McCormack** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the three year regulation concerning social employment schemes applies to persons who were already on a social employment scheme before the regulation came into effect on 3 April 2000 and work for a short period after that before the scheme finished and then had a break of more than 12 months; if the time that they worked on the previous scheme after 3 April 2000 affects their three years status when they are re-employed in a FÁS scheme more than a year later; and if she will make a statement on the matter. [9649/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** I propose to take Questions Nos. 207 and 208 together.

As part of the Government's decision in 1999 to restructure community employment, future participation in CE by an individual was capped at three years, effective from April 2000. All time worked on CE after this date is taken into account by FÁS when determining an individual's eligibility for the programme. Offshore island residents are exempt from the three year rule. This change was introduced to discourage repeated participation in CE and to encourage unemployed persons to avail of training-education options where possible, which are shown to have more successful progression outcomes for individuals.

The three year cap was amended in August 2001 to allow particularly disadvantaged persons to remain on the programme for a further period. Participants are considered for such an extension if on reaching the end of their normal entitlements on CE they are likely to experience difficulty in getting employment. A number of CE participants have difficulty in progressing to

open labour market employment due to their age, literacy or numeracy problems or a lack of suitable jobs available locally.

FÁS has discretion to give 20% of participants under 50 years of age extensions of up to one year to meet the needs of individuals who would clearly benefit from an extension in terms of their future employment prospects. In addition, up to 20% of participants over 50 may be given a further year on CE, with provision for review at the end of that year. Further discretion may be given to extend participation beyond this on a case by case basis, subject to continued annual review.

The future structure of CE is under review by a group of senior officials and FÁS. This group is expected to report to Ministers on the outcome of their 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 the CE programme.

### **Health and Safety Regulations.**

209. **Mr. Kirk** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will clarify for tidy town committees and residents associations, the obligations they have to provide training under health and safety legislation to persons recruited to operate lawnmowers, hedge trimmers and so on; and if she will make a statement on the matter. [9650/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** Every sector of employment is subject to the Safety, Health and Welfare at Work Act 1989 and regulations made under that Act. Where tidy towns committees or residents associations recruit workers, they are subject to the requirements of the safety and health at work legislation. Under section 6(2)(e) of the Safety, Health and Welfare at Work Act 1989 and Regulation 13 of the Safety, Health and Welfare at Work (General Application) Regulations 1993, it is an employer's duty to provide, *inter alia*, training as is necessary to ensure the safety and health at work of his employees.

### **Export Licences.**

210. **Mr. Kenny** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent of goods exported from here used either as primary equipment or dual purpose equipment used for military purposes by other countries for each of the past five years; and if she will make a statement on the matter. [9850/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** Details of the quantity and value of export licences issued by my Department in respect of military goods and dual-use goods with stated military end uses or users is as follows:

## Military licences

Year	Value (€)	Quantity
1999	60.3 million	419
2000	32.3 million	419
2001	53.6 million	60
2002	35.9 million	73
2003	35.5 million	84

The above figures include licences issued to the Irish Defence Forces, as follows:

Year	Value (€)	Quantity
1999	2.3 million	18
2000	2.6 million	6
2001	193,000	2
2002	7,600	2
2003	9.5 million	14

## Dual-Use

Year	Value (€)	Quantity
1999	2.7 million	5
2000	16,000	2
2001	535,000	2
2002	Nil	Nil
2003	609,000	4

The above figures include licences issued to the Irish Defence Forces, as follows:

Year	Value (€)	Quantity
2003	406,000	1

## Work Permits.

211. **Mr. Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the Government policy towards the granting of permission to children of workers from outside the EU and which are employed as nurses here under the work permit system and may go to work in the UK or elsewhere, if their children are unable to join them here; and if she will make a statement on the matter. [9851/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Nurses who are non-EU nationals and who are employed in Ireland are not employed on work permits but under working visas-work authorisations schemes, which are administered by the Department of Foreign Affairs. The matter of children being permitted to join parents who are non-EU citizens and who are employed here is a matter for the Department of Justice Equality and Law Reform. In respect of children over the

age of 18 of non-EU citizens who are employed here, it has always been open to employers to seek work permits in respect of such persons. My Department, in accordance with prevailing policy, will consider such applications. This option is also open to the spouses of non-EU workers.

I am not aware of any issue in relation to the children of non-EU nurses working here nor has such an issue been raised with my Department or me.

212. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a work permit holder whose employer goes out of business will be permitted to remain in the State until a new work permit can be obtained; if the requirement that the new employer must first list the job with FÁS can be waived in such cases; and if she has plans to change these policies after EU enlargement. [9869/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The work permits section of my Department examines applications from employers for permission to employ non-EU nationals on the basis that these employers have been unable to obtain Irish-EU nationals suitable for employment that they have available. No advice about the outcome of an application can be given in advance of the receipt of such an application. All matters relating to residence in the State are a matter for my colleague the Minister for Justice, Equality and Law Reform. I can see no reason the current policy in relation to the manner in which my Department considers of work permit applications would require change after enlargement.

## Industrial Development.

213. **Mr. Connaughton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the fact that the IDA is negotiating with Teagasc to purchase a considerable amount of land on the Teagasc Research Farm at Mellows College, Athenry, County Galway for the provision of a technology park; and if she will make a statement on the matter. [9870/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The management of IDA Ireland's industrial property portfolio, including decisions regarding location and size of land owned by IDA, are day to day operational matters for the agency and not matters in which I have a function.

IDA Ireland is in the process of evaluating a number of potential sites in County Galway. As part of this process Teagasc, who have a significant landholding in the region, have been advised of IDA Ireland's plans. IDA Ireland have advised me that it is not in a position to comment on specific negotiations related to any possible land acquisitions, as each is a commercially

sensitive transaction. However, IDA Ireland can confirm that no formal offer has been made in respect of any landholding in the Athenry region.

### **Legislative Programme.**

214. **Ms F. O'Malley** asked the Tánaiste and Minister for Enterprise, Trade and Employment if, in view of commitments of the Dublin Declaration, the Government intends to implement into national legislation the WTO decision of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health; and if she will make a statement on the matter. [9880/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I am giving consideration to the implementation of the WTO decision of 30 August 2003 in the context of the need to update Irish intellectual property legislation to reflect continuing developments in this important area.

### **EU Directives.**

215. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the European working time directive can be changed; if so, the process for making such changes; and if she will make a statement on the matter. [10054/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** On 30 December 2003, the European Commission launched a communication — addressed to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — regarding the review of Directive 93/104/EC concerning certain aspects of the organisation of working time. The Commission has called for all interested parties, including the social partners, to respond to the issues raised in the communication regarding the current operation of the directive with a view to its revision. The deadline for replies is 31 March 2004. On completion of the review, the Commission will invite the social partners to reach an agreement on an amendment of the directive, failing which the Commission itself will bring forward a proposal, by the summer, for a revision of the directive.

### **Defence Forces Property.**

216. **Mr. Wall** asked the Minister for Defence the position in regard to the provision of a site for a new post-primary school at the Curragh, County Kildare; the meetings his Department has had with the Department of Education and Science in relation to the matter; the results of such meetings; and if he will make a statement on the matter. [9829/04]

**Minister for Defence (Mr. M. Smith):** The position is that my Department has agreed in

principle to provide a site at the Defence Forces training centre to permit the construction of a new post-primary school. The Department of Education and Science has not sought a meeting with my Department in relation to the matter.

217. **Mr. Kenny** asked the Minister for Defence if he will comment on the future of the military barracks, Castlebar; if he will indicate proposals for its future use; if he intends to dispose of the property involved; and if he will make a statement on the matter. [9849/04]

**Minister for Defence (Mr. M. Smith):** I have no proposals at present to change the status of Castlebar military barracks which is mainly a Reserve Defence Force facility.

### **Grant Payments.**

218. **Mr. Neville** asked the Minister for Agriculture and Food when decisions will be made in connection with the *force majeure* and exceptional circumstances in relation to the establishment of entitlements under the mid term review of Agenda 2000 single payment scheme Council Regulation EC 1782-2003. [9572/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department has received in excess of 14,000 applications from farmers, requesting consideration of *force majeure* or exceptional circumstances in the calculation of their entitlements under the single payment scheme. The processing of their applications has commenced and individual applicants are currently being informed of the outcome of their applications. Farmers, who may be dissatisfied with the decision in their case, will have the right to appeal that decision to the recently appointed single payment appeals committee.

219. **Mr. Deenihan** asked the Minister for Agriculture and Food if provisions will be made under the Fischler proposals for beef producers who are not involved in beef production in the reference years 2000 to 2002; and if he will make a statement on the matter. [9573/04]

**Minister for Agriculture and Food (Mr. Walsh):** The single payment will be based on the average number of animals or the average number of hectares in the case of arable aid on which payments were made under the livestock premia and arable aid schemes in respect of the three reference years 2000, 2001 and 2002. The single payment is calculated by taking the three-yearly average number of animals-arable hectares which attracted payment and multiplying them by the payment rate for 2002 in respect of livestock or by €383.04 per hectare in the case of arable aid. Entitlements are calculated by dividing this single payment amount by the average number of hectares over the three year period. Consequently, beef producers who did not participate in any of the livestock premia schemes during one or more of the reference years would

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not normally have any beef related entitlements established for them.

#### **Foot and Mouth Disease.**

220. **Mr. Ferris** asked the Minister for Agriculture and Food the contingency plans his Department has in the event of another outbreak of foot and mouth disease and if the plan is co-ordinated with the relevant authorities in the Six Counties. [9642/04]

**Minister for Agriculture and Food (Mr. Walsh):** In April 2003 I announced the publication of a new contingency plan and operations manual for dealing with any future outbreaks of foot and mouth disease. This manual drew heavily on the experience of the 2001 outbreak in Ireland, and included an input from the Department of Agriculture and Rural Development in Northern Ireland, DARDNI. The Deputy will also be aware that in the context of progressing the formulation of an all-island animal health strategy, my Department is co-operating closely with DARDNI on an ongoing basis in the development and harmonisation of approaches to dealing with a wide range of animals health and welfare issues, including the management of outbreaks of serious and contagious animal diseases such as foot and mouth disease. There is a sustained, positive and productive interaction with the authorities in Belfast on a great many practical issues affecting agriculture on this island and I attach considerable importance to ensuring that progress in this area is maintained.

#### **Farm Retirement Scheme.**

221. **Mr. Ferris** asked the Minister for Agriculture and Food the amount of money offset each year for the old age pension from the early retirement scheme. [9659/04]

**Minister for Agriculture and Food (Mr. Walsh):** It is a requirement of the EU regulations governing the schemes of early retirement from farming that any national retirement pension to which a scheme participant — and his or her spouse or partner in a joint management situation — becomes entitled must be deducted from the early retirement pension. The value of national retirement pensions offset against the early retirement pension since 1998, the earliest date for which records are readily available, is as follows: 1998, €7.8 million — estimate; 1999, €9.6 million; 2000, €13.3 million; 2001, €16.4 million; 2002, €17.9 million; and 2003, €16.7 million.

#### **Afforestation Programme.**

222. **Mr. Ferris** asked the Minister for Agriculture and Food if funding has been allocated for the proposed forestry plantation at Gortnaskehy, Ballybunion, County Kerry on the lands of a person (details supplied). [9660/04]

**Minister for Agriculture and Food (Mr. Walsh):** This application was received on 8 January 2004. A decision on this application will be made in the near future.

#### **Rural Environment Protection Programme.**

223. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive their REP scheme 2 payments, less penalty imposed. [9709/04]

**Minister for Agriculture and Food (Mr. Walsh):** Having considered an appeal from the person named, the agriculture appeals office has now finalised its position. The case is being processed for payment.

#### **Farm Retirement Scheme.**

224. **Mr. Ring** asked the Minister for Agriculture and Food the reason farmers have to cease farming completely before they can apply for inclusion in the farm retirement scheme; and if this complies with inclusion in any other retirement scheme from other sectors. [9710/04]

**Minister for Agriculture and Food (Mr. Walsh):** The schemes of early retirement from farming introduced in 1994 and 2000 in implementation of EU regulations were explicitly designed to encourage older farmers to bring forward their retirement and to transfer their holdings to younger farmers at an earlier date than might otherwise have been the case. Consequently farmers became eligible for both schemes on reaching the age of 55. These schemes are not comparable, therefore, with retirement schemes in other sectors which are designed to provide for workers reaching the normal retirement age.

It is a requirement of the EU regulations governing both schemes of early retirement from farming that the applicant must retire from farming definitively. Before an application can be considered by the Department, therefore, it is necessary for the applicant to have retired from farming and transferred or leased his or her land to a farmer who meets the eligibility conditions of the scheme.

225. **Mr. Ring** asked the Minister for Agriculture and Food the proposals that are being sent to Europe concerning the leasing of land by persons in the farm retirement scheme to their sons; and the regulations in this regard in other EU member states. [9711/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is in the final stages of discussions with the European Commission on the detailed rules for implementing the mid-term review agreement which will apply to all EU member states. 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.

Young farmers who leased land from farmers who retired under the early retirement schemes, and were active farmers in the reference period, including the sons or daughters of the retired farmers themselves, 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. This will not affect the entitlements of the young farmers who farmed during the reference period.

226. **Mr. Ferris** asked the Minister for Agriculture and Food the number of farmers, married to civil servants, who are part of the early retirement scheme, do not have their OAP offset against the ERS. [9723/04]

**Minister for Agriculture and Food (Mr. Walsh):** The EU regulations governing the two schemes of early retirement from farming provide that where a transferor is paid a national retirement pension, it must be offset against the pension under the early retirement scheme and the transferor may be paid only the balance of the latter, if any. The pensions defined as national retirement pensions for the purposes of the scheme of early retirement from farming are the old age pension-contributory and non-contributory, the retirement pension for the self-employed, the widow's or widower's pension-contributory and non-contributory, the invalidity pension and the blind pension.

To implement the provision in the EU regulations, my Department is required to obtain details of cases where such national retirement pensions are paid to retired farmers and to their spouses or partners in joint management applications. The provisions of these regulations do not require my Department to ask for or keep details of other pensions such as civil service pension.

### Veterinary Laboratory.

227. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the veterinary laboratory at Athlone is not available to farmers who have post mortems carried out on dead animals; if his attention has been drawn to the huge dissatisfaction that there is amongst the farming community and veterinary surgeons over the non-availability of this important service; and if he will make a statement on the matter. [9878/04]

**Minister for Agriculture and Food (Mr. Walsh):** The regional veterinary laboratory in Athlone continues to provide services for the examination of samples of blood, milk and faeces, using the appropriate disciplines of biochemistry, microbiology and parasitology. The laboratory will again provide a full range of services including the post mortem examination of carcasses of farm animals for cause of death, and badgers for evidence of tuberculosis, as soon as essential works have been completed. The Office of Public Works expects that the outstanding works will be completed by summer.

### Animal Dealing.

228. **Mr. Hayes** asked the Minister for Agriculture and Food if he will intervene in the case of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [10117/04]

**Minister for Agriculture and Food (Mr. Walsh):** The named person is registered as a dealer under the provisions of the Diseases of Animals Acts, 1966 to 2001 (Approval and Registration of Dealers and Dealers' Premises) Order 2001, SI 79 of 2001, and, in this regard, was allocated a special herd number for his activities as a dealer. My Department is considering whether animals slaughtered and registered in the dealer's herd number are entitled to benefit from slaughter premium under the provisions of Council Regulation (EC) No. 1254/99 and Commission Regulation (EC) No. 2342/99. My Department will make direct contact with the named person when a decision is reached in his case.

### Departmental Budget.

229. **Mr. Crawford** asked the Minister for Agriculture and Food the amount of national Exchequer funds received by his Department in each of the past ten years; if he has satisfied himself that sufficient funds are available to support young entrants to maintain a viable industry; and if he will make a statement on the matter. [10118/04]

**Minister for Agriculture and Food (Mr. Walsh):** The following table sets out the amount of gross and net national Exchequer funds received by my Department in each of the past 10 years.

[Mr. Walsh.]

Year	Gross Outturn €m	Net Outturn €m
1994	622.3	330.3
1995	663.3	351.1
1996	901.6	536.1
1997*	968.2	520.5
1998	961.2	518.3
1999	1,005.3	625.6
2000	1,050.1	733.9
2001	1,429.8	1,071.0
2002**	1,348.3	887.1
2003	1,226.2	828.7

\* From 11 July 1997, the Forestry Service functions were transferred from my Department.

\*\* From 18 June 2002, Rural Development and Horse/Greyhound functions were transferred from my Department.

The table shows that there was a significant increase in the amount of national Exchequer funds received by my Department over the last ten years. The reduction in the gross budget outturn in 2003 compared with 2001 and 2002 reflects the additional costs incurred by my Department in the latter two years on foot and mouth disease and the purchase for destruction and special purchase schemes.

The substantial increase in the allocation to my Department over the ten year period demonstrates the continued commitment of the Government to the agriculture and food sector. The gross allocation for my Department for 2004 is €1.405 billion. As regards the availability of funds for young entrants, a sum of €9 million has been provided for this purpose under the installation aid scheme in 2004. This is nearly three times the 2003 allocation and reflects the importance which this Government attaches to the rejuvenation of the farming sector. I am confident that the 2004 provision will be sufficient to meet all applications under this scheme which mature over the course of the year. A range of measures are also in place through prioritisation in quota allocations, etc. to assist young farmers.

I am satisfied that sufficient resources are being made available for the schemes and programmes implemented by my Department and will enable it to continue to provide a high quality service to agriculture, forestry and the food industry into the future.

### Tax Collection.

230. **Mr. G. Mitchell** asked the Minister for Finance if he will state when a tax rebate will be issued to a person (details supplied) in Dublin 12; and if he will make a statement on the matter. [9594/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that the person in question submitted a claim for medical expenses relief on 16 October 2003. The claim related to medical expenses incurred by the

person's wife during the year 2003. The claim was returned to him on 16 October 2003 indicating that the claim could not be addressed until the end of the tax year 2003. On 21 January 2004, the taxpayer submitted his wife's P60 claiming an unemployment repayment for the year 2003. As a result a repayment of €428.74 was made on 25 February 2004.

During February 2004, the taxpayer re-submitted his medical expenses claim and a cheque for €975.74 was certified on 24 March 2004. In view of the current postal dispute, the cheque will be available for collection at a Revenue office within the next few days. The taxpayer should contact lo-call number 1890 333 425 to agree a convenient tax office from which the cheque may be collected as well as a date for this. To collect the cheque, the taxpayer will be required to present two forms of identification, including one form of photo ID, for example, passport, driver's licence, utility bill etc.

### Decentralisation Programme.

231. **Mr. Neville** asked the Minister for Finance the progress made in the decentralising of the Revenue Commissioners under the integrated Shannon decentralisation network to Kilrush, Listowel and Newcastle West. [9595/04]

**Minister for Finance (Mr. McCreevy):** I am advised by the Revenue Commissioners that the progress on decentralisation of Revenue staff to Listowel, Kilrush and Newcastle West is dependent on the availability of suitable accommodation in the relevant locations and the completion of the implementation committee's implementation plan. The OPW is undertaking an initial assessment of the accommodation proposals for each of the locations.

### Child Care Services.

232. **Mr. J. Higgins** asked the Minister for Finance the measures he intends to take as a matter of urgency to help parents with the excessive burden of child care costs; and if he will make a statement on the matter. [9596/04]

**Minister for Finance (Mr. McCreevy):** In recent years, the Government has carefully considered the whole area of child care and its cost. In that context, the core objective of Government policy in the area of child support is the provision of assistance to parents which offers real choice and is beneficial to all children. As a matter of policy, the Government has decided that child benefit will be the main fiscal instrument through which support will be provided to parents with dependant children. Child benefit provides assistance to all parents to make choices regarding child care which are most appropriate for them and their children. In addition, unlike tax relief, it provides support to parents irrespective of their income status.

In line with this policy approach, the Government commenced a major initiative to

substantially increase the rates of child benefit. In 2001 the rate for the first and second child was increased by almost €32 per month and by €38 per month for the third and subsequent children. This represented an increase of over 50% on the rates prevailing in 2000. Similar monetary increases were provided in 2002. Further increases were implemented in 2003 and in budget 2004 I announced additional increases of €6 and €8 per month respectively which are around double the projected inflation rate for the current year. All of this means that, since 1997, child benefit rates have increased by over 230% compared to a projected increase in inflation of only 28% over the period 1997 to 2004.

The Government has also designated the Department of Justice, Equality and Law Reform as the lead Department with respect to the supply of child care places to meet the needs of parents in employment, education and training and my colleague, the Minister for Justice, Equality and Law Reform, has overall responsibility for the formulation of national policy on child care. In that context, the establishment of the €436.7 million equal opportunities child care programme 2000-2006, EOCP, with funding provided by the European Union and the Exchequer under the NDP and the anti-inflationary package, aims to increase the supply of centre based child care places by 50%, or about 28,400, by programme end.

I understand that, to date, more than €254.3 million has been allocated in funding under the EOCP. I also understand that some €211.4 million of this funding has been allocated in capital funding for community based-not for profit and private child care facilities and staffing funding for community based-not for profit groups in disadvantaged areas, with a further €42.9 million allocated to quality improvement measures. When fully drawn down, the funding allocated to date will lead to the creation of 28,002 new child care places and support over 26,500 existing places. Much of the remaining funding will be required for the second phase of existing staffing projects and new capital and staffing projects which best meet the programme criteria in terms of value for money and service need. Significant support is also provided to enhance quality awareness across the child care sector.

In light of the significant progress being made in the area of child care, allied to the very significant increase in direct financial support through child benefit, I am satisfied that the Government is providing substantial support to parents to assist them in meeting child care costs and is also acting to increase the overall supply of child care places.

#### **Disabled Drivers.**

233. **Mr. Ring** asked the Minister for Finance the number of persons on the waiting list for assessment by the disabled drivers medical board

of appeal; the average wait for assessment; and if the Department has plans in place to cut this waiting list. [9602/04]

**Minister for Finance (Mr. McCreevy):** My Department has no involvement in the operation of the disabled drivers medical board of appeal. However, I am informed that there is a backlog of appeals to be dealt with by the board. At present, there is a waiting time of more than two years to be seen by the board. I am advised that the backlog of appeals — approximately 500 — is caused by a number of factors, in particular the general increase in applications for a primary medical certificate, and the significant number of persons who are aware that they do not meet the medical criteria specified in the regulations but who nevertheless insist on exercising their right of appeal. This is an indication of the level of demand for the tax relief under the scheme. I am examining the interdepartmental report on the disabled drivers and disabled passengers (tax concessions) scheme which contains recommendations relating to the medical board of appeal.

#### **Departmental Properties.**

234. **Mr. McGuinness** asked the Minister for Finance if the lease is still in place between his Department and the landowner of the lands at Dublin Road, Kilkenny; if so, the amount paid to date; if the Department intend to continue this arrangement indefinitely; if he considers this to be good value for money; if he intends to review the arrangement; and if he will make a statement on the matter. [9618/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The reception and integration agency of the Department of Justice, Equality and Law Reform is responsible for the accommodation of asylum seekers. The Commissioners of Public Works acting on behalf of the agency are continuing the licensing arrangement in Kilkenny pending the outcome of judicial review proceedings. The total amount paid to date is €184,000. Any review of the current arrangement is a matter for the Department of Justice, Equality and Law Reform.

#### **Farm Retirement Scheme.**

235. **Mr. Ring** asked the Minister for Finance the implications which the leasing of land by persons involved in the farm retirement scheme will have on their tax affairs. [9715/04]

**Minister for Finance (Mr. McCreevy):** A farmer who wishes to avail of the Department of Agriculture and Food administered early retirement scheme must transfer or lease his or her lands and cease all commercial farming activity. The scheme provides for a pension for retiring farmers of up to €13,515 a year for up to 10 years and I am informed by the Revenue

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Commissioners that this income is taxed in the normal way.

I am informed by the Revenue Commissioners that a retired farmer is obliged to return the rental income receivable from the lease of farmland in his or her annual return of income. However, specific provision is made for the exemption of such income from tax, subject to certain limits, in section 664 of the Taxes Consolidation Act 1997 where the income arises from the lease of farmland on an arm's length basis for a term of at least five years. I made a number of significant improvements to this exemption scheme in section 14 of Finance Act 2004 which apply to leases taken out from 1 January 2004. The annual tax exemption limit has been increased from €5,078.95 to €7,500 for leases of five or six years with the annual tax exemption limit increasing from €7,618.43 to €10,000 where a lease is for a period of seven or more years. I also reduced the minimum qualifying age for farmers eligible to avail of this scheme from 55 years to 40 years. If the lease does not meet the conditions for exemption, the leasing income is taxable.

I am also informed by the Revenue Commissioners that, under section 598 of the Taxes Consolidation Act 1997, there is provision for relief from capital gains tax, CGT, in the case of an individual who disposes of land which has been leased under the early retirement scheme. The relief applies where the land was owned by the individual for a period of ten years or more prior to such a lease and was used by him or her for the purposes of farming throughout that period. To qualify, the individual must be at least 55 years of age at the time of the disposal. Full relief is available where the proceeds from the disposal do not exceed €500,000. In such a case, no tax is charged on the gains arising. If the proceeds exceed €500,000, marginal relief may apply. Alternatively, if the disposal of the farmland is to a child, full relief from CGT without limit is available. Also, the definition of "child" is wide and extends to a nephew or niece who has worked full-time on the farm for a period of five years prior to the date of disposal.

#### **Garda Stations.**

236. **Mr. Howlin** asked the Minister for Finance if, in view of the poor standard of accommodation and resources currently available at the Garda station in Wexford town, his Department intends making resources available for the construction of a new Garda station in Wexford town; and if he will make a statement on the matter. [9865/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The question of funding for the construction of a new Garda station in Wexford town will be addressed when a suitable site is acquired. The process of identifying a suitable site is at an advanced stage.

#### **Drinks Industry.**

237. **Mr. Curran** asked the Minister for Finance the number of shops and premises licensed to sell alcohol such as off-licence sales in the Dublin area; and if he will give comparable figures for January 2000 and January 1996. [9929/04]

**Minister for Finance (Mr. McCreevy):** The information requested by the Deputy is being compiled by the Revenue Commissioners and will be forwarded directly to him.

#### **Garda Stations.**

238. **Mr. Durkan** asked the Minister for Finance his plans for the Garda station at Carbury, County Kildare; if he will improve, upgrade or refurbish the station for aesthetic or security purposes; and if he will make a statement on the matter. [9931/04]

**Minister of State at the Department of Finance (Mr. Parlon):** I am advised by the Commissioners of Public Works that the Garda station at Carbury was vacated late in 2003 and the gardaí have been operating from a temporary portacabin on the site of the existing station since then. The proposal is to build a new basic unit garda station on a site at Derrinturn, approximately two miles from the existing station at Carbury and to facilitate this, arrangements for finalising a Part 9 planning consultation are under way. A decision on the future of the existing station will be deferred until after construction of the new basic unit and in the interim, there are no plans to improve, upgrade or refurbish the existing station for aesthetic or security concerns.

#### **International Recognition.**

239. **Ms F. O'Malley** asked the Minister for Foreign Affairs if he will intervene on behalf of Taiwan to have that country accepted into the WHO. [9879/04]

**Minister for Foreign Affairs (Mr. Cowen):** For several years, Taiwan has been lobbying to be accepted as a member of the World Health Organisation, WHO. As Taiwan has not succeeded in securing membership of the WHO, it has sought observer status at the organisation's annual World Health Assembly, WHA. In previous years, the assembly has not included the issue of Taiwan as an item on its agenda.

Since 1971, when Ireland voted in favour of UN General Assembly Resolution 2758, we have recognised the Government of the People's Republic of China, PRC, as the sole legitimate government of China. Ireland, together with our EU partners, adheres to the one-China policy. As such, the Government does not have diplomatic relations with Taiwan. For these reasons, we do not support Taiwanese membership of organisations where statehood is a prerequisite for membership, and take the view that any status granted to Taiwan by the WHO must be compatible with the One-China policy.

However, Ireland fully supports the co-operative efforts between the World Health Organisation and all concerned groups, including non-members, which ensure that relevant information and expertise on global health issues, and in particular epidemics and transmittable diseases such as SARS and avian flu, are shared.

### **Foreign Conflicts.**

240. **Mr. Gormley** asked the Minister for Foreign Affairs if, in view of the fact that a majority of Deputies have signed a letter to UN Secretary General Kofi Annan calling on him to instigate a review of the UN's actions the now thoroughly discredited Act of Free Choice in West Papua, he will take the initiative and publicly support the call for a review both for the credibility of the United Nations and to start to right a grievous injustice to the West Papuan people. [10111/04]

**Minister for Foreign Affairs (Mr. Cowen):** I am aware that 88 Deputies, from all parties, have signed this letter to the Secretary General of the United Nations, supporting a call for the United Nations to review its role in the Act of Free Choice in Papua in 1969. At the April 2003 meeting of the EU External Relations Council, Ireland, together with our EU partners, adopted revised Council Conclusions on Indonesia, confirming the EU's support for the territorial integrity of Indonesia.

The European Union welcomes the progress Indonesia has made in its democratic reform process and recognises the importance of the 2004 elections. The EU notes the Indonesian Government has taken steps to punish members of the security forces responsible for human rights violations. While acknowledging Indonesia's legitimate concern to preserve its territorial integrity, we encourage the Government to strengthen its efforts to protect human rights and put an end to human rights violations occurring in particular in Aceh and Papua, such as extrajudicial executions, disappearances and torture. Indonesia should take all necessary measures to ensure the safety of civilians, human rights defenders, humanitarian workers and political activists.

I will meet the Indonesian Foreign Minister, Mr. Wirajuda, at an EU ministerial meeting in troika format, to be held in the margins of the ASEM Foreign Ministers' meeting, which I will host in Kildare from 17-18 April 2004. Among the matters to be discussed at this meeting with Foreign Minister Wirajuda will be the situation in Papua. This will be an opportunity for the EU to express its concerns about the situation there.

As I have stated previously, the question of a review of the UN's conduct in relation to the Act of Free Choice in Papua, would require the support of UN member states. Inquiries, made at my request by our Permanent Representative to the UN, confirm that, at present, there is no significant support for such an initiative. There is,

moreover, concern that such an approach might prejudice on-going efforts to initiate a meaningful dialogue with the Government in Jakarta, and would not contribute to the amelioration of the current situation of the Papuan people.

Officials of my Department continue to meet regularly with representatives of the West Papua Action Group. On 25 March, they met with Mr. John Rumbiak, a human rights advocate of the Papua-based Institute for Human Rights Study and Advocacy, ELSHAM, Mr. Viktor Kaisiepo, the European Spokesperson, Papua Presidium Council, PDP, and Dr. John Otto Ondawame, of the West Papua People's Representative Office, who briefed them on the campaign. The Government continues to monitor closely the situation in Papua, and encourages the authorities in Indonesia to act with full regard to the interests of the people of Papua.

Ireland, together with our EU partners, will continue to support the development of a strengthened partnership and effective dialogue between the EU and Indonesia. The Government, at this time, sees this as the framework that is most likely to be effective for addressing our serious concerns about the situation in Papua.

### **Landing Rights.**

241. **Mr. Gormley** asked the Minister for Foreign Affairs the number of foreign military aircraft which were granted permission to land here in 2003; the figure for such landings to date in 2004; and if he will make a statement on the matter. [10112/04]

**Minister for Foreign Affairs (Mr. Cowen):** The number of foreign military aircraft granted landing permission under the terms of the Air Navigation (Foreign Military Aircraft) Order, 1952, in 2003 was 391. To date in 2004 permission has been given for 163 foreign military flights to land here.

### **Conference on Disarmament.**

242. **Mr. Gormley** asked the Minister for Foreign Affairs the issues raised in his speech to the conference on disarmament in Geneva; and if he will make a statement on the matter. [10113/04]

**Minister for Foreign Affairs (Mr. Cowen):** I had the privilege of addressing the conference on disarmament, CD, in Geneva on 16 March 2004. During my speech I stressed strong support for the role of the United Nations in conflict prevention and in peacekeeping and our belief that the CD can have an important role to play in UN efforts to maintain peace and security. I emphasised the importance that Ireland attaches to multilateral co-operation in the field of disarmament and non-proliferation and our faith in the multilateral regime of treaties and agreements in this area. I reiterated our commitment to implementing and strengthening

[Mr. Cowen.]  
these instruments and to pursuing the universalisation of their norms.

During my address, I also spoke about some specific problems caused by conventional weapons and urged that a greater priority be given to making progress in addressing the misuse of small arms and light weapons. On the issue of landmines, I recalled that this year marked the fifth anniversary of the Ottawa Convention on Landmines and looked forward to the Nairobi review conference later this year which will provide an opportunity to take stock and to consider how to achieve universal respect for the principles and application of this treaty. I also referred to the question of discarded explosive remnants of war and welcomed the successful outcome of negotiations on an additional protocol to the Convention on Certain Conventional Weapons, CCW.

I noted that while conventional weapons may have killed more people, it is the proliferation and possible use of weapons of mass destruction, WMD, that causes greatest fear. I emphasised the importance in this connection of strengthening the Treaty on the Non-Proliferation of Nuclear Weapons, NPT, referring to the severe strains to which the treaty has been subject in recent years. I expressed my conviction that disarmament and non-proliferation are mutually reinforcing and stressed that preserving the integrity of the NPT means respecting all its provisions and the commitments freely entered into at its review conferences, including that in 2000 which provided a realistic blueprint for achieving nuclear disarmament. I also underlined the need to abide by commitments on non-proliferation and urged those countries which have not yet done so, to sign and ratify the IAEA Additional Protocol as a demonstration of their commitment to the NPT.

I noted that the recognition of the dangers posed by WMD had led the EU to recently adopt a strategy against the proliferation of such weapons. This strategy mainstreams non-proliferation into the Union's overall policies and confirms both our support for the multilateral institutions charged with verifying compliance with the relevant treaties, and our commitment to strong national and internationally-coordinated export controls. I mentioned the importance of an effective compliance and verification instrument for the Biological and Toxin Weapons Convention, BTWC, and that we are working with partners to secure the universalisation of both the BTWC and the Chemical Weapons Convention, CWC. I addressed the impasse at the CD and the lack of political consensus on the next steps to be taken in the multilateral arena on arms control. I referred to those issues of importance to Ireland, including support for the establishment of a subsidiary body to deal specifically with the issue of nuclear disarmament, and suggested a way in

which the conference might move forward to build understanding and greater trust. I asked the conference to reflect on the current relevance of its methods of work and supported both the inclusion of civil society in its deliberations and the expansion of the CD's membership.

### Official Engagements.

243. **Mr. Gormley** asked the Minister for Foreign Affairs if he will report on his meeting with the Afghan President, Hamid Karzai, in Kabul; and if he will make a statement on the matter. [10114/04]

**Minister for Foreign Affairs (Mr. Cowen):** On 17 February 2004, as President of the Council of Ministers, I led an EU Troika mission to Afghanistan, during which separate meetings were held with President Karzai and with Foreign Minister Abdullah. The Troika expressed to its Afghan interlocutors the great importance that the EU attaches to achieving progress in the reconstruction of Afghanistan and the Union's commitment to working with the Afghan government and people in the period ahead. The Troika congratulated the President on the adoption of a new constitution and discussed the next stages of Afghanistan's development, including political and security issues.

Elections this year in Afghanistan will constitute the next and final step in implementation of the agreement on arrangements for the re-establishment of permanent Government institutions in accordance with the Bonn Agreement of December 2001. During the Troika, I confirmed that the EU is prepared to send an electoral observation mission and, as a first step, an exploratory mission. The exploratory mission returned last week and a report of its conclusions is awaited. For elections to be credible, a successful registration process is needed, and a stable security environment. As the House will be aware, President Karzai has announced in recent days that presidential and parliamentary elections will take place next September.

Stabilising the security situation in Afghanistan is essential for creating an environment conducive to dealing with all the other pressing issues, such as counter-narcotics, reconstruction and the electoral process. The expansion of the international security assistance force, ISAF, under the authority of the United Nations Security Council, is a demonstration of the international community's commitment to Afghanistan and will play a key role in assisting the Afghan Transitional Authority in providing security for the electoral process. At the same time, security is a shared responsibility, and it is important that the Afghan government approves and implements a comprehensive national security framework, and that both the army and the Ministry of Defence be more representative and reflect the multi-ethnic composition of Afghanistan.

It is important that all irregular forces are disarmed and demobilised or integrated into the national army. I welcome the steps already taken towards this end, but more needs to be done so that the future Afghan government has unified armed forces at its disposal.

Ireland, together with our EU partners, fully supports President Karzai's uncompromising stance on the illicit cultivation of and trafficking in drugs. It is vital that the international community and the Afghan people work together to eliminate the production, trafficking and consumption of opium in particular. During the Troika meeting with President Karzai on 17 February 2004, we discussed the importance of increasing the risk of penalty to producers and traffickers to prevent illicit narcotics activity in Afghanistan.

I will attend the conference, "Afghanistan and the International Community — A Partnership for the Future", which takes place in Berlin on 31 March-1 April 2004. The conference will provide a welcome opportunity to review the achievements of the Afghan Transitional Authority and of the international community in the reconstruction of Afghanistan. The conference will also ensure, beyond the Bonn process, that Afghanistan's development requirements will continue to be addressed.

The EU has made a strong commitment to the future stability and development of Afghanistan, and the European Commission has recently signed a €79.5 million aid package to support the ongoing reconstruction of the country. Taking together contributions from member states and the Community budget, the EU provided more than €850 million in 2002 and €835 million in 2003 to help Afghanistan. At the International Conference on Reconstruction Assistance to Afghanistan, which took place in Tokyo on 21 January 2002, Ireland pledged €12 million in reconstruction assistance to Afghanistan over three years. I am pleased to note that this has now been fully disbursed.

As Presidency, I will deliver a statement at the conference on behalf of the EU and its member states. The statement will emphasise the EU's continuing firm commitment to the reconstruction of Afghanistan and underline the fact that the EU will continue to be one of the major donors towards these costs.

There is a small number of Irish NGOs and individuals who are performing selfless work in advancing Afghanistan's reconstruction, sometimes in dangerous circumstances. I met some of them when I was in Kabul. We very much appreciate their endeavours.

#### **School Transport.**

244. **Ms Lynch** asked the Minister for Education and Science his views on the fact that savings can be made in the school transport scheme with regard to the autistic sector of

special education; and if he will make a statement on the matter. [9584/04]

**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 in all sectors which can contribute to a containment of the cost of the school transport service. No decision has been taken regarding the implementation of any specific recommendation in the review.

#### **Schools Building Projects.**

245. **Mr. Naughten** asked the Minister for Education and Science when he will issue a reply to correspondence (details supplied) forwarded to him; the reason for the delay in same; and if he will make a statement on the matter. [9585/04]

**Minister for Education and Science (Mr. N. Dempsey):** The position in relation to the school to which the Deputy refers is that an application for grant-aid towards additional accommodation has been received from the management authority. When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual

allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year. The application from the school referred to will be considered in this regard. Correspondence in relation to the school to which the Deputy refers was received recently by my office and a reply to the Deputy is being attended to.

#### **Special Educational Needs.**

246. **Mr. McGuinness** asked the Minister for Education and Science if a detailed response will be issued to a group (details supplied) in County Kilkenny as promised by his Department officials regarding its submission on establishing a school for autistic children in Goresbridge, County Kilkenny; and if he will make a statement on the matter. [9587/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is actively considering the application referred to by the Deputy. My officials are liaising with my Department's inspectorate, the National Educational Psychological Service and the patron bodies in this regard and a response will issue to the applicants as quickly as possible.

### Schools Building Projects.

247. **Mr. O'Connor** asked the Minister for Education and Science if inspectors of his Department will meet the management of a school (details supplied) in Dublin 24 to discuss the needs of the school in respect of the well publicised problems with the buildings and the need for fencing to protect the school from vandalism; if his attention has been drawn to the seriousness of the issue; and if he will make a statement on the matter. [9588/04]

**Minister for Education and Science (Mr. N. Dempsey):** The large-scale building project for St. Kilian's in Tallaght is listed in Section 8 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). This project is at early architectural planning. It has been assigned a "band 3" rating by my Department in accordance with the published criteria for prioritising large-scale projects.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme including St. Kilian's school. I will make a further announcement in that regard during the year. The issue of fencing will be addressed as part of the major project.

248. **Mr. F. McGrath** asked the Minister for Education and Science if he will give the maximum support to a school (details supplied) in Dublin 9 in order to improve teaching and learning conditions in the school; and if he will make this a priority issue. [9632/04]

**Minister for Education and Science (Mr. N. Dempsey):** A large scale building project for Scoil Chaitríona, Bóthar Móbhí, Dublin 9 is listed in Section 9 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). This project is at early stages of architectural planning. It has been assigned a "band 2" rating by my Department in accordance with the published criteria for prioritising large-scale projects.

The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme which in turn will give greater clarity regarding projects that are not progressing in this year's programme including Scoil Chaitríona. I will make a further announcement in this regard during the year.

### School Staffing.

249. **Mr. Neville** asked the Minister for Education and Science further to correspondence of 4 November 2003, the qualifications under the

eligibility criteria for special needs assistant support as outlined in his Department's Circular 07-02. [9633/04]

**Minister for Education and Science (Mr. N. Dempsey):** A special needs assistant, SNA, may be approved to assist a pupil who has a significant medical need for such assistance, a significant impairment of physical or sensory function or where behaviour is such that the pupil is a danger to him or herself or other pupils. The current criteria used in connection with the allocation of SNA support are outlined in Circular 07/02 which issued to primary schools in February, 2002. Any application received will be considered in the context of the criteria set out in the circular and the existing level of SNA provision in the school. Arrangements are being made to forward a copy of Circular 07/02 to the Deputy for his information.

### Special Educational Needs.

250. **Mr. Andrews** asked the Minister for Education and Science if he can reply to a letter dated 12 February 2004 from a person (details supplied) in County Wicklow regarding an application for resource teaching hours at a school (details supplied) in County Wicklow. [9643/04]

**Minister for Education and Science (Mr. N. Dempsey):** A response to the letter dated 12 February 2004 will issue as soon as the postal dispute allows. Meanwhile, I confirm that my Department has received applications for special educational resources, SER, from the school referred to by the Deputy, including an application for the pupil in question. SER applications received between 15 February and 31 August 2003, including the application for the pupil in question, 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.

### **Schools Building Projects.**

251. **Mr. Neville** asked the Minister for Education and Science when it is planned to complete the construction of a new school at (details supplied) in County Limerick. [9644/04]

**Minister for Education and Science (Mr. N. Dempsey):** Funding for a building project at St. Nicholas Primary School, Adare is being provided as part of the 2004 school building programme. This funding is being provided under a pilot initiative which provides funding to boards of management to enable them to address their accommodation needs without recourse to my Department. Boards of management control the rate of progression of their individual building projects. I have arranged for a copy of the terms and conditions of the initiative to be forwarded to the Deputy.

### **Special Educational Needs.**

252. **Mr. Ardagh** asked the Minister for Education and Science if he will provide a special needs assist for a person (details supplied) in Dublin 10 who suffers from ADHD. [9645/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department received applications for special educational resources, SER, from the school to which the Deputy referred, 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 Services Staff.**

253. **Mr. Ferris** asked the Minister for Education and Science the allocation made for the position of caretaker at a school (details supplied) for the years 2002 and 2003; and the allocation for the year 2004. [9647/04]

**Minister for Education and Science (Mr. N. Dempsey):** Ancillary services grants towards the cost of caretaking and secretarial services were paid by my Department in respect of the school referred to by the Deputy as follows: 2002, €16,537; 2003, €19,441; and 2004, €19,177. The board of management has discretion as to division of this grant between caretaking and secretarial services.

### **Schools Building Projects.**

254. **Mr. Gilmore** asked the Minister for Education and Science if, in view of the danger posed to children and staff crossing the road at a school (details supplied) in County Donegal, he will consider providing financial assistance to the board of management to allow for the provision of a designated parking area; and if he will make a statement on the matter. [9662/04]

**Minister for Education and Science (Mr. N. Dempsey):** It will be open to the management authority of Scoil Naomh Mhuire, Belcruit, Kincasslagh, County Donegal to apply for consideration of proposed works under the 2005 summer works scheme, details of which will be announced later this year. I introduced the summer works scheme this year to cater for small scale works that can be planned and delivered during the summer holidays. The list of successful applicants for the scheme in 2004 is published on my Department's website as are full details of the scheme. This school did not apply for the scheme in 2004. The school authority should continue to use the devolved grant which is paid annually by my Department to deal with any urgent health and safety works.

### **Schools Recognition.**

255. **Mr. Ferris** asked the Minister for Education and Science if he will consider giving permanent recognition to a school (details supplied) in County Kerry. [9712/04]

**Minister for Education and Science (Mr. N. Dempsey):** Tralee Educate Together national school, located at Collis-Sandes House is operating with provisional recognition from my Department since September 2002. An

[Mr. N. Dempsey.] application for permanent recognition was submitted very recently to the school planning section of my Department and is currently being considered. Officials will contact the school authority when the application has been appraised.

### Higher Education Grants.

256. **Mr. Kehoe** asked the Minister for Education and Science the current status of the appeal made to his Department against the decision not to award a VEC grant to a person (details supplied) in County Wexford; and if he will make a statement on the matter. [9737/04]

**Minister for Education and Science (Mr. N. Dempsey):** The person to whom the Deputy refers applied to County Wexford Vocational Education Committee for grant assistance under the maintenance grants scheme for students attending post leaving certificate courses, 2003. To qualify for grant assistance under this scheme, a candidate must satisfy the relevant conditions pertaining to age, residence, means and nationality. My officials have made inquiries with County Wexford Vocational Education Committee regarding the candidate in question and I understand that as the reckonable income exceeds the relevant income limits attaching to the 2003 scheme, the person is ineligible for grant assistance.

### Teacher Induction Project.

257. **Mr. Stanton** asked the Minister for Education and Science the progress in relation to the action research pilot project on teacher induction in second level schools supported by his Department during the 2002-03 school year; the number of new qualified teachers and mentors that participated; the outcome of the project; the situation in the current school year; and if he will make a statement on the matter. [9830/04]

**Minister for Education and Science (Mr. N. Dempsey):** The teacher induction pilot project was developed by my Department in conjunction with the Standing Committee of Teacher Unions and University Education Departments and was introduced in September 2002. The central thrust of the teacher induction pilot project is on supporting the professional development of newly qualified teachers by way of appropriate systematic support in the probationary year and thus laying the foundations for subsequent professional growth and renewal. Key dimensions of the pilot project include a whole school approach to supporting newly qualified teachers, briefings for principals, a training programme for mentor teachers, various supports for newly qualified teachers and inter-school networking using information and communication technologies.

The teacher induction pilot project comprises two distinct pillars, namely, a primary pillar and

a post primary pillar. During the 2002-03 academic year or phase I of the project, both pillars completed the action research phase of the pilot. At post primary level this phase involved some 40 newly qualified teachers and 12 mentors. In June 2003, in recognition of the importance of induction within the continuum of professional development for teachers, I announced that the project would be extended for a further year. The funding provided at post primary level for the academic year 2003-04 allowed for the inclusion of a further 12 mentors and 40 newly qualified teachers, in what is considered to be phase II of the project. The extension of the pilot also allowed for a regional expansion of the project which has been facilitated by a structured programme of support delivered by the post primary pillar in conjunction with the Education Centre Network.

The qualitative and quantitative data collated from research questionnaires, focus group meetings, seminar feedback during the 2002-03 school year has informed the recently prepared draft interim report on the pilot project. This research was also presented at a consultative forum on induction, organised by my Department and attended by representatives of my Department, the colleges of education, universities, teacher unions and other bodies involved in teacher education in January of this year. It is envisaged that the final report scheduled for completion in June 2004 will incorporate the findings of phases I and II of the project and contain recommendations regarding future models of programme delivery. It is also proposed to hold a dissemination seminar to inform the education partners, my Department and other third level institutions of the issues arising from the teacher induction pilot project.

### School Accommodation.

258. **Mr. Coveney** asked the Minister for Education and Science if his Department will approve the provision of an extra room to a school (details supplied) in County Cork, to provide for a second stream of students due to numbers and demand. [9831/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school management authority of Gael Scoil, Carrigaline, County Cork has submitted an application for temporary accommodation for a mainstream classroom. All applications for temporary accommodation are currently being examined by officials in school planning section of my Department who will be in contact with the school authority shortly.

### Schools Building Projects.

259. **Mr. Wall** asked the Minister for Education and Science the position with regard to the plans for the provision of a new post primary school at the Curragh, County Kildare; if a design team has been appointed; if officials of his Department

have met the Department of Defence in relation to identifying a site; if the Department has met Kildare VEC in the matter; and if he will make a statement on the matter. [9832/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has agreed to the amalgamation of the three post-primary schools in Kildare town and to the purchase of a site to facilitate this development. The timing of when individual projects can progress depend on the budgetary allocations, the rate of progress of existing projects in architectural planning and the priority afforded to a project by reference to the published criteria for prioritising large-scale projects.

The purchase of a site for the proposed amalgamated post-primary school is currently being pursued. As soon as a site has been acquired my Department will allow the project into architectural planning in accordance with the criteria used for prioritising post primary building projects. The school authorities will be kept informed of developments.

#### **Disadvantaged Status.**

260. **Mr. Wall** asked the Minister for Education and Science the consideration given to the designation of disadvantaged status for a school (details supplied) in County Kildare; the time scale involved in making such a decision; if a decision can be made on an individual basis or if it has to be a national initiative in regard to the overall situation of schools; and if he will make a statement on the matter. [9833/04]

**Minister for Education and Science (Mr. N. Dempsey):** I have no plans at present to extend disadvantaged status to additional schools, including the school to which the Deputy refers. Currently, there are more than 200 second level schools which have been designated disadvantaged under an initiative adopted in the mid-1990s. These schools, which were selected by reference to a range of socio-economic criteria, are in receipt of additional teaching and funding support.

I recently requested the educational disadvantage committee of my Department to undertake a comprehensive review of all support programmes in the area of educational disadvantage to ensure maximum synergy and integration. Arising from this review, the committee has submitted a range of proposals on a more integrated and effective delivery of school based educational inclusion measures. The Educational Research Centre has also conducted research in support of the committee's review and is currently engaged in further research in this area.

The recommendations of the committee are being considered in the context of a broad review of all initiatives targeted at addressing educational disadvantage which is currently underway in my Department.

#### **Schools Refurbishment.**

261. **Mr. Gilmore** asked the Minister for Education and Science the assessment that has been made of the school building needs of a school (details supplied) in County Dublin; the consideration that has been given to the school's request for three temporary classrooms, a library, home economics room and a careers room; the consideration that has been given to the school's request for rewiring and re-roofing work; the works that will be approved this year; and if he will make a statement on the matter. [9873/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application for grant aid for additional accommodation has been received from the management authority of the school to which the Deputy refers. The application is currently being assessed in the school planning section of my Department. As soon as the assessment is complete, contact will be made directly with the management authority of the school in the matter.

#### **Ministerial Appointments.**

262. **Mr. Crowe** asked the Minister for Education and Science if he has filled all places on the National Council for Special Education; and the progress made towards that aim. [9874/04]

**Minister for Education and Science (Mr. N. Dempsey):** I have now appointed all 13 members of the National Council for Special Education.

#### **Special Educational Needs.**

263. **Mr. Gogarty** asked the Minister for Education and Science if funding is being provided to all special needs schools for an escort service; and if all schools are availing of the service. [9875/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department provides grant-aid to boards of management of participating schools to employ escorts. At present, there are more than 600 escorts employed on special needs services.

#### **Grant Payments.**

264. **Mr. Gogarty** asked the Minister for Education and Science if there are special grants available for schools seeking to add eco-friendly features such as solar panels or under floor heating to new buildings, as in the case of a school (details supplied) in County Galway. [9876/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department does not have special grants available for schools seeking to add eco-friendly features such as solar panels or under floor heating to new buildings. Tenders have recently been invited for the new gaelscoil in Ballinasloe. The heating system will be in accordance with my Department's existing

[Mr. N. Dempsey.]  
guidelines for mechanical and electrical installations.

*Question No. 265 answered with Question No. 185.*

#### **Early School Leavers.**

266. **Mr. Gregory** asked the Minister for Education and Science his response to the issues raised in correspondence (details supplied) regarding the future of the stay in school retention initiative, in a school (details supplied) in Dublin 9; and if he will make a statement on the matter. [9944/04]

**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 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. A total of 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 under way in my Department. While the outcome of the review is awaited, an official from my Department will contact the principal of the school to which the Deputy refers to discuss the issues he has raised.

#### **Summer Works Scheme.**

267. **Mr. Gregory** asked the Minister for Education and Science his response to the issues raised in correspondence (details supplied) from a school (details supplied); and if he will make a statement on the matter. [9945/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application under the summer works scheme was received from the management authority of the school to which the Deputy refers. All applications received under

this scheme were assessed and categorised by reference to the criteria detailed in appendix B of the circular letter governing the scheme — Prim 34/03.

In the context of available funding and the number of applications for that funding, attention was focused on the priority one project as determined by each school. A list of these projects was compiled, with each project categorised in accordance with the published criteria. The available funding was then distributed on a top down basis in accordance with the categorisation hierarchy. Generally, priority one projects in categories A, B and C were allocated funding unless a reason presented not to allocate funding. In the case of this school, funding of €168,300 was allocated for roof repairs under category B.

In addition to allocating funding under the summer works scheme, a comprehensive redevelopment of the school is in the preliminary stages of architectural planning.

#### **School Transport.**

268. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science if his Department has received a report from Bus Éireann referred to in Parliamentary Question No. 264 of 24 February 2004. [9946/04]

**Minister for Education and Science (Mr. N. Dempsey):** A report has been received from Bus Éireann regarding transport to the school in question. My Department has sought further clarification on the matter and a decision will be taken as soon as possible.

#### **Teaching Qualifications.**

269. **Mr. Rabbitte** asked the Minister for Education and Science the number of teachers at primary level who have provisional recognition pending acquisition of the SCG qualification; the number of those who are currently on extensions of time beyond the five year limit to obtain the Irish language qualifications; if he can provide a breakdown by country in both of these categories; and if he will make a statement on the matter. [9947/04]

**Minister for Education and Science (Mr. N. Dempsey):** There are approximately 1,200 teachers currently holding provisional recognition. However, it should be borne in mind that as these teachers are granted restricted recognition in conjunction with provisional recognition, many of them may hold posts in special schools or classes using their restricted recognition and may therefore not be interested in obtaining a pass in the SCG as this is not required to hold such posts. There are currently 45 teachers on an extension of their original five year period of provisional recognition.

A breakdown of the figures by country would require an inordinate amount of official time to answer the question in the detail requested.

### Departmental Expenditure.

270. **Mr. Rabbitte** asked the Minister for Education and Science the costings of his “Your Education Service” initiative, broken down by venue costs, publications, fees to chairs and staff, promotion and advertising and other costs; and if he will make a statement on the matter. [9948/04]

**Minister for Education and Science (Mr. N. Dempsey):** The final public meeting in the first phase of the YES process will take place tonight. It will not be possible to give the costings for this phase of the process until all of these meetings have been finalised. The figures will be compiled over the next few days and will be forwarded to the Deputy shortly.

### Literacy Levels.

271. **Mr. Rabbitte** asked the Minister for Education and Science the progress made to date in implementing the literacy target to halve the number of pupils with serious literacy difficulties in schools designated disadvantaged by 2006, as declared in the NAPS 2002; the measures he has put in place with which he plans to meet the target; and if he will make a statement on the matter. [9949/04]

**Minister for Education and Science (Mr. N. Dempsey):** I remain fully committed to achieving the headline NAPS target relating to literacy at school level, namely, halving the proportion of pupils with serious literacy difficulties by 2006. My concern to improve literacy levels is reflected in commitments given under the National Action Plan Against Poverty and Social Exclusion, 2003-2005, and under the latest social partnership agreement, Sustaining Progress, which contains a special initiative on tackling educational disadvantage — literacy, numeracy and early school leavers.

My Department has a range of measures in place to prevent and ameliorate literacy difficulties at primary and second level. Learning support teaching is provided in all primary schools by more than 1,500 teachers who give intensive support to children with literacy difficulties. At second level, in excess of 540 learning support teachers are employed. In addition, resource teachers are provided for students with more severe learning difficulties and disabilities. My Department provides additional supports for schools serving areas that are designated as disadvantaged. These supports include the reading recovery programme in primary schools, reduced class sizes, home-school liaison schemes and additional grants, all of which assist in improving literacy levels.

At post-primary level, the junior certificate school programme focuses specifically on

developing literacy skills while schools participating in the school completion programme are given considerable financial resources to provide targeted students with opportunities to improve their literacy skills in accordance with their identified needs. In May 2003, the Educational Research Centre carried out, on behalf of my Department, a survey of reading literacy in primary schools designated as disadvantaged. The aim of this study is to benchmark the progress of children in first, third and sixth classes in acquiring literacy skills against national norms and to identify factors associated with literacy achievement. I look forward to receiving the results of this research, which are due to be available this summer. A national assessment of reading in first and fifth classes is also taking place in 2004.

Continuing assistance will be given to disadvantaged primary schools in implementing my Department's learning support guidelines, including adoption of a whole school approach to supporting children with literacy difficulties and development and implementation of a literacy plan by each school. One-day seminars on literacy and the learning support guidelines were delivered by learning support trainers to staffs of all designated disadvantaged schools from March to June 2003.

### Schools Building Projects.

272. **Ms Enright** asked the Minister for Education and Science if he will provide details of the 15 projects referred to in Parliamentary Question No. 233 of 23 March 2004 that are in the early stages of architectural planning; and if he will make a statement on the matter. [9950/04]

**Minister for Education and Science (Mr. N. Dempsey):** I will arrange for a list of these projects to be forwarded to the Deputy.

### Higher Education Grants.

273. **Mr. Crowe** asked the Minister for Education and Science his views on section 47 of the proposed Equality Bill 2004 which allows the Minister to discriminate on the basis of race (details supplied) when providing further and higher education grants. [9951/04]

**Minister for Education and Science (Mr. N. Dempsey):** Since 1995, the student support schemes provide that candidates must hold EU nationality, have official refugee status or have been granted humanitarian leave to remain in the State. The Equal Status Act 2000 provides at section 7(3)(d)(i) and (ii) that the charging of differentiated fees to EU and non-EU nationals by the institutions of further and higher education, as well as the offering of assistance to particular classes of persons by those institutions, does not constitute discrimination within the meaning of the Act.

[Mr. N. Dempsey.]

Notwithstanding those provisions, the Department of Education and Science has been advised, in the context of a hearing of a complaint in the Office of the Director of Equality Investigations in 2003, that the current nationality provisions in the student support schemes is discriminatory within the terms of the Equal Status Act 2000. The amendment in the Equality Bill 2004 is grounded on my firm belief that the conditions for students grants should be the same as for the charging of fees by the institutions, namely, it provides that the Minister for Education and Science will have discretion as to whether the grounds should be restricted to EU nationals or varied between EU national and non-EU nationals.

In this context, the Deputy may be aware that from the current academic year, I decided to expand the provision in the schemes to include candidates who:

have permission to remain in the State by virtue of marriage to an Irish national residing in the State, or be the child of such person, not having EU nationality; or

have permission to remain in the State by virtue of marriage to a national of another EU member state who is residing in the State and who is or has been employed, or self-employed, in the State, or be the child of such a person, not having EU nationality; or

be nationals of a member country of the European Economic Area (EEA).

The approach in the proposed amendment in the Equality Bill is consistent with the spirit and intent of the Equal Status Act 2000, which recognised the need for a differentiated approach to tuition fees. I am satisfied that identified and justified needs of particular categories can be taken into account in the context of the annual review of the schemes.

### Special Educational Needs.

274. **Mr. Crowe** asked the Minister for Education and Science the budgetary provisions for education with respect to the disabled for 2004. [9952/04]

**Minister for Education and Science (Mr. N. Dempsey):** The details requested by the Deputy are as follows. The number of learning support teachers in the primary school system stands at 1,531 at present. The annual salary cost of these teachers is approximately €54 million. The number of resource teachers in primary schools is more than 2,600 currently. The annual salary cost of these teachers is estimated at more than €75 million. The number of special needs assistants in the primary system is 4,319 full-time and 1,353 part-time posts. The salary cost of this service is estimated at €120 million for 2004.

The allocation for part-time tuition services for children with special educational needs is €31.7

million in 2004. Funding towards special equipment within the primary school system is €3 million in 2004. Children attending special classes attached to mainstream schools, in common with children attending special schools, are entitled to avail of the special school transport service. Provision is also made for the appointment of escorts on all special school transport services. The entire school transport budget for 2004 is approximately €110.5 million and it is estimated that 30% of the budget will be allocated to fund all special needs transport arrangements for the year. Enhanced capitation rates are paid in respect of pupils attending special schools and special classes. These special rates can range from €370 to €589.50 per pupil, depending on the level of need involved.

The resources that have been and continue to be allocated by my Department represent real and substantial improvements in special education services. They provide concrete evidence of the Government's commitment to build on the unprecedented development of special education services.

### Schools Building Projects.

275. **Mr. N. O'Keeffe** asked the Minister for Education and Science the position regarding the building of a new school (details supplied) in County Cork. [9955/04]

**Minister for Education and Science (Mr. N. Dempsey):** When publishing the 2004 school building programme, I outlined that my strategy will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005. I expect to be in a position to make further announcements on this matter in the course of the year. The application from the school referred to by the Deputy will be considered in this regard.

276. **Mr. N. O'Keeffe** asked the Minister for Education and Science the position regarding building works at a national school (details supplied) in County Cork. [9956/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application has been received from the school management authority for a new school. The proposed project has not yet commenced architectural planning.

When publishing the 2004 school building programme, I outlined that my strategy will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005. I expect to be in a position to make

further announcements on this matter in the course of the year. The application from the school referred to will be considered in this regard.

### Summer Works Scheme.

277. **Aengus Ó Snodaigh** asked the Minister for Education and Science if his attention has been drawn to the fact that the summer work scheme application by a school (details supplied) in Dublin 8 was not successful despite the fact that the works required are of an urgent nature, including a leaking asbestos roof; his views on the proposed works which are of an emergency nature in view of the exposed, decaying and dangerous condition of the asbestos roof and that this building is a school; and when he proposes that works will be accommodated in his Department's capital grants schemes. [9968/04]

**Minister for Education and Science (Mr. N. Dempsey):** An application under the summer works scheme was received from the management authorities of the school to which the Deputy refers. All applications received were assessed and categorised by reference to the criteria detailed in appendix B of the circular letter governing the scheme — Prim 34/03.

In the context of the available funding and the number of applications for that funding, attention was focused on the priority one project as determined by each school. A list of these projects was compiled, each of which was then categorised in accordance with the published criteria. The available funding was then distributed on a top down basis in accordance with the categorisation hierarchy. Generally, priority one projects in categories A, B and C were allocated funding unless a reason presented not to allocate funding. In the case of this school, I understand that the identified key priority project was assigned a category lower than C.

The Office of Public Works is managing the asbestos remediation programme in schools on behalf of my Department. The OPW has been asked to examine the state of the asbestos roof of the school and to carry out remedial works where necessary.

### Site Acquisitions.

278. **Aengus Ó Snodaigh** asked the Minister for Education and Science the progress that has been made in the past three months in securing from Dublin City Council the site adjacent to a school (details supplied) in Dublin 8, for the purpose of erecting a new modern school appropriate to the education of young children; and if he will report on the expected time frame involved in completing this vital project. [9969/04]

279. **Aengus Ó Snodaigh** asked the Minister for Education and Science if his attention has been drawn to the urgent need to replace the existing unsuitable school building at a school (details

supplied) in Dublin 8; and if he will make a statement on the matter. [9970/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 278 and 279 together.

Negotiations for the purchase of a site for St. Brigid's school, the Coombe, Dublin 8, are at an advanced stage. Details will be placed on my Department's website when the acquisition has been completed. The new school building project is listed in section 8 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). This project is at stage 1/2/3, detailed plans/costs, of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large scale projects. It is planned to progress this project to advanced architectural planning during 2004.

Indicative time scales 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 to tender in this year's programme, including St. Brigid's national school. I will make a further announcement in this regard during the year.

### Summer Works Scheme.

280. **Ms O'Sullivan** asked the Minister for Education and Science the way in which he proposes to address the needs of a school (details supplied), which will not be able to deliver the new science syllabus due to totally inadequate laboratory facilities, repeatedly brought to the attention of his Department and for which funding was not received under the summer works scheme; and if he will make a statement on the matter. [9971/04]

**Minister for Education and Science (Mr. N. Dempsey):** The accommodation needs of Scoil Chaitríona will be addressed as part of a major redevelopment project that is in the early stages of architectural planning.

### Early School Leavers.

281. **Ms O'Sullivan** asked the Minister for Education and Science if his attention has been drawn to the excellent work being done by the ALFA project in Scariiff, County Clare, for 13-16 year olds that have left the formal school system; if he will fund the project under youthreach, youth encounter or some other appropriate funding system; and if he will make a statement on the matter. [9972/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department's commitment to tackling the problem of early school leaving is reflected in the national anti-poverty strategy, the

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National Action Plan Against Poverty and Social Exclusion, 2003-2005, and the latest social partnership agreement, Sustaining Progress, which contains a special initiative on tackling educational disadvantage — literacy, numeracy and early school leavers.

My Department's approach to addressing this problem comprises legislative and curricular reforms as well as preventative interventions. The Education (Welfare) Act was fully commenced on 5 July 2002. Under the Act, the National Educational Welfare Board, NEWB, was established to ensure that every child attends school regularly or otherwise receives an education. To discharge its responsibilities, the board is developing a nationwide service to provide welfare focused services to children, families and schools.

At this stage of its development, the aim of the board is to provide a service to the most disadvantaged areas, including areas designated under the Government's RAPID programme and most at risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed since early December 2003 in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. Thirteen towns with significant school going populations, including Ennis, also now have an educational welfare officer allocated to them. In addition, the board will follow up on urgent cases nationally where children are not currently receiving an education.

The board issued an information leaflet to 330,000 families and 4,000 schools in early March 2004. The leaflet targeted parents and guardians of children aged between six and 16 years of age and young people aged 16 and 17 who have left school early to start work. It outlines the role that parents and guardians play in ensuring that their children do not miss out on education and training and also gives information about the National Educational Welfare Board. In addition, the board launched a new lo-call telephone number to inform parents and guardians about their legal role and responsibilities under the Education (Welfare) Act 2000.

As provided for under section 10 of the Education (Welfare) Act 2000, my Department is working with the board to ensure that any opportunities for integrated working between educational welfare officers and staff on other educational disadvantage programmes whose work involves a school attendance element, such as school completion programme, home school community liaison scheme and the visiting teachers for Travellers service, are exploited to the full.

My Department operates a number of programmes, including the giving children an even break programme and the home school community liaison scheme, which provide

additional supports for children in primary and post-primary schools from disadvantaged backgrounds who are most at risk of educational disadvantage and early school leaving. My Department's main programme for tackling early school leaving is the school completion programme, which was launched in 2002. The school completion programme incorporates the learning, experience and best practice derived from previous early school leaving initiatives and assimilates the eight to 15 early school leaver initiative, ESLI, and the stay in school retention initiative at second level, SSRI. It is a key component of my Department's strategy to discriminate positively in favour of children and young people who are at risk of early school leaving. The programme is based on an integrated cross community approach to tackling educational disadvantage, involving 82 projects, one of which is based in Ennis.

With regard to curriculum reform, my Department's strategies have included widening the educational experience available to students. These strategies aim to achieve a greater level of inclusiveness in curricular provision through such programmes as the junior certificate schools programme — JCSP, the leaving certificate vocational programme — LCVP, vocational preparation and training — VPT — and the leaving certificate applied — LCA.

#### **School Accommodation.**

282. **Mr. Penrose** asked the Minister for Education and Science if his attention has been drawn to the difficulties facing parents of children in the Mullingar area in trying to enrol them in the local schools due to the rapidly expanding population and the lack of school accommodation to cater for these numbers in the area; and if, in this context, additional school accommodation will be provided to cater for this pressing problem; and if he will make a statement on the matter. [9973/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school planning section of my Department is assessing the relative impact of the changing demographic of Mullingar for school provision.

A new eight classroom primary school is under construction in Mullingar and is expected to be ready for occupation in September 2004. In addition, applications have been received from two bodies wishing to establish new primary schools in the town from the start of the 2004-05 school year. The new schools advisory committee is currently processing these applications.

#### **Bologna Process.**

283. **Mr. Stanton** asked the Minister for Education and Science the progress that has been made on the Bologna declaration; the further progress that has been made to establish a European higher education area; the work that

has yet to be carried out; the readiness of third level institutions here in comparison with others in Europe; his further plans in this regard; and if he will make a statement on the matter. [10055/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is actively involved in the Bologna process. In 2002, it established a national steering group on the Bologna process, which is chaired by my Department and has representation from the key stake holders. In July 2003, my Department hosted a national conference on the Bologna process in Dublin Castle which was open to representatives from all higher education institutions. This also provided timely input to the preparation of the Irish position for the September 2003 meeting of Ministers with responsibility for higher education in Berlin. Since January 2004, my Department has taken over the chair of the Bologna follow-up group for the duration of the Irish EU Presidency.

Arising from the Berlin meeting of Ministers, specific targets were set for 2005 under the headings of quality assurance, degree structure and recognition of degrees. On each of these fronts, Ireland has made strong progress by reference to our partner signatory countries and the higher education sector deserves commendation for its efforts in this regard. I have further supported these efforts through the recent launch of the diploma supplement and the ratification of the Lisbon recognition convention.

Naturally, I am anxious that the good momentum is maintained and the national steering group, which meets on a regular basis, will continue to be a source of advice to me on the Bologna process in advance of next ministerial conference in Bergen, Norway, in May 2005.

#### **Quality Assurance in Teaching.**

284. **Mr. Stanton** asked the Minister for Education and Science the way in which his Department promotes and supports high quality teaching, education and research at university and college of technology level; the funding specifically available in this regard; and if he will make a statement on the matter. [10056/04]

**Minister for Education and Science (Mr. N. Dempsey):** Quality assurance in teaching, education and research is one of the primary concerns of my Department. In terms of teaching and education, my Department funds a targeted initiative, “support for teaching”, for the university sector through the Higher Education Authority and supports programmes under the quality assurance NDP sub-measure for all third level institutions.

Support for teaching targeted initiative funding is directed towards strategic activities underpinning the importance of teaching and learning as a core part of institutional activity. In

recent years funding has been provided for proposals from the universities which identify excellence in teaching, reward excellence in teaching and plan for the development of teaching strategies at institutional, inter-institutional and subject level. Proposals which show evidence of support for strategic activities that demonstrate the importance of teaching have also been funded. Funding of 70% of the cost of each successful proposal is provided and €809,000 was allocated to the universities in 2003 for this purpose.

The “training of trainers” programme is also operational in the university sector. Annual funding of just over €1 million is allocated to the universities overall to implement this programme. The institutes of technology receive overall funding of €2.5 million annually from the staff development programme. Both of these programmes are supported from within the quality assurance sub-measure of the employment and human resources development operational programme of the NDP and total provision over the duration of the plan amounts to €31.29 million. The stated aim of these programmes is to promote a quality culture across the range of activities in third level institutions, to promote greater transparency and accountability and to improve pedagogical training, teaching evaluation and appraisal and the development of management skills. A review of the training of trainers programme is currently being undertaken by the Higher Education Authority.

An established priority for this Government, in line with a wider EU strategy agreed under the Lisbon agenda, is the creation of a world class research, development and innovation capacity and infrastructure. In view of this, my Department is supporting a range of research activities, including funding for the programme for research in third level institutions. In November 2003, capital funding for cycle three of this programme was confirmed.

My Department’s total overall higher education research and development funding provision for 2004 amounts to €83 million, including capital and current expenditure. To date 800 researchers have been funded under the PRTLII. This enhancement of the quantity and quality of trained researchers is providing vital skilled resources to the Irish innovation system.

#### **Special Educational Needs.**

285. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10057/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received applications for special educational resources, SER, from the school referred to by the Deputy. The school currently has the services of one full-time resource teacher and two shared learning support teachers.

SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. 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 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with more than 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these projects are available on my Department's website. Furthermore, 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.

Due to general staffing constraints in the public service, it is unlikely that there will be any major expansion in County Kildare during the current school year of the service offered by the National Educational Psychological Service or NEPS. However, schools without access to the NEPS may avail of the scheme for commissioning

psychological assessments, details of which may be found on my Department's website.

286. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10058/04]

292. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10064/04]

293. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10065/04]

295. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10067/04]

303. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10080/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 286, 292, 293, 295 and 303 together.

My Department is currently considering applications for special support services to cater for students with special educational needs at each of the schools to which the Deputy refers. The nature and level of the response provided in each case will have regard to the professionally

assessed needs of the individual students involved. The school authorities will be advised of my Department's response to their applications as soon as possible.

With regard to the issue of accommodation, the position with the schools in question is as follows. No application for additional accommodation has been received from St. Wolstan's community school or Salesian's secondary school. Meanscoil Iognaid Rís is currently in discussion with my Department about the design and delivery of modular accommodation. A large scale building project for Maynooth post-primary school is at early stages of architectural planning. My Department recently provided over €3 million for a large scale refurbishment and extension project at Scoil Dara, Kilcock, County Kildare.

287. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10059/04]

**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. The school currently has the services of two full-time resource teachers and a part-time resource teacher, one full-time shared learning support teacher, three full-time special needs assistants, SNA, and three part-time SNAs. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. 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 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with more than 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these projects are available on my Department's website. Furthermore, 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.

Due to general staffing constraints in the public service, it is unlikely that there will be any major expansion in County Kildare during the current school year of the service offered by the National Educational Psychological Service, NEPS. However, schools without access to the NEPS may avail of the scheme for commissioning psychological assessments, details of which may be found on my Department's website.

288. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10060/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has no record of receiving any applications for additional special educational resources, SER, from the school in question. Any applications received will be considered in the context of the criteria set out in the relevant Department circulars and the existing level of SER provision in the school.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with over 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these projects are available on my Department's website. Furthermore, 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

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a further announcement in that regard during the year.

A psychologist from the National Educational Psychological Service, NEPS, has been assigned to the school referred to by the Deputy.

289. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodating special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10061/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received applications for special educational resources, SER, from the school referred to by the Deputy. The school currently has the services of four full-time resource teachers, two full-time learning support teachers and two full-time special needs assistants, SNA. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. 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 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with over 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these

projects are available on my Department's website. Furthermore, 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.

Due to general staffing constraints in the public service, it is unlikely that there will be any major expansion in County Kildare during the current school year of the service offered by the National Educational Psychological Service, NEPS. However, schools without access to the NEPS may avail of the scheme for commissioning psychological assessments, details of which may be found on my Department's website.

290. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10062/04]

**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. The school currently has the services of one full-time resource teacher, one full-time shared learning support teacher and two full-time special needs assistants, SNA. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

The processing of the applications is a complex and time consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of

resources already allocated for special educational needs within the school.

The arrangements for processing applications received after the 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with over 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these projects are available on my Department's website. Furthermore, 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.

Due to general staffing constraints in the public service, it is unlikely that there will be any major expansion in County Kildare during the current school year of the service offered by the National Educational Psychological Service, NEPS. However, schools without access to the NEPS may avail of the scheme for commissioning psychological assessments, details of which may be found on my Department's website.

291. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10063/04]

**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. The school currently has the services of three full-time resource teachers and one full-time shared resource teacher, one learning support teacher, two full-time special class teachers for children on the autistic spectrum, 18 full-time special needs assistants and five part-time special needs assistants.

SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. 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 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with more than 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these projects are available on my Department's website. Furthermore, 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.

A psychologist from the National Educational Psychological Service, NEPS, has been assigned to the school in question.

*Questions Nos. 292 and 293 answered with Question No. 286.*

294. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10066/04]

**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. The school currently has the services of two full-

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time resource teachers, two shared learning support teachers, three full-time special needs assistants and three part-time special needs assistants. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. 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 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with more than 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these projects are available on my Department's website. Furthermore, 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.

Due to general staffing constraints in the public service, it is unlikely that there will be any major expansion in County Kildare during the current school year of the service offered by the National Educational Psychological Service, NEPS. However, schools without access to the NEPS may avail of the scheme for commissioning psychological assessments, details of which may be found on my Department's website.

*Question No. 295 answered with Question No. 286.*

296. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter.  
[10068/04]

**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. The school currently has the services of two full-time resource teachers, one full-time shared learning support teacher and three full-time special needs assistants. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. 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 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with more than 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these projects are available on my Department's website. Furthermore, 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.

Due to general staffing constraints in the public service, it is unlikely that there will be any major expansion in County Kildare during the current school year of the service offered by the National Educational Psychological Service, NEPS. However, schools without access to the NEPS may avail of the scheme for commissioning psychological assessments, details of which may be found on my Department's website.

297. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10069/04]

**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. The school currently has the services of one full-time resource teacher, one full-time learning support teacher and one part-time special needs assistant. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. 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 31 August 2003 will be considered

in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with more than 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these projects are available on my Department's website. Furthermore, 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.

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**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. The school currently has the services of one part-time resource teacher, one full-time shared learning support teacher, one full-time special needs assistant and one part-time special needs assistant. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

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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 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

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299. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, in relation to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet in full these requirements; and if he will make a statement on the matter. [10072/04]

**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. The school currently has the services of one full-time resource teacher, one part-time resource teacher, two full-time learning support teachers, two full-time special needs assistants and one part-time special needs assistant. SER applications received between 15 February and

31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

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300. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or

psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter.  
[10074/04]

**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. The school currently has the services of two full-time resource teachers, one full-time learning support teacher, two full-time special needs assistants and two part-time special needs assistants. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

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[10075/04]

**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. The school currently has the services of two full-time resource teachers, one part-time resource teacher, one full-time shared learning support teacher and two full-time special needs assistants. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

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302. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter.

[10078/04]

**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. The school currently has the services of one full-time shared resource teacher, one full-time shared learning support teacher and two part-time special needs assistants. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to before or soon after the commencement of the current school year.

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*Question No. 303 answered with Question No. 286.*

304. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter.

[10082/04]

**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. The school currently has the services of two full-time resource teachers, one full-time shared learning support teacher, one full-time special needs assistant and two part-time special needs assistants. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were

responded to before or soon after the commencement of the current school year.

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The processing of the applications is a complex and time consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school. The arrangements for processing applications received after 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

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Due to general staffing constraints in the public service, it is unlikely that there will be any major expansion in County Kildare during the current school year of the service offered by the National Educational Psychological Service, NEPS. However, schools without access to the NEPS may avail of the scheme for commissioning psychological assessments, details of which may be found on my Department's website.

305. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra facilities required at a school (details supplied) in County Kildare; when, with regard to accommodation, special teaching requirements, classroom assistants or psychological services, he expects to be in a position to meet these requirements in full; and if he will make a statement on the matter. [10083/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has no record of receiving any applications for special educational resources, SER, from the school in question. Any applications received will be considered in the context of the criteria set out in the relevant Department circulars and the existing level of SER provision in the school.

With regard to accommodation, the Deputy will be aware that the 2004 school building programme is the largest in the history of the State, with more than 200 significant school building projects being authorised to proceed to tender and construction in 2004. The details of these projects are available on my Department's website. Furthermore, 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.

Due to general staffing constraints in the public service, it is unlikely that there will be any major expansion in County Kildare during the current school year of the service offered by the National Educational Psychological Service, NEPS. However, schools without access to the NEPS may avail of the scheme for commissioning psychological assessments, details of which may be found on my Department's website.

#### **Schools Refurbishment.**

306. **Mr. Durkan** asked the Minister for Education and Science when he expects to be in a position to provide funding to carry out permanent works on the roof of a school (details supplied) in County Kildare; and if he will make a statement on the matter. [10084/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Office of Public Works is managing the State's asbestos remediation programme. I understand the roof of the school in question is an asbestos roof. Accordingly, the matter has been referred to the OPW.

#### **Site Acquisitions.**

307. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the acquisition of a site and permanent structures for a school (details supplied) in County Kildare; and if he will make a statement on the matter. [10085/04]

**Minister for Education and Science (Mr. N. Dempsey):** The school to which the Deputy refers is operating with provisional recognition from my Department. The question of permanent recognition will be considered when my Department is satisfied that long-term viability of the school has been demonstrated and that the school is operating in accordance with the rules for national schools. The school's accommodation

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needs are the responsibility of the school's management authorities pending permanent recognition being granted to the school.

308. **Mr. Durkan** asked the Minister for Education and Science the development in regard to the provision of a new primary school at Kill, County Kildare; the action likely by end of 2004 in this regard; and if he will make a statement on the matter. [10086/04]

**Minister for Education and Science (Mr. N. Dempsey):** The property management section of the OPW is acting on behalf of my Department in site acquisitions generally and is currently exploring the possibility of acquiring a site for Kill National School in County Kildare. It is not known at this stage if a site will be acquired in 2004. The school authorities will be kept informed of developments.

#### **Schools Building Projects.**

309. **Mr. Durkan** asked the Minister for Education and Science when he expects to be in a position to provide the facilities at a school (details supplied) in County Dublin; and if he will make a statement on the matter. [10087/04]

**Minister for Education and Science (Mr. N. Dempsey):** The new school for Colaiste Cois Life in Lucan in County Dublin is listed for proceeding to tender and construction as part of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). The indicative time scale in the programme for this project proceeding to tender is the second quarter of 2004 and this process has commenced. The school authorities will be kept advised of developments.

310. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of the extra facilities at a school (details supplied) in County Kildare; and if he will make a statement on the matter. [10088/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received an application for retrospective funding from St. Corban's School in Naas in County Kildare in respect of a capital project which was progressed without the agreement of my Department. The school building programme lists projects to be funded in any given year. A circular letter is currently being drafted in my Department's planning and building Unit to advise schools that projects undertaken by schools, without the approval or agreement of my Department, will not be funded as to do so would reward queue jumping and undermine the openness and transparency of the system, which is the essential point of publishing the school building programme. A letter advising the school of this position will shortly issue from my Department.

311. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the completion of the covered walkway at a school (details supplied) in County Kildare; if the proposal is likely to be completed in 2004; if the necessary finance is available for this purpose; and if he will make a statement on the matter. [10089/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Deputy will be aware that my Department's 2004 capital programme has been published and is available also on my Department's website at [www.education.ie](http://www.education.ie). On the basis of the budgetary allocation, it was not possible to include this project in the list of new projects to commence in 2004. The project will be considered again in the context of the 2005 capital programme.

312. **Mr. Durkan** asked the Minister for Education and Science the position in regard to extra requirements and facilities at a school (details supplied) in County Kildare; and if he will make a statement on the matter. [10090/04]

**Minister for Education and Science (Mr. N. Dempsey):** Proposals for the delivery of approximately 370 sq. m. of modular accommodation in the current year were recently issued to the school's management authority and have been accepted. Officials from my Department will liaise with the school about the design and delivery of this accommodation.

313. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of the extra permanent classrooms at a school (details supplied) in County Kildare; and if he will make a statement on the matter. [10091/04]

**Minister for Education and Science (Mr. N. Dempsey):** I am pleased to advise the Deputy that provision was made for additional permanent accommodation to be provided at Naas CBS as part of my recent announcement of an additional €30 million investment in school buildings. Officials from my Department are currently liaising with the school and its design team about the design and delivery of this accommodation.

#### **Site Acquisitions.**

314. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the future of a school (details supplied) in County Kildare, with particular reference to site acquisition and the provision of extra accommodation in keeping with ever increasing requirements; and if he will make a statement on the matter. [10092/04]

**Minister for Education and Science (Mr. N. Dempsey):** For some time, County Kildare VEC has been exploring the possibility of relocating St.

Patrick's post-primary school from its existing town centre location. However, I understand that no final decisions have as yet been taken in this matter.

### **School Curriculum.**

315. **Mr. Durkan** asked the Minister for Education and Science the reason he has not met in full his financial commitment to schools in regard to the encouragement of the sciences in the junior syllabus; and if he will make a statement on the matter. [10093/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department's school building unit is currently examining all applications for additional funding in respect of the equipment requirements to facilitate the junior science syllabus and it is proposed that the necessary funding will be made available by mid April 2004 at the latest.

### **Psychological Service.**

316. **Mr. Durkan** asked the Minister for Education and Science his proposals to increase the availability of psychological assessments to the primary school sector; and if he will make a statement on the matter. [10094/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department is committed to providing a full educational psychological service to all schools. The National Educational Psychological Service, NEPS, has been expanding gradually on a national basis in recent years in accordance with the Government's decision of February 1999. I am aware that during this development phase of NEPS some schools have experienced difficulties in accessing psychological assessments. I have, therefore, provided funding so that those schools which do not yet have direct access to the NEPS service can avail of the scheme for commissioning private assessments, SCPA, which NEPS administers, pending the full expansion of the NEPS service to all schools. This is an interim arrangement and is not a substitute for a full educational psychological service. NEPS has circulated details of SCPA to all schools and full information is also available on my Department's website.

317. **Mr. Durkan** asked the Minister for Education and Science the length of the waiting list for psychological assessment in primary schools; his plans to improve the situation; and if he will make a statement on the matter. [10095/04]

**Minister for Education and Science (Mr. N. Dempsey):** The National Educational Psychological Service, NEPS, has delegated authority to develop and provide an educational psychological service to all students in primary and post-primary schools and in certain other centres supported by the Department. Provision

of educational psychological assessments is part of the work of the educational psychologists in NEPS. Primary schools may also have access to psychological assessments through the health boards, voluntary bodies under their aegis, the scheme for commissioning psychological assessments, SCPA, and through private practitioners. Given the variety of referral agencies, it is not possible to estimate the length of the waiting list for psychological assessment.

The educational psychologists in NEPS address the need for psychological assessments in the schools they serve and provide advice on the identification and screening of children who might need to be assessed. It will take some time for the backlog of assessment work to be dealt with, but good progress is being made. NEPS psychologists do not keep waiting lists of children requiring assessment in the sense of lists of names that are dealt with in chronological order. Each psychologist is responsible for a number of named schools and visits each on a regular basis. The school authorities provide names of children who are giving cause for concern and discuss the relative urgency of each case during the psychologist's visits. This allows the psychologists to give early attention to urgent cases and such children will be seen or referred on in a matter of weeks, if not days. Where cases are less urgent, the psychologist will, as a preliminary measure, act as a consultant to teachers and parents, offer advice about educational and behavioural plans and monitor progress.

NEPS has not yet reached its full staffing complement and I intend to allow for continuing recruitment of psychologists, subject to the availability of resources. Pending the expansion of NEPS to all schools in the country, my Department has allocated funding for the commissioning of psychological assessments by schools from private practitioners. NEPS has issued details of how to avail of this scheme, SCPA, to all schools.

There have been concerns in the past that some children may have been referred to more than one agency, thus increasing the waiting lists in schools and in health board clinics and leading to a duplication of effort. A joint working party, established by NEPS and the health boards, reported during 2002 with a series of recommendations aimed at promoting effective liaison at national, regional and local level. This report has been accepted by the relevant management groups and is now at implementation stage. It includes recommendations for effective protocols in relation to referrals and waiting lists.

### **Education Policy.**

318. **Mr. Durkan** asked the Minister for Education and Science his views on whether it is wise to prolong his confrontation with the teaching profession; and if he will make a statement on the matter. [10096/04]

**Minister for Education and Science (Mr. N. Dempsey):** I do not accept that there is ongoing confrontation with the teacher unions. Both my officials and I will continue to engage with the teacher unions in a meaningful way on all matters relating to the education system. Consultation with all the education partners is crucial to the ongoing development of our education system. In that regard I launched “Your Education System” a process of national consultation on Irish education. The aim of the process is to encourage the widest possible debate or discussion on the future of Irish education. The process will last for this year. At the end of the process it should be possible to identify and document shared themes, issues and concerns which can then be use in planning the policies that will shape our education system going into the future.

#### **School Accommodation.**

319. **Mr. Durkan** asked the Minister for Education and Science if, in relation to primary and post-primary schools throughout the country which are deficient in accommodation and structures, thereby contributing to non-compliance with health and safety standards, he intends to take initiatives to address these issues immediately; and if he will make a statement on the matter. [10097/04]

**Minister for Education and Science (Mr. N. Dempsey):** Individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care. In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of school management authorities to have a safety statement in place in their schools. Schools are obliged to identify possible hazards, assess the risks to health and safety and put appropriate safeguards in place. Primary schools are given an annual allocation of €3,809 plus

€12.70 per pupil under the grant scheme for minor works which can be used entirely at the discretion of school management to address basic health and safety issues relating to the school infrastructure.

As regards school buildings, the school building programme for 2004 that is published on my Department’s website represents a further major step in progressing the Government’s consistent commitment since 1997 to deal with school accommodation needs. The total allocation for school buildings in 2004 is

€387 million, which enables in excess of 200 projects to go to construction during 2004 providing new school buildings, extensions to and or refurbishment of existing school buildings, accommodation for children with special needs as well as many more smaller scale projects such as access for all, roof replacements and mechanical and electrical improvements. I have also extended the small and rural and the permanent accommodation initiatives and I have put in place a new devolved summer works scheme. This is a

clear signal of the Government’s commitment to education and to the modernisation of school buildings.

#### **Pupil-Teacher Ratio.**

320. **Mr. Durkan** asked the Minister for Education and Science the extent to which he expects to improve pupil-teacher ratios at primary level in inner city schools; and if he will make a statement on the matter. [10098/04]

**Minister for Education and Science (Mr. N. Dempsey):** The pupil-teacher ratio at primary level has improved significantly in recent years. The ratio has fallen from 22.2:1 in the 1996-97 school year to 18.0:1 in the 2002-03 school year. The projected ratio for the current school year is 17.35:1. In line with Government policy, my Department will continue to provide further reductions in the pupil-teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs and those from disadvantaged areas.

#### **School Staffing.**

321. **Mr. Durkan** asked the Minister for Education and Science the current and anticipated requirement in respect of classroom assistants; the extent to which this need is being met and is likely to be met in the near future; and if he will make a statement on the matter. [10099/04]

322. **Mr. Durkan** asked the Minister for Education and Science the extent to which resource teachers are required at primary level; the way he expects to meet this requirement in the short term; and if he will make a statement on the matter. [10100/04]

323. **Mr. Durkan** asked the Minister for Education and Science the extent to which remedial teachers are required at primary level; the way he expects to meet this requirement in the short term; and if he will make a statement on the matter. [10101/04]

324. **Mr. Durkan** asked the Minister for Education and Science the extent to which special needs teachers are required at primary level; the way he expects to meet this requirement in the short term; and if he will make a statement on the matter. [10102/04]

**Minister for Education and Science (Mr. N. Dempsey):** I propose to take Questions Nos. 321 to 324, inclusive, together.

All children with special needs within the primary sector have an entitlement to special education support. The precise nature and level of support provided is based on the professionally assessed needs of the individual child. The allocation of resource teaching support and special needs assistant support is based on the availability of psychological reports and any other

relevant documentation. The number of resource teachers has increased from 104 in 1998 to more than 2,600 currently in the primary school sector. The number of special needs assistants within the primary system has grown from 300 in 1998 to 4,319 full-time and a further 1,353 part-time posts.

Applications for special educational needs resources 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. All these new entrant cases were responded to and we continue to respond to emergency applications. The processing of 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. 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 special needs 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 special needs provision.

Arrangements for processing applications received since September 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. In this context, my officials have initiated discussions on the matter with representative interests. At this stage, it would be premature to anticipate the outcome. The basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

Pending the conclusion of discussions with the representative interests, schools are advised to refer to Circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school. The number of learning support teachers in the primary school system has increased from 1,302 in 1998 to 1,531 at present. In selecting pupils for learning support provision, remedial priority should be given to those pupils who achieve scores at or below the tenth percentile. In order to allow for measurement error, consideration may be given to selecting pupils who achieve scores up to and including the twelfth percentile. Once schools are satisfied that the needs of pupils who have low achievement or serious learning difficulties have been met, a limited degree of flexibility may be exercised in the deployment of the learning support teacher. The principal teacher has overall responsibility for the school's learning support programme and for the operation of services for children with special educational needs.

### Standardised School Year.

325. **Ms Harkin** asked the Minister for Education and Science the number of recognised post-primary schools which furnished completed declarations with regard to his request of January 2004 to post-primary schools to furnish declarations regarding arrangements for a standardised school year, parent/teacher meetings and staff meetings; and the number of recognised post-primary schools which did not furnish completed declarations. [10120/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received 734 completed declarations from post-primary schools in relation to the operation of the agreed arrangements for standardisation of the school year, parent teacher meetings and staff meetings. A further four declarations were returned to my Department which are unidentifiable as the school name and roll number was omitted. Nine post-primary schools have not yet returned their declarations. My Department is in touch with the schools concerned in order to obtain all outstanding returns.

326. **Ms Harkin** asked the Minister for Education and Science the number of schools which were in breach of Sustaining Progress in view of the information declared by them and Circular M5/04 of 9 January 2004 (details supplied) to chairpersons of boards of management and managers. [10121/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information sought by the Deputy will be compiled by my Department and forwarded directly to her.

327. **Ms Harkin** asked the Minister for Education and Science the penalties which were imposed on offending schools in comparison to schools which accorded with the terms of circular letter 19/03; and the penalties which were imposed on the teachers in the offending schools in comparison to those working in schools that accorded with the terms of circular letter 19/03. [10122/04]

**Minister for Education and Science (Mr. N. Dempsey):** Agreement was reached at the Teachers Conciliation Council recently about the standardisation of the breaks at Christmas, Easter and mid-term in the first and second terms for the next four school years. In the context of that agreement and having regard to the difficulties encountered in relation to the arrangements for the 2003-04 school year, the parties acknowledged that the new agreement removed any uncertainty and confusion which may have prevailed. In addition, the parties agreed that all schools that had a difficulty will ensure that over the balance of the school year the minimum 167 and 183 day requirement is satisfied and any loss of tuition time will be addressed at school level.

### Parent Teacher Meetings.

328. **Ms Harkin** asked the Minister for Education and Science if, in relation to Circular M34/03 to managerial authorities in second level schools (details supplied), schools are required to hold a student review meeting in the third term; if, in schools in which all student review meetings were held during the same term, they were required to hold only one on the basis of their being half within and half without normal school time; if schools are required to hold three student review meetings on a half in and half out of school time basis in 2003-04; and if, when a school has held three such meetings, one in the first term and two in the second term, they have fulfilled their obligations in accordance with the terms of CL/M/34/03. [10123/04]

**Minister for Education and Science (Mr. N. Dempsey):** The agreement reached under Sustaining Progress in relation to parent teacher meetings for the 2003-04 school year provided that in respect of one student review meeting per term post-primary schools will make provision to allocate from normal school time a period equivalent to the time given outside school. These arrangements were set out in Circular Letter M34/03.

The arrangements for the holding of such meetings are a matter for school management authorities and have regard to best practice and the terms of the circular letter. The normal arrangements are that one such meeting would be held in the first and second terms where the benefit of such meetings is maximised for both parents and students. There is no requirement to hold a parent teacher meeting in the third term where no such meeting is required.

Agreement has now been reached on extending these arrangements with effect from the 2004-05 school year. This agreement provides that in respect of three formal parent teacher meetings per year such meetings will commence at 4.15 p.m. in all schools and will conclude at 6.45 p.m. In accordance with good practice, parents who are waiting will be seen if this can reasonably be done. In the small number of cases where a parent is unable to attend the formal meeting, current practice whereby the parent is facilitated to meet a teacher he or she wishes to meet will apply and a mutually convenient time will be agreed. I am happy that these new arrangements will provide improved access for parents and will preserve tuition time for students.

329. **Ms Harkin** asked the Minister for Education and Science the number of post-primary schools which answered affirmatively to the question in section 2 (details supplied) in the declaration form attaching to Circular M5/04; the number of post-primary schools which answered negatively to the question; and the number of post-primary schools which did not respond to the question. [10124/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information sought by the Deputy will be compiled by my Department and forwarded directly to her.

### Special Educational Needs.

330. **Mr. F. McGrath** asked the Minister for Education and Science the reason over 4,000 children with disabilities are still waiting for their special education resources; and the outcome of the review of these applications. [9888/04]

**Minister for Education and Science (Mr. N. Dempsey):** The Deputy may be assured that I am committed to the sustained development of supports and services for children with special educational needs. For the current school year alone, approximately 1,000 applications for resources for new entrant pupils were considered on a priority basis. Each application was responded to by, or shortly after, 1 September last. As a consequence, a further 131 resource teacher posts and 282 special needs assistant posts were allocated to primary schools. In addition, my Department is continuing to respond to emergency applications as they are received.

The balance of more than 4,000 applications received between 15 February and 31 August 2003 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 special needs provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nation-wide census of special needs provision.

It is intended to advise all applicant schools of the result of their applications as soon as possible. This notification will take account of the outcome of discussions on a weighted system of allocation of special education teacher support. In that regard, my officials have initiated discussions with representative interests on the development of a weighted model. The development of a weighted system is complex and time consuming involving as it does, not just discrete allocations for individual schools, but shared allocations between smaller schools. I am, however, hopeful of a conclusion in the near future. While it would be premature at this stage to anticipate the outcome, I confirm that the basic purpose of the weighted system is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

### Fishery Inspectors.

331. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the action he intends to take to urgently settle the industrial dispute with the fishery inspectors which affects the fish processing industry by his Department's ban on landings between midnight

and 8 a.m.; if his attention has been drawn to the fact that boats are now landing outside this country and seasonal workers are thus being denied the right to work by the actions of his Department; and if the fish processing workers will be compensated for loss of earnings and the fishermen for additional transport costs. [9576/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** As I outlined previously in response to the Deputy's question on Tuesday, 23 March 2004, the new landing times for pelagic fish have been imposed because of more stringent monitoring controls and weighing procedures recently introduced by the European Commission in relation to the mackerel, horse mackerel and north west herring fisheries. These new rules are designed to facilitate effective control of pelagic fisheries. Such control is a key element in fisheries management policy and enables the sustainable management and development of the fisheries concerned. This is an entirely valid policy objective and I fully support it.

In implementing the new EU procedures, my Department has acceded to industry requests to allow landings at a variety of ports around the coast. The immediate impact of that decision was that some restrictions had to be placed on permitted landing time at the range of permitted ports. The permitted times for landing are between 8 a.m. and midnight on weekdays and 8 a.m. to 6 p.m. on weekends and public holidays. This represents fairly comprehensive coverage given the constraints on staffing resources. While a 24 hour coverage would be an ideal situation, there are certain organisational and resource realities that my Department has had to consider. The current rate of coverage is a reasonable response in the prevailing circumstances.

I and my Department officials continue to work closely with the industry in the implementation of these new requirements. We have worked together in recent months to put in place certain transitional arrangements which are both effective in control terms and also satisfy the legitimate requirement of both fishermen and processors to maintain the quality of catches. This process will continue and I am confident that practical problems can be resolved in a mutually satisfactory manner. In this context, I have not ruled out a possible extension to the existing permitted hours of landing going forward provided that a clear justification exists and that sufficient resources are available to support any such changes.

The supply of fish to fish processing plants has always been subject to the influence of many factors, including weather, the location of where the fish is being caught and the prices paid at different ports. A significant proportion of the catches in the spring pelagic fisheries have normally been landed abroad. The choice of where fish is landed, whether into ports within

Ireland or elsewhere, cannot be directed by me and is a matter solely for the individual fishing skippers. Under the current arrangements the maximum possible waiting period in Irish ports of up to eight hours during a weekday and up to 14 hours during a weekend is substantially less than the time that is often spent by these vessels sailing to alternative landing ports outside Ireland. The choice of some skippers to land some pelagic catches abroad is not determined by the limited restrictions on night time landings.

#### **Coastal Erosion.**

332. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the length of the County Cork coastline; and the funds provided by his Department for coastal erosion in Cork in the years 2002, 2003 and 2004 with comparable figures both as to length of coastline and funding allocated for County Louth during the same years. [9843/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The need for coastal protection is not related to the length of coastline in any particular county but to the nature of the coastline. Soft coastlines, such as those found on the east and south east coast, are at considerably greater risk of erosion than harder coastlines found elsewhere. The length of the coastline of mainland County Cork, as measured by the high water mark line, is estimated to be 1,400 km. approximately. However, the amount of coastline which would be at risk from erosion would be substantially smaller due to the varying nature of the coastline.

My Department provided funding of €494,438.83 and €184,310.81 to Cork County Council in 2002 and 2003, respectively, towards coast protection works in County Cork. The 2002 works resulted in the protection of 578 m of coastline. Louth County Council was in receipt of €813,571.39 and €287,366.25 from my Department in 2002 and 2003, respectively, towards a number of projects in County Louth. The 2002 works resulted in the protection of 1,473 m of coastline. The length of coastline protected under the 2003 works is not yet available. To date in 2004 there has been no allocation of funding to either county.

#### **Harbours and Piers.**

333. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that since the commencement of the Greencastle/Magilligan ferry and the improvements to the fishing fleet in Greencastle, County Donegal, the undertakings given to the fishermen in regards to the capital dredging of the Queens Port and the maintenance dredging of Greencastle Harbour have not been honoured; and the way in which he proposes to relieve over congestion at

[Mr. Ferris.]

Greencastle Harbour and solve the safety issues. [9844/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Greencastle Harbour is owned by Donegal County Council and responsibility for its repair, maintenance and development rests with the local authority in the first instance. I am not aware of any commitments given to fishermen at Greencastle in respect of dredging. However, as the Deputy will be aware, I have recently approved the advancement of the proposed development project at Greencastle to planning stage and it is envisaged that the county council will commence this process shortly.

334. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the proposals he has to finance urgent repairs to the pier at Helvick where serious structural damage has been done; and if he will make a statement on the matter. [9848/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The harbour at Helvick is owned by Waterford County Council and responsibility for any development or maintenance works rest with the local authority in the first instance. The National Development Plan 2000 — 2006 provided a total of €84 million for fishery harbour development. These funds are fully committed. However, should additional Exchequer funds become available, any proposal for works at Helvick could be considered in the context of the available funds and overall national priorities. The Deputy may wish to note that the Department of Community, Rural and Gaeltacht affairs has funding responsibility for marine works in Gaeltacht areas.

#### Post Office Network.

335. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources if he will give a breakdown of post offices per electoral area in Donegal; if he will indicate the number that are still in existence; the number closed down in the past 15 years; and if he will make a statement on the matter. [9853/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** As regards the breakdown of post offices per electoral area in Donegal, this information is not readily available. However, I have asked my officials to forward this information to the Deputy at the earliest opportunity.

There are currently 95 post offices in Donegal. In addition to these post offices, there are eight postal agencies and 245 PostPoint retailers in the county. Over the past 15 years 24 post offices have closed in County Donegal. With the addition of postal agencies and PostPoint retailers, there are now 348 outlets providing various types of postal services in the county.

#### Sports Funding.

336. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the position regarding the lottery grant applied for by a football club (details supplied) in County Louth and the application for €80,000 for club development. [9574/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

The 2004 sports capital programme was advertised in the national newspapers on 30 November and 1 December 2003. The closing date for receipt of applications was 16 January 2004. A total of 1,304 applications were received before the closing date, including one from the organisation in question. All applications are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

#### Performing Arts.

337. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the funding available for an Irish dancing and music group (details supplied) in County Louth which will represent Ireland at the Folk Fest in Sardinia in July 2004. [9575/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The cultural relations committee, an independent voluntary body operating under the aegis of my Department, makes recommendations to me in respect of financial assistance for Irish artists who want to perform or show their work abroad. The organisation in question should, therefore, contact the secretary to the cultural relations committee, c/o the Department of Arts, Sport and Tourism, South Frederick Street, Dublin 2.

#### Swimming Pool Projects.

338. **Mr. Stanton** asked the Minister for Arts, Sport and Tourism further to Parliamentary Question No. 137 of 25 February 2004, the sources of the 55 applications for funding mentioned; the status of each of the applications; the number and location of further applications received since the closing date on 31 July 2000; and if he will make a statement on the matter. [9586/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As the Deputy will be aware, there are four stages leading to the provision of a pool, namely, preliminary report, contract documents, tender approval and construction. Each stage of the process is subject to the approval of the Department.

The locations and current status of the applications in question are set out in the following statement. The list refers to applications that were received and accepted into the local authority swimming pool programme prior to 31 July 2000, the final date for submission under the current round. A further eight projects were submitted by local authorities after 31 July 2000, but could not be processed as they were received after the final date for submission. These projects were located in Douglas and Mitchelstown in Cork City and County, respectively, Kells and Trim in County Meath, Roxboro in Limerick City, Portnool in County Donegal and Cloghran in County Dublin. One replacement project in Monaghan town was accepted into the programme after the closing date as an exceptional measure because the local authority pool closed for safety reasons in 2001.

#### REFURBISHMENT/NEW PROJECTS COMPLETED (13)

13 projects have been completed or have finished construction

Arklow  
Courtown/Gorey  
Dundalk  
Ennis  
Enniscorthy  
Monaghan  
Navan  
Wicklow  
Roscommon  
AquaDome, Tralee  
Ballinasloe  
Finglas, Dublin  
Grove Island, Limerick

#### CONSTRUCTION STAGE (5)

Tralee  
Clonmel  
Tuam  
Churchfield, Cork City  
Ballymun

#### TENDER STAGE (4)

Cobh, Co. Cork  
Youghal, Co. Cork  
Letterkenny, Co. Donegal  
Drogheda, Co. Louth

#### CONTRACT DOCUMENTS STAGE (18)

Naas, Co. Kildare  
Portarlington, Co. Laois  
Athy, Co. Kildare  
Jobstown, South County Dublin  
Clondalkin, South County Dublin  
Killarney, Co. Kerry  
Portlaoise, Co. Laois  
Dunmanway, Co. Cork  
Ballyfermot, Dublin city  
Askeaton, Co. Limerick  
Longford, Co. Longford  
Ballybunion, Co. Kerry  
Glenalbyn, Co. Dublin  
Skerries, Fingal  
Tullamore, Co. Offaly  
Claremorris, Co. Mayo  
Thurles, Tipperary  
Monaghan Town, Co. Monaghan.

#### PRELIMINARY STAGE (15)

Edenderry, Co. Offaly  
Clara, Co. Offaly  
Dundrum, Co. Dublin  
Castlebar, Co. Mayo

Kilkenny City  
Roscrea, Tipperary, NR  
Loughrea, Co. Galway  
New Ross, Co. Wexford  
Ballybofey, Co. Donegal  
Greystones, Co. Wicklow  
Bray Town, Co. Wicklow  
Ferrybank, Co. Wexford  
Buncrana, Co. Donegal  
Ballaghaderreen, Co. Roscommon  
Birr, Co. Offaly

#### Sports Capital Programme.

339. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism when he intends to allocate funds under the sports capital programme; the budget available; and if he will make a statement on the matter. [9591/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

The 2004 sports capital programme was advertised in the national newspapers on 30 November and 1 December 2003. The closing date for receipt of applications was 16 January 2004. A total of 1,304 applications were received before the closing date. These applications are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed. I will decide soon on the level of provisional grant allocations to be made this year having regard both to the quality of the applications received under the 2004 programme and the pattern of grant allocations and drawdowns on foot of earlier years' approvals.

#### Pharmacy Regulations.

340. **Mr. Gormley** asked the Minister for Health and Children the reason Irish and other EU pharmacists wishing to work in a pharmacy that is less than three years old are discriminated against under Article 2.2 of 85/433/EEC; the further reason this derogation does not preclude non-EU nationals, for example, Americans, with EU qualifications from working; and the action he intends to take to rectify this situation. [9547/04]

**Minister for Health and Children (Mr. Martin):** Council Directive 85/433/EEC provides for the free movement of pharmacists within the European Economic Area, EEA. Under EU Directives 85/432/EEC and 85/433/EEC, any EU/EEA national holding a recognised pharmacy qualification from such a state is entitled to register as a pharmacist in Ireland in accordance with free movement provisions.

[Mr. Martin.]

Article 2.2 of 85/433/EEC gives member states the option of not recognising the qualification of any national of an EU/EEA state who is qualified as a pharmacist in relation to the ownership, management or supervision of a pharmacy that is less than three years old or for the establishment of a new pharmacy. This means that a pharmacist who qualified in another EU/EEA state and who is a national of such a state may not own in their own right, operate or manage a pharmacy that is less than three years old. Nationals of non-EU/EEA states, such as Americans, are subject to the criteria laid down for recognition of pharmacy qualifications and the registration of pharmacists by the Pharmaceutical Society of Ireland, the statutory body charged with this duty in Ireland.

The Pharmacy Review Group, whose report was issued in February 2004, considered the issue of the derogation. I am continuing to examine the complex legal and public health issues in the group's recommendations and consideration will be given to the use of the derogation on completion of this examination. The Pharmacy Review Group's report is available on my Department's website at [www.doh.ie](http://www.doh.ie).

#### Patient Statistics.

341. **Mr. Neville** asked the Minister for Health and Children the number of cases of

hospitalisation in 2001, 2002 and 2003 due to kidney failure. [9552/04]

342. **Mr. Neville** asked the Minister for Health and Children the number of liver transplants carried out here in 2001, 2002 and 2003. [9553/04]

343. **Mr. Neville** asked the Minister for Health and Children the number of self-inflicted poisonings recorded in each of the years 2000, 2001, 2002 and 2003; and the same figures by gender. [9554/04]

345. **Mr. Neville** asked the Minister for Health and Children the number of persons in 2001, 2002 and 2003 who were discharged from hospitals here with a diagnosis of paracetamol poison; and the number of these which were diagnosed with a liver condition. [9556/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 341 to 343, inclusive, and 345 together.

The information requested by the Deputy is provided in the following tables. The figures are derived from the hospital in-patient inquiry, HIPE, system which records information on hospitalisations in all publicly funded acute hospitals in the State. This system records hospital episodes and is not a patient-based system. Thus, where a patient is admitted into a hospital on more than one occasion, these individual hospital episodes are recorded.

Table 1. Number of hospital discharges for selected conditions, 2001-2003

Year	Kidney Failure	Liver Transplants	Number of Discharges with diagnosis of Paracetamol Poisoning	Paracetamol Poisoning Discharges with Diagnosis of a Liver condition
2001	7,783	32	1,568	35
2002	9,266	40	1,390	36
2003*	8,368	14	1,243	19

Table 2. Number of discharges due to Self-Inflicted Poisoning, 2000-2003

Year	Male	Female	Total
2000	1,469	2,262	3,731
2001	1,357	2,284	3,641
2002	1,326	2,068	3,394
2003*	1,111	1,789	2,900

\*2003 figures are provisional.

#### Medicinal Products.

344. **Mr. Neville** asked the Minister for Health and Children the number of medical products on the market here which contain paracetamol. [9555/04]

**Minister for Health and Children (Mr. Martin):** I have been informed by the Irish Medicines Board, which is the competent national authority for the regulation of medicinal products, that 120

medicinal products containing paracetamol as an active substance are currently authorised for placing on the market in Ireland, although not all are necessarily on the market at any one time.

*Question No. 345 answered with Question No. 341.*

346. **Mr. Neville** asked the Minister for Health and Children if he will identify the regulations which govern the sale of paracetamol products [9557/04]

**Minister for Health and Children (Mr. Martin):**

The sale of products containing paracetamol as an active substance is controlled by the Medicinal Products (Prescription and Control of Supply) Regulations 2003, SI 540 of 2003. I have arranged to have a copy of these regulations forwarded to the Deputy.

**Disabled Drivers.**

347. **Mr. Kehoe** asked the Minister for Health and Children the current status of the application for a disabled drivers grant for a person (details supplied) in County Wexford; when a decision will be made; and if he will make a statement on the matter. [9597/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The medical assessment for the purpose of the disabled drivers and disabled passengers, tax concessions, scheme is carried out by the senior area medical officer in the relevant health board. This function is to assist the Department of Finance who have statutory responsibility for the disabled drivers and disabled passengers, tax concessions, scheme. Accordingly, my Department has asked the chief executive officer of the South Eastern Health Board to investigate this case and to reply directly to the Deputy as a matter of urgency.

**Services for People with Disabilities.**

348. **Mr. O'Shea** asked the Minister for Health and Children the proposals he has to provide the necessary funding for Cheshire Waterford to operate to full capacity; and if he will make a statement on the matter. [9599/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The development of health-related support services to people with disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Priorities for the allocation of funding available for the development of such services are decided by the health boards in consultation with their regional co-ordinating committees and regional consultative and development committees for disability services. Voluntary sector service providers and consumers are represented on the co-ordinating committees. Accordingly, the Deputy's question has been referred to the chief executive officer of the South Eastern Health Board with a request that he examine the matter and reply directly to the Deputy as a matter of urgency.

**Smoking Ban.**

349. **Mr. Ring** asked the Minister for Health and Children if, in regard to the smoking ban, his Department has begun recruiting enforcement officers to ensure the ban is adhered to; and when these jobs will be advertised. [9603/04]

**Minister for Health and Children (Mr. Martin):** Monitoring compliance with the workplace

smoke-free requirements is being carried out by officers from health boards, the Office of Tobacco Control and the Health and Safety Authority. Health boards with vacancies in their established environmental health officer complements in the tobacco control area are in the process of filling these posts. My Department has no plans to recruit additional enforcement officers in this area. The initial emphasis in regard to the new measure is on compliance building and in harnessing the widespread public support and goodwill that exists for a smoke-free environment.

**Hospital Staff.**

350. **Ms Lynch** asked the Minister for Health and Children if his attention has been drawn to the fact that a person (details supplied) will be concluding his employment at Cork University Hospital in May 2004. [9604/04]

**Minister for Health and Children (Mr. Martin):** The provision of hospital services, including the appointment of staff, at Cork University Hospital is a matter for the Southern Health Board. My Department has, therefore, asked the chief executive officer of the board to reply to the Deputy directly about the issue raised.

**Child Care Services.**

351. **Mr. J. Higgins** asked the Minister for Health and Children if he will seek the introduction as a matter of urgency legislation to compel all large companies and State bodies to provide free or subsidised child care facilities; and if he will make a statement on the matter. [9607/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The provision of free or subsidised child care facilities by companies or State bodies is not a function of the Department of Health and Children. The role of the Department of Health and Children in relation to child care services relates to the implementation of the Child Care (Pre-School Services) Regulations 1996, which give effect to the provisions of Part VII of the Child Care Act 1991 and provide for notification to and inspection by health boards of pre-school services. The regulations apply to pre-schools, playgroups, day nurseries, crèches, child minders looking after more than three children and other similar services which cater for children under six years of age. The purpose of the Child Care (Pre-School Services) Regulations 1996 is to secure the health, safety and welfare of pre-school children and to promote the development of children attending pre-school services.

Health boards provide financial supports to certain pre-school services which cater for children who are regarded as being at risk or disadvantaged. This function is in keeping with the boards' overall responsibilities under the Child Care Act 1991 in regard to the promotion

[Mr. B. Lenihan.]  
of the welfare of children and the provision of family support services.

#### **Health Board Services.**

352. **Mr. McGuinness** asked the Minister for Health and Children the reason the parents of a person (details supplied) in County Kilkenny are disallowed from attending with them at clinic appointments; if their desire to be present should be accepted as was the case with a previous consultant or doctor; and if he will investigate the matter. [9608/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of services to people with an intellectual disability and autism is a matter, in the first instance, for the South Eastern Health Board. My Department, therefore, has asked the chief executive officer of the South Eastern Health Board to investigate the matter and reply directly to the Deputy.

353. **Mr. McGuinness** asked the Minister for Health and Children if enhanced subvention will be paid in the case of a person (details supplied) in County Kilkenny; and if he will expedite a positive response in the case. [9609/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Kilkenny area is, in the first instance, the responsibility of the South Eastern Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### **Smoking Ban.**

354. **Mr. O'Connor** asked the Minister for Health and Children if his attention has been drawn to the debate about herbal cigarettes in the context of the smoking ban; and if he will make a statement on the matter. [9611/04]

**Minister for Health and Children (Mr. Martin):** There are reports in the media concerning the smoking of herbal cigarettes in the context of the smoke-free workplaces measures. Herbal cigarettes are not classified as tobacco products and, as such, the smoking of these products is not prohibited under the smoke-free workplaces measures. A decision to allow the consumption of these products in premises where the smoking of tobacco products is prohibited is a matter for the management of the premises concerned.

355. **Mr. O'Connor** asked the Minister for Health and Children if he will confirm plans for the implementation of the smoking ban; and if he will make a statement on the matter. [9612/04]

**Minister for Health and Children (Mr. Martin):** A national public information campaign, entitled

Smoke-Free at Work, has been rolling out across TV, radio and print media. In addition, a series of print materials for workplaces, employees and the general public is available and these can be downloaded from the new smoke-free at work website. The campaign has been providing guidance and information to all sectors of society in preparation for the commencement of the smoke-free workplaces measures.

Information is available on line from the Office of Tobacco Control and the Health and Safety Authority websites. A memorandum of understanding has been agreed and signed by the two agencies which will help to ensure compliance with the new measure.

Work place locations traditionally visited by the Health and Safety Authority will now also have to comply with the new smoke-free measure as part of their general compliance with health and safety requirements. Monitoring compliance with the smoke-free requirements in the food and hospitality area will be carried out by officers from health boards and the Office of Tobacco Control. Health boards with vacancies in their established environmental health officer complements in the tobacco control area are in the process of filling these posts.

The emphasis of the campaign will be on compliance building and in harnessing the widespread public support and goodwill that exists for a smoke-free environment.

Where a person has a concern over a breach of the smokefree requirements they should bring the matter to the attention of the manager or person in charge of the premises concerned. If they are not satisfied with the response they may refer the matter to the national helpline established by the Office of Tobacco Control at 1890 333 100 who will refer the matter to the appropriate local agency for investigation.

Adapting to the new measure will require some adjustment, particularly for those in workplaces which, up to now, have not benefited from the existing statutory controls on the smoking of tobacco products. I am confident that people will adjust, just as they did when cinemas, theatres, hairdressing salons, airplanes and numerous other settings went smoke-free. The trade union movement is strongly supportive and I am encouraged by the willingness shown by employers' organisations in the various sectors in recommending compliance with the new measure to their members. Most people are law abiding and responsible and I expect that the vast majority of employers, employees and the public will respect this important new public health measure.

#### **Health Board Services.**

356. **Dr. Upton** asked the Minister for Health and Children if two persons can avail of the public orthodontist system to correct a problem with overcrowding in view of the fact that the

private cost of this work is prohibitive (details supplied). [9637/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of orthodontic services to eligible persons in Dublin 12 rests with the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and to reply to her directly.

#### Medical Cards.

357. **Mr. F. McGrath** asked the Minister for Health and Children if assistance will be given to a seriously ill person (details supplied) in Dublin 5 in their efforts to get a medical card; and if he will make this case a priority issue. [9638/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of a medical card is, by legislation, a matter for the chief executive officer of the relevant health board or authority. My Department has therefore asked the regional chief executive of the Eastern Regional Health Authority to investigate the matter raised by the Deputy and to reply to him directly.

#### Departmental Spending.

358. **Mr. Neville** asked the Minister for Health and Children the health budget for each year from 1997 to 2004 inclusive. [9639/04]

**Minister for Health and Children (Mr. Martin):** The information requested is contained in the following table:

	Currency	Capital	Total
	€m	€m	€m
1997	3,469.780	166.962	3,636.742
1998	3,937.586	186.969	4,124.555
1999	4,600.446	230.694	4,831.140
2000	5,362.094	293.944	5,656.038
2001	6,703.640	373.620	7,077.260
2002	7,846.096	507.115	8,353.211
2003	8,788.128	514.186	9,302.314
2004	9,569.772	509.500	10,079.272

#### Health Board Services.

359. **Mr. Ardagh** asked the Minister for Health and Children the position in respect of an application of a school (details supplied) in Dublin 10 for a speech and language therapist; and when it is expected that the position will be sanctioned. [9646/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health related services, including speech and language therapy, for people with physical and or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the regional chief

executive of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

#### Voluntary Health Insurance.

360. **Ms O. Mitchell** asked the Minister for Health and Children if his attention has been drawn to the practice by VHI of charging a higher subscription for travel insurance for over 65s; and if this practice contravenes the principle of community rating. [9651/04]

**Minister for Health and Children (Mr. Martin):** The travel insurance product to which the Deputy refers is operated by VHI on an agency basis for an underwriting partner. As the travel insurance product is not a health insurance contract it is not subject to community rating. The underwriting conditions are primarily a matter for the underwriting insurer. It would not have been feasible to apply community rating to a travel insurance product in circumstances where experience rating is the norm.

#### Health Board Services.

361. **Mr. Ardagh** asked the Minister for Health and Children when a speech and language therapist will be appointed to a person (details supplied) in Dublin 10 as they are in great need of this service. [9653/04]

362. **Mr. Ardagh** asked the Minister for Health and Children if a person (details supplied) in Dublin 10 can have treatment at the Cherry Orchard Speech and Language Centre. [9654/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 361 and 362 together.

Responsibility for the provision of care and treatment of the named individual rests with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive to investigate the matter raised by the Deputy and reply to him directly.

#### National Cancer Strategy.

363. **Mr. O'Shea** asked the Minister for Health and Children his proposals in regard to equality of access for cancer patients requiring palliative care services in view of the national cancer strategy 1996 statement that it is recognised that patients with an advanced progressive disease will not be able to travel long distances for services; and if he will make a statement on the matter. [9656/04]

**Minister for Health and Children (Mr. Martin):** The publication of the report of the national advisory committee on palliative care was approved by Government and launched on 4 October 2001. The report describes a comprehensive palliative care service and acts as a blueprint for its development over a five to seven year period. I wish to advise the Deputy that my Department has provided funding to all

[Mr. Martin.] the health boards on a *pro rata* basis to commence the development of palliative care services in line with the recommendations in the report.

The report recommended that palliative care needs assessment studies should be carried out in each health board area and these studies are either completed or nearing completion. Information gleaned from these studies will inform the future development of palliative care services at health board level in consultation with the consultative and development committees which have been set up as recommended in the report. In addition, a paediatric palliative care needs assessment study is nearing completion and the report of the expert group on specialist design guidelines for palliative care settings is also nearing completion.

As the Deputy can see, my Department, the health boards and the voluntary sector are actively involved in planning for the development of palliative care services in line with the recommendations in the report of the national advisory committee and funding is being provided for the development of such services on an incremental basis in line with the recommendations in the report.

In regard to access to palliative care services, I wish to advise the Deputy that such services are provided in a number of facilities, both statutory and voluntary, and access to such services for patients in need of palliative care, including those with cancer, is based on need.

#### Health Board Services.

364. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will receive orthodontic treatment; and if he will make a statement on the matter. [9657/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of orthodontic treatment to eligible persons in County Clare rests with the Mid-Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

365. **Mr. Healy-Rae** asked the Minister for Health and Children the reason he failed to present himself to the Oireachtas Committee on Health and Children to explain his management of orthodontic services, as this service is in turmoil in south Kerry; and if he will make a statement on the matter. [9716/04]

**Minister for Health and Children (Mr. Martin):** The provision of orthodontic services is the statutory responsibility of the health boards/authority in the first instance.

Senior officials of my Department have already appeared — on two separate occasions — before the Joint Oireachtas Committee on Health and Children about the orthodontic service, on 8 November 2001 and again on 29 May 2003. My

Department made detailed oral presentations at both hearings, which were followed by extensive questions and answers sessions with members of the committee. I recently advised the chairman of the committee that I would be pleased to arrange a third oral presentation to be given to the committee on this matter, or attendance by my officials if desired. The Deputy may wish to note that following its hearings in late 2001-early 2002, the committee published a report on the orthodontic service in February 2002. I am pleased to further advise the Deputy of the measures that I have taken to improve orthodontic services in the Southern Health Board area and on a national basis.

The grade of specialist in orthodontics has been created in the health board orthodontic service. In 2003, my Department and the health boards funded 13 dentists from various health boards for specialist in orthodontics qualifications at training programmes in Ireland and at three separate universities in the United Kingdom. These 13 trainees for the public orthodontic service are additional to the six dentists who commenced their training in 2001; thus, there is an aggregate of 19 dentists in specialist training for orthodontics. These measures will complement the other structural changes being introduced into the orthodontic service, including the creation of an auxiliary grade of orthodontic therapist to work in the orthodontic area.

Furthermore, the commitment of the Department to training development is manifested in the funding provided to both the training of specialist clinical staff and the recruitment of a professor in orthodontics for the Cork Dental School. This appointment at the school will facilitate the development of an approved training programme leading to specialist qualification in orthodontics. The chief executive officer of the Southern Health Board has reported that the professor commenced duty on 1 December 2003. In recognition of the importance of this post at Cork Dental School, my Department has given approval in principle to a proposal from the school to further substantially improve the training facilities there for orthodontics. This project should see the construction of a large orthodontic unit and support facilities; it will ultimately support an enhanced teaching and treatment service to the wider region under the leadership of the professor of orthodontics.

In June 2002, my Department provided additional funding of €5 million from the treatment purchase fund to health boards specifically for the purchase of orthodontic treatment. This funding is enabling boards to provide both additional sessions for existing staff and purchase treatment from private specialist orthodontic practitioners. The Southern Health Board was allocated an additional €720,000 from this fund for the treatment of cases in this way.

Finally, the chief executive officers of the health boards/authority have informed my Department that at the end of the December

quarter 2003, some 21,727 children were receiving orthodontic treatment in the public orthodontic service. The chief executive officer of the Southern Health Board has informed my Department that at the end of the same period, 3,400 children were getting treatment from the board; this means that almost one out of every six children getting treatment from the public orthodontic service is from the Southern Health Board area.

### Health Service Reform.

366. **Ms O. Mitchell** asked the Minister for Health and Children if he has informed the professional representatives on the health boards that their services will no longer be required in view of the fact that many of their terms do not expire for several years; and his views on the status of the legislation enabling him to abolish health boards. [9717/04]

**Minister for Health and Children (Mr. Martin):** The health service reform programme is based on the Government's decision of June 2003. This decision was based on the audit of structures and functions in the health system carried out by Prospectus and the report of the commission on financial management and controls in the health service. Both reports identified this as the most important change required to establish the organisational improvements needed to strengthen the capacity of the health system to meet the challenges of implementing the programme of development and reform set out in the health strategy document, *Quality and Fairness: A Health System for You*.

The health service reform programme has been brought to the attention of all members of health boards and regional authorities. The Government agreed that health boards and the Eastern Regional Health Authority will be abolished as part of the overall health reform programme.

Prospectus strategy consultants found that, in an attempt to meet the diversity of patient needs and respond to local consumer and political involvement, a number of structures and functions have been duplicated or executed in different ways. It was accepted that while the intention is often to meet the needs of multiple stakeholders, the result has been weak integration of services and multiple contact points for patients.

The Government also accepted that there is a need to strengthen existing arrangements in relation to consumer panels and regional co-ordinating/advisory committees in representing the voice of service users. These structures incorporate patients, clients and other users, or their advocates. They will work to provide a bottom-up approach to understanding the needs of service users at a regional planning level. These existing models are at different stages of development and will continue to be enhanced. These mechanisms will serve to bring the patients and clients' views and inputs to bear in the decision making process.

I am conscious of the concerns to ensure that there is adequate governance of the new structures in a radically restructured health system. I have agreed to bring more detailed proposals to Government on the representation arrangements shortly. I am satisfied that the new arrangements, combined with the introduction of system-wide best practice governance and accountability systems, will ensure a stronger more effective health system and an improved health service for patients and clients.

The Health (Amendment) Bill 2004 is one of a number of initiatives being undertaken to implement the health sector reform programme on a phased basis. It provides for changes in the legislative provision regarding the membership of the Eastern Regional Health Authority — the authority — the area health boards and the health boards, the abolition of the distinction between reserved and executive functions and the assignment of reserved functions of the authority, the area health boards and the health boards to the chief executive officers and the Minister for Health and Children, as appropriate, and amendments to the Health Acts 1947 to 2001 to implement these proposals. I expect to be in a position to publish this Bill shortly. It is my intention that at the appropriate time contact will be made with health board or authority members to appraise them of the Government's decisions in this regard.

I will be introducing legislation to provide for the establishment of the health service executive to replace the Eastern Regional Health Authority and the health boards. This legislation will also provide the legislative basis for other aspects of the reform programme such as improved governance and accountability, planning and monitoring and evaluation. The establishment of the health information and quality authority, HIQA, on a legislative basis will also be provided for. It is also my intention that the new legislation will include provision for a statutory framework for complaints procedures in the health services as proposed in the health strategy. My intention is to have this legislation introduced by December 2004 so as to have the health services executive in place in January 2005.

### Hospital Staff.

367. **Mr. Ferris** asked the Minister for Health and Children if he will approve the appointment of a paediatric immunologist who would be able to diagnose and treat the 80 or more forms of paediatric immunological disease that currently threaten the lives of Ireland's children, replacing the current system where children in Ireland have to wait for ten months to a year to see an immunologist from England which only comes to Ireland seven to eight times per year. [9720/04]

**Minister for Health and Children (Mr. Martin):** In November 2000, Comhairle na nOspidéal published a report on immunology services which recommended that there should be four supraregional immunology centres in the country.

[Mr. Martin.]

A total of two centres were recommended for Leinster/Ulster — one centre based in north Dublin and one based in south Dublin. Supraregional immunology centres for Munster and Connacht/Donagall were recommended to be based in Cork and Galway respectively.

The report recommended that one of the consultant immunologists at the south Dublin centre should have a special interest in paediatric immunology and have substantial clinical commitments at the children's hospitals at Crumlin and Tallaght.

The appointment of a consultant immunologist with a special interest in paediatric immunology is a matter for the Eastern Regional Health Authority which is charged with responsibility for commissioning health and personal social services on behalf of the population of the region, and also on behalf of those outside the region who are referred for specialist treatment. My Department has, therefore, asked the regional chief executive of the authority to examine the issue and to reply to the Deputy directly.

368. **Dr. Cowley** asked the Minister for Health and Children if his attention has been drawn to the unfair treatment of public health nurses or professionals at local and national level, due to the failure of the Health Services Employers Agency to recognise them as clinical nurse specialists as recognised by the commission for nursing 1998; his views on whether such recognition as clinical nurse specialists is deserved, in view of the fact that it is essential that public health nurses have three qualifications (details supplied) and that other disciplines with fewer qualifications are designated clinical nurse specialists; his further views on whether this is unfair and an anomaly; that it is demoralising that public health nurses are denied their legal and professional right; and if he will make a statement on the matter. [9733/04]

**Minister for Health and Children (Mr. Martin):**

I presume the Deputy is referring to the pay awards recommended under the Public Service Benchmarking Body, PSBB, which saw the public health nurse, PHN, grade awarded an increase of 9.2% and the clinical nurse manager 2/clinical nurse specialist grade awarded 12.2%. The PSBB carried out an assessment of the PHN grade at the behest of the Irish Nurses Organisation prior to making its recommendation. The benchmarking process established "new absolute levels of pay" for nursing and other public service grades and furthermore stated that "no benchmarked grade may receive a further increase as a consequence of the body's recommendations as they effect any other grade, whether benchmarked or not". I would point out that in recognition of their qualifications, all PHNs are paid a qualification allowance of €2,422 per annum and PHNs who were in employment on 16 November 1999 are paid a further red circled allowance of €1,390 per annum on top of their basic salary.

### Hospital Services.

369. **Dr. Cowley** asked the Minister for Health and Children when he intends to meet the Opposition parties and Independent Deputies to discuss the alternative plan to the Hollywood report on the radiotherapy services as put forward by the Opposition; and if he will make a statement on the matter. [9734/04]

386. **Dr. Cowley** asked the Minister for Health and Children when he intends to meet the Opposition parties and Independent Deputies to discuss the alternative plan to the Hollywood report on the radiotherapy services as put forward by the opposition, in view of the major cost savings which would result from the implementation of the alternative report compared to the Hollywood report; and if he will make a statement on the matter. [9828/04]

**Minister for Health and Children (Mr. Martin):**

I propose to take Questions Nos. 369 and 386 together.

As the Deputy is aware, I launched the report on the development of radiation oncology services in Ireland in October 2003. The report is a most authoritative analysis of radiation oncology and provides a detailed plan for the future development of radiation oncology services nationally. The Government has accepted the recommendations of the report and the development of these services on the lines recommended in this report is the single most important priority in cancer services in the acute setting. Indeed the report has been the subject of a significant level of endorsement both nationally and internationally.

The Government has agreed that a major programme is now required to rapidly develop clinical radiation oncology treatment services to modern standards and that the first phase of the programme will be the development of a clinical network of large centres in Dublin, Cork and Galway. The development of these centres as a clinical network is of paramount importance and will, in the shortest possible timeframe, begin to address the profound deficit in radiation oncology services that has been identified in the report. The Government's objective is to provide a model of cancer care which ensures that patients with cancer receive the most appropriate and best quality of care regardless of their place of residence.

I understand that I will be meeting with the All-Party Oireachtas Committee on Health and Children shortly to discuss the Government's proposals for the development of radiation oncology nationally. As the Deputy and the main Opposition spokespersons on health are members of this committee, I consider this to be a valuable platform for discussion on radiotherapy.

### Ambulance Service.

370. **Dr. Cowley** asked the Minister for Health and Children when he intends to publish the

legislation allowing the recognition of paramedic status for the ambulance service, in order that lives can be saved by allowing ambulance EMTs to assume paramedic status in order that they can administer life saving drugs when indicated; and if he will make a statement on the matter. [9735/04]

**Minister for Health and Children (Mr. Martin):** The Deputy will be aware that the Pre-Hospital Emergency Care Council, PHECC, was established in 2000 and that its primary function is to develop appropriate standards in pre-hospital emergency care.

The council has submitted proposals to my Department in relation to the introduction of an emergency medical technician — advanced EMT-A programme. The drafting of the regulatory changes necessary to give effect to this initiative are being advanced by my Department as a priority. I am pleased to advise the Deputy that, consistent with the anticipated resolution of outstanding legal issues associated with the regulatory changes, I recently announced my intention to provide, at the earliest appropriate date, the necessary additional revenue funding to the council for the roll-out of the training element of the programme.

371. **Dr. Cowley** asked the Minister for Health and Children when he intends to publish the long awaited feasibility study on an all Ireland helicopter emergency service; and if he will make a statement on the matter. [9736/04]

**Minister for Health and Children (Mr. Martin):** My Department and the Department of Health, Social Services and Public Safety, Belfast, DHSSPS, commissioned a feasibility study and report on the costs and benefits associated with the introduction of a dedicated helicopter emergency medical services, HEMS, for the island of Ireland.

The final report of the consultants appointed to undertake the study has been received by both Departments and will be considered in the context of the strategic development of pre-hospital emergency care services in both jurisdictions. Arrangements for the publication of the report are being finalised.

#### **Services for People with Disabilities.**

372. **Mr. Haughey** asked the Minister for Health and Children the measures he is taking to improve the position of the intellectually disabled, particularly in relation to the provision at residential places; his plans in this regard; and if he will make a statement on the matter. [9751/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** My Department has, since 1997, allocated significant levels of funding across the disability sector which has resulted in very significant and unprecedented developments in the quality and quantity of the

health related services which are being provided to people with disabilities. A total of €643 million has been invested in these services, of which €388 million was provided for services to persons with intellectual disability and those with autism. The overall total includes an additional €25 million in current expenditure which was made available by the Minister for Finance in the 2004 budget for services for people with disabilities.

Some €18 million is being used by services for persons with intellectual disability and those with autism to provide extra day services particularly for young adults leaving school in June 2004, emergency residential placements and to enhance the health related support services available for children with intellectual disability or autism. The national intellectual disability database shows that in 2002 there were 23,050 people with intellectual disability in receipt of specialised services, representing 90.6% of the total population registered on the database. There were 468 people, 1.8% of those registered, who were without services at that time and were identified as requiring appropriate services in the period 2003-2007. This number had reduced by 47, or 9%, since 2001. The remaining 1,930 people, 7.6%, were not availing of services and had no identified requirement for services during the planning period 2003-2007.

Since 1996 there has been significant growth in the level of provision of full-time residential services, residential support services, and day services recorded on the national intellectual disability database reflecting, in particular, the significant investment programme in the intellectual disability sector between 2000 and 2002. Key developments noted in the 2002 report include: a 37% growth in the number of people with intellectual disability living in full-time residential placements within local communities; a 165% increase in the provision of intensive placements designed to meet the needs of individuals with challenging behaviours; a 47% reduction in the number of people accommodated in psychiatric hospitals; a continued expansion in the availability of residential support services, in particular service-based respite services, which have grown by 255%, with an additional 443 people being reported as being in receipt of these services between 2001 and 2002 alone; and increased provision in almost all areas of adult day services and in the level of provision of support services delivered as part of a package of day services to both children and adults.

Despite the very significant investment outlined above, demographic factors are contributing to growing waiting lists for residential services in particular even though the numbers of people in receipt of services continues to increase. For example, in 1981, 27% of persons with a moderate, severe or profound intellectual disability were aged 35 years and over and in 2002

[Mr. T. O'Malley.] the proportion of this population aged 35 and over has increased to 45%.

The increased birth rate in the 1960s and 1970s has resulted in large numbers of adults in their late 20s and early 30s requiring full-time residential services. In addition, people with an intellectual disability are living longer than previously adding to the need for services compared to previous generations. This has also been the international experience in service provision to this population.

The need to provide for additional day places for young adults leaving school in 2003 and again in 2004 also reflects the increased adult profile of those requiring support from these services in that the numbers leaving the adult day services are not sufficient to free up places for younger persons coming through from the schools. One of the major difficulties facing the health services in delivering support services to people with disabilities, is the shortage of certain professionals such as speech and language therapists, occupational therapists, physiotherapists and psychologists.

Significant progress has been achieved in boosting the number of therapy training places. Last year the Minister for Education and Science and the Minister for Health and Children announced 150 additional therapy training places in speech and language therapy and occupational therapy.

There has also been a concerted overseas recruitment drive on behalf of all health boards, the introduction of a fast track working visa scheme for health and social care professionals and the streamlining of procedures for the validation of overseas qualifications. The success of these measures is reflected in the increases in speech and language therapists and occupational therapists employed in the public health service over the three year period to end of 2002, with a 73% increase in occupational therapists and a 33% increases in speech and language therapists. From the information outlined above it is clear that while significant progress has been made in recent years, there is a need for a continued programme of investment.

### **Mental Health Services.**

373. **Mr. Wall** asked the Minister for Health and Children the methods his Department intends to use to overcome the grave concerns of senior professional personnel in correspondence (details supplied); the solution his Department can offer to overcome these concerns; and if he will make a statement on the matter. [9752/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** In the period 1999 to date additional revenue funding of almost €80 million has been invested in the development of our mental health services. The funding provided has been used for on-going developments in mental health services, to

develop and expand community mental health services, to increase child and adolescent services, to expand the old age psychiatric services, to provide liaison psychiatry services to general hospitals and to enhance the support provided to voluntary agencies. The total revenue spend on mental health services in 2004 will be in excess of €650 million.

The expert group on mental health policy was established in August 2003 to prepare a new national policy framework for the mental health services, updating the 1984 policy document *Planning for the Future*. The group consists of 18 widely experienced people who are serving in their personal capacity. The membership encompasses a wide range of knowledge and a balance of views on many issues affecting the performance and delivery of care in our mental health services. All areas of mental health policy and service provision, including the funding of the service, will be examined in the course of the group's review.

As responsibility for the Kildare and west Wicklow mental health service rests with the Eastern Regional Health Authority, my Department has asked the regional chief executive to investigate the matters raised by the Deputy and to reply to him directly.

### **Accident and Emergency Services.**

374. **Mr. Durkan** asked the Minister for Health and Children if extra resources can be made available to Blanchardstown Hospital accident and emergency Department; and if he will make a statement on the matter. [9753/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of services at James Connolly Memorial Hospital, Blanchardstown rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

### **Cancer Screening Programme.**

375. **Mr. Stanton** asked the Minister for Health and Children when he will extent BreastCheck to the Southern Health Board Region; the reason for the long delay; and if he will make a statement on the matter. [9756/04]

**Minister for Health and Children (Mr. Martin):** The national roll-out of BreastCheck, which I announced last year, requires detailed planning to include essential infrastructure.

The BreastCheck clinical unit in the southern area will be located at South Infirmary/Victoria Hospital, with three associated mobile units. Counties covered include Cork, Kerry, Limerick, Waterford and Tipperary South Riding. A capital project team has been established to develop a brief for the capital infrastructure needed for the clinical unit. The South Infirmary/Victoria Hospital considered it necessary to commission a

site strategy study to ensure the integration of the breast screening service into the present and future development of the hospital. In 2004 my Department made available a capital grant of €230,000 for the study to be undertaken by architectural, engineering and quantity surveying experts on behalf of the hospital. It is expected that this study will be completed shortly.

### Departmental Properties.

376. **Ms M. Wallace** asked the Minister for Health and Children the present usage of Court Hall at Belgree Road, Mulhuddart, Dublin 15 by the South Western Area Health Board; the plans there are for change of usage of this premises; and if he will make a statement on the matter. [9818/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of services referred to by the Deputy rests with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive to investigate the matter raised by the Deputy and reply to her directly.

### Health Board Services.

377. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children if support will be provided to an organisation (details supplied) in County Kerry; and if he will make a statement on the matter. [9819/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The development of health related support services to people with disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Priorities for the allocation of funding available for the development of such services are decided by the health boards in consultation with their regional co-ordinating committees and regional consultative and development committees for disability services. Voluntary sector service providers and consumers are represented on the co-ordinating committees.

Accordingly, the Deputy's question has been referred to the chief executive officer of the Southern Health Board with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

### Hepatitis C Incidence.

378. **Mr. Crowe** asked the Minister for Health and Children if counselling has been offered to the immediate families of persons diagnosed with hepatitis C or HIV as defined in section 4(1)(a) and (b) of the Hepatitis C Compensation Tribunal Act 1997. [9820/04]

380. **Mr. Crowe** asked the Minister for Health and Children the provision which has been made for the future needs of persons diagnosed with hepatitis C or HIV as defined in section 4(1)(a)

and (b) of the Hepatitis C Compensation Tribunal Act 1997. [9822/04]

382. **Mr. Crowe** asked the Minister for Health and Children if there is a mechanism in place for identifying person diagnosed, or who are at risk of diagnosis, with hepatitis C or HIV as defined in section 4(1)(a) and (b) of the Hepatitis C Compensation Tribunal Act 1997 and for contacting such persons with a view to offering counselling or other appropriate assistance; and the outreach in which his Department is involved with regard to these matters and with the families of these persons. [9824/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 378, 380 and 382 together.

I have met with the support groups representing persons who acquired hepatitis C and HIV via blood and blood products on a number of occasions and have always listened carefully to the issues which they have brought to my attention. Officials of my Department have regular contact with persons infected with hepatitis C and HIV and their families, and are familiar with the issues which are of concern to these groups. There are a number of fora where my officials, the support groups and the service providers meet together to work in collaboration on relevant matters.

Counselling, including psychological and psychotherapy services, is one of a range of health services available without charge to persons with hepatitis C, contracted through blood and blood products, under the Health (Amendment) Act, 1996. Each health board has a list of private counsellors who will provide counselling and who have undertaken to invoice the health board directly. Persons entitled to counselling may also attend any counsellor of their choice, once the counsellor meets certain professional criteria, and seek recoupment of their costs from the local health board. Whilst eligibility for most of these services applies to the infected person only, access to counselling is also available to immediate relatives.

Information on counselling services is contained in an information guide to services which has been distributed to every person with hepatitis C acquired through blood and blood products. A leaflet on counselling services has also been produced to give more information on what to expect from counselling. Copies of the information guide have also been issued to GPs and other health care professionals so that they would be fully informed of entitlements for hepatitis C patients, service availability, and appropriate points of contact for further information.

Each of the designated hepatology Units has a hepatitis C nurse counsellor; some units have the services of a dedicated psychologist and others have access to the hospital's psychology services. Treating physicians are aware of the psychological effects of hepatitis C and refer as

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appropriate to counselling, psychology and psychiatric services.

The four support groups — Positive Action, Transfusion Positive, the Irish Haemophilia Society and the Irish Kidney Association — also give support to newly diagnosed persons and assist them in making contact with appropriate services.

The Irish Haemophilia Society, IHS, recently alerted my Department to the fact that applications to the Hepatitis C and HIV Compensation Tribunal under the 2002 Act had started to bring unresolved grief to the surface and highlighted the need for counselling for the families of the bereaved. The IHS suggested that they would be willing to facilitate the provision of a solution to this problem and my Department was happy to agree. If the Deputy is aware of any bereaved families who might be in this position, I would advise him to put them in contact with the Irish Haemophilia Society in the first instance.

The Consultative Council on Hepatitis C was established in 1996 and has 16 members, appointed for a three-year period. The four main patient support groups — Positive Action, Transfusion Positive, the Irish Kidney Association, the Irish Haemophilia Society — perform a vital role as advocates for their members and nominate six of the members of the consultative council. In collaboration with the Consultative Council on Hepatitis C and the support groups within the last year alone, my Department has published an information guide on primary care and hospital services for persons with hepatitis C; published two information leaflets — one on the Health (Amendment) Act card and one on hospital services for persons with hepatitis C; organised an information day on hepatitis C in Dublin Castle; and organised an international conference on hepatitis C which took place between June 25 and 27 in Trinity College, Dublin.

Plans are in place by the consultative council to produce further literature, including a booklet on transplantation, hold another information day later this year, and plan a second international conference for 2006. The council is also working on a range of specific service issues and is monitoring the implications of the health services reform programme for hepatitis C services.

In addition to the consultative council, regular meetings are held at national level between the support groups, service providers and my Department in order to monitor services and identify emerging needs on an ongoing basis. In the eastern region, a regional forum has been established where service users, administrators and service providers meet together to monitor services, resolve local and regional difficulties and identify future service need. The support groups also meet with individual hospitals and consultants to discuss specific issues of concern to

their members. All four support groups are funded by the Department to provide support services to their members, and to represent their members' interests with service providers.

The identification of future service needs is an ongoing concern of myself, my Department and the service providers. The remit of the Consultative Council on Hepatitis C specifically includes advising me on future service needs. In order to address this area of its remit, the Consultative Council on Hepatitis C asked the National Disease Surveillance Centre to establish a national database of persons who were infected with hepatitis C through the administration within the State of infected blood and blood products and I have been happy to provide the funding for this project. Work on the database is at an advanced stage, and all four of the patient support groups are represented on the steering committee. As well as providing an invaluable resource for research, the objectives of the database include evaluation of the outcomes of treatment; monitoring the uptake of services and providing information for the planning and evaluation of health services.

379. **Mr. Crowe** asked the Minister for Health and Children the number of awards pursuant to the Hepatitis C Compensation Tribunal Act 1997 of less than €400 which have been made on the grounds of mental distress. [9821/04]

381. **Mr. Crowe** asked the Minister for Health and Children the number of families which have more than one member diagnosed with Hepatitis C or HIV as defined in section 4(1) of the Hepatitis C Compensation Tribunal Act 1997. [9823/04]

383. **Mr. Crowe** asked the Minister for Health and Children if he has satisfied himself that siblings of persons diagnosed with hepatitis C or HIV as defined in section 4(1)(a) and (b) of the Hepatitis C Compensation Tribunal Act 1997 who are not carers have adequate redress under the tribunal mechanism. [9825/04]

384. **Mr. Crowe** asked the Minister for Health and Children the maximum amount available in compensation to siblings, mothers, fathers, children and spouses under the Hepatitis C Compensation Tribunal Act 1997 assuming that none are carers under current legislation. [9826/04]

385. **Mr. Crowe** asked the Minister for Health and Children if he has plans to extend the rights to making claims in respect of siblings and families who have more than one member diagnosed with hepatitis C or HIV as defined in section 4(1) of the Hepatitis C Compensation Tribunal Act of 1997 and in respect of families who have more than one member deceased, diagnosed with hepatitis C or HIV as defined in section 4(1) of the Hepatitis C Compensation Tribunal Act 1997, for nervous shock resulting

from, infections under section 9 of the Hepatitis C Compensation Tribunal Act 1997. [9827/04]

**Minister for Health and Children (Mr. Martin):**

I propose to take Questions Nos. 379, 381 and 383 to 385, inclusive, together.

There are a number of headings under which siblings, mothers, fathers, children and spouses can make claims under the Hepatitis C Compensation Tribunal Act 1997, as amended. These are: mental distress; loss of income/services; general damages — where the deceased would have been entitled to make a claim for general damages but did not do so, his or her dependents are entitled to make a claim for these damages; post-traumatic stress disorder or nervous shock; loss of consortium — spouse or partner only; and loss of society.

The maximum amount of compensation available for mental distress is defined in the Civil Liability Acts at €25,400 — £20,000. For all the other heads of damages there is no statutory maximum award. The only instruction which the compensation tribunal has in this regard is the stipulation in the 1997 Act that:

...an award of the Tribunal to a claimant shall be made on the same basis as an award of the High Court calculated by reference to the principles which govern the measure of damages in the law of tort and any relevant statutory provisions....

In the case of mental distress and general damages, the tribunal may make one award under each heading, and apportion that award amongst the eligible dependents at their discretion. The list of eligible dependents is defined by the Civil Liability Acts and includes parents, grandparents, spouse, children, grandchildren and siblings.

With regard to post traumatic stress disorder/nervous shock and loss of society, eligibility is confined to parents, spouse and children. Under these heads of damages the number of eligible persons is not relevant, and each eligible person is entitled to an award in their own right, rather than a share in a joint award.

Loss of income or services, and losses incurred by carers come under the heading of special damages. Losses under these headings are based on an actuarial assessment of the actual losses incurred in the past and an estimate of the losses that will be incurred in the future. These awards are made on an individual basis, and any eligible individual who incurred a financial loss is entitled to make a claim.

The Deputy has asked for the number of awards of less than €400 awarded for mental distress. As I have explained, there is a statutory amount of €25,400 — £20,000 — specified in the civil liability legislation for mental distress. The apportionment of the award between dependents is a matter for the tribunal.

The Deputy has also asked specifically about compensation to siblings, who are not carers. Of the headings of claim which I have outlined

above, siblings of a person whose death was caused wholly or significantly by hepatitis C or HIV are entitled to a share in awards for mental distress and where applicable, any award for the general damages to which the deceased would have been entitled whilst alive. In addition, siblings who have incurred losses while acting as carers are also entitled to make a claim to the tribunal in respect of those losses.

I have no statistical information on the number of families with more than one person diagnosed with hepatitis C or HIV. I am however aware that one of the most tragic aspects of the infection with hepatitis C and HIV of persons with haemophilia is the fact that many families have more than one member who has been infected. Where families have suffered in this way, family members have an entitlement to compensation in respect of each infected person, and each case is considered separately. Siblings who have had two or more family members die because of hepatitis C or HIV may join in claims for mental distress in respect of each deceased person. They may similarly join in claims for the deceased's general damages, if applicable. Parents who have had two or more children die of hepatitis C or HIV are entitled to join in the claims for mental distress, and general damages of the deceased, if applicable. They are also entitled to make separate claims in their own right for post traumatic stress disorder/nervous shock, and for loss of society.

I have no plans to extend the hepatitis C and HIV compensation scheme, which was agreed after detailed discussions with the Irish Haemophilia Society and its legal representatives, and enacted by the Oireachtas.

*Question No. 380 answered with Question No. 378.*

*Question No. 381 answered with Question No. 379.*

*Question No. 382 answered with Question No. 378.*

*Questions Nos. 383 to 385, inclusive, answered with Question No. 379.*

*Question No. 386 answered with Question No. 369.*

**Health Board Surveys.**

387. **Mr. McGuinness** asked the Minister for Health and Children the number of persons from the Irish advocacy network, Monaghan involved at any one time in the survey being undertaken by the SEHB; and if these persons are spread through the region to conduct their work or if they are concentrated at one location. [9837/04]

388. **Mr. McGuinness** asked the Minister for Health and Children the terms of reference of the survey being conducted by the Irish advocacy group, County Monaghan, for the SEHB; the cost of the survey; the timeframe for its completion;

[Mr. McGuinness.] the target group of the survey; if the Kilkenny advocacy group will be included; if its findings will be made public; if the last survey undertaken by the SEHB in relation to the services offered and the views of the general public was completed; the cost of same; if the findings were published; if action was taken on matters arising from that survey; and if he will make a statement on the matter. [9838/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 387 and 388 together.

Responsibility for the matter referred to by the Deputy rests with the South Eastern Health Board. My Department has therefore asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

#### Hospitals Building Projects.

389. **Mr. J. O'Keeffe** asked the Minister for Health and Children if approval for the appointment of a design team for the extension to Bandon Community Hospital has been given in response to the request from the Southern Health Board made on 30 April 2002; and if so, when. [9839/04]

**Minister for Health and Children (Mr. Martin):** The Southern Health Board has prepared a draft brief to extend Bandon Community Hospital from 23 to 40 beds. The issue of the appointment of a design team for this project is at present being considered by my Department in the context of a review of the new capital commitments which can be commenced under the capital framework 2004 — 2008, in line with overall funding resources. My Department will remain in touch with the Southern Health Board in relation to approval for a design team for this proposed development.

#### Health Board Services.

390. **Mr. McGuinness** asked the Minister for Health and Children if a person (details supplied) in County Kilkenny will continue to be cared for at Drakeland's Nursing Home, Kilkenny; and if he will make a statement on the matter. [9840/04]

**Minister of State at the Department Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Kilkenny area is, in the first instance, the responsibility of the South Eastern Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

391. **Mr. McGuinness** asked the Minister for Health and Children the reason for the delay in arranging an appointment for a person (details supplied) at St. Luke's Hospital, Kilkenny; if an appointment will be expedited for them with a paediatrician; if there is a waiting list for this service; the steps he is taking to resolve the issue;

and if he will make a statement on the matter. [9841/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of services at St. Luke's Hospital, Kilkenny, is, in the first instance, a matter for the South Eastern Health Board. My Department has asked the chief executive officer of the South Eastern Health Board to investigate the matter and reply directly to the Deputy.

#### Hospital Services.

392. **Ms Shortall** asked the Minister for Health and Children when a person (details supplied) in Dublin 11 will have their condition diagnosed by a neurologist; if he has satisfied himself that there is a sufficient number of neurologists at Beaumont Hospital to cater for such demands on its services; if he has further satisfied himself that there is a sufficient number of hours devoted to public patients among the neurologists who work in Beaumont Hospital; and if he will make a statement on the matter. [9842/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of services to residents of counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority, and services at Beaumont Hospital are provided under an arrangement with the authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

393. **Ms McManus** asked the Minister for Health and Children the way in which he will ensure that the services for tuberculosis patients are fully maintained in view of the pending closure of the tuberculosis unit at Peamount Hospital; the rehabilitation and geriatric services which will be provided and when; if the ERHA were fully informed on the proposed closure; the ERHA policy in this regard; if he has satisfied himself with the approach adopted by the hospital board in making a hospital consultant redundant; and if he will make a statement on the matter. [9845/04]

398. **Mr. Curran** asked the Minister for Health and Children the plans in place to deal with and treat TB in Dublin and nationally; and if he will outline the future for Peamount Hospital in view of the reduction in TB treatment services at this hospital. [9936/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 693 and 698 together.

In July 2000, Comhairle na nOspideal made a number of recommendations on the future organisation and delivery of respiratory and tuberculosis services. Comhairle recognised the valuable role which Peamount Hospital has played for many years. However, in line with major advances in medical treatment, it recommended that the optimal in-patient care of

patients with respiratory diseases, including tuberculosis, is more appropriate to acute general hospitals, staffed by consultant respiratory physicians and other consultants supported by an array of investigative facilities.

Peamount Hospital was not regarded by Comhairle na nOspidéal as an appropriate location for the treatment of TB patients, especially those requiring ventilation and specialised treatment for other symptoms, such as heart disease, HIV, etc., who may present with TB. Comhairle na nOspidéal subsequently appointed a committee to advance the implementation of the 2000 report. The report of this committee, which endorsed the recommendations in the earlier report, was adopted by Comhairle in April 2003. Specifically it recommended that Peamount Hospital should play an active role in the provision of a range of non-acute support services, including pulmonary rehabilitation, within the South Western Area Health Board. It also recommended that patients who have been treated in St. James's Hospital and other major acute hospitals, and who require on-going rehabilitative care, could be transferred to Peamount Hospital for completion of their care.

I understand that in addition to the Comhairle advices on this issue, the board of Peamount Hospital has developed a strategic plan for the next five years. The hospital employed external support to assist them in this process and to advise of developments in the wider health care environment. The strategy adopted by the board proposes considerable enhancement of existing services and development of new services in the areas of rehabilitation and continuing care of older people, persons with intellectual disabilities and adults with neurological or pulmonary illness. The hospital will now develop a transitional plan to transfer acute services in a planned way, and following consultation, to an appropriate location in an acute general hospital.

Services in the hospital such as phlebotomy and X-ray will continue to be available to the local community; indeed much of the discussion to date has related to how Peamount can more effectively meet the primary care needs of the local population. After discussion with local GPs, it is clear that key concerns are in relation to the management of older people with chest infections and respiratory difficulties. The Eastern Regional Health Authority is in continuing discussion with Peamount in regard to how these services will be maintained. This will be supported by the appointment of a consultant geriatrician to Tallaght Hospital, with two sessions per week specifically committed to Peamount.

The authority is also working with Peamount to ensure that rehabilitation facilities will continue to be available for people with TB who have chronic lifestyles and are at risk of being unable to maintain their treatment programme without supervision. A joint consultant post in

rehabilitation medicine is also being established between the National Rehabilitation Hospital and Peamount.

Existing day and residential services for older people, people with intellectual and physical disabilities will continue to be provided. I would like to assure the Deputy that the direction which Peamount is now taking will see it developing its overall role and its support for acute hospitals, general practitioners and the community of the surrounding area and is in line with its commitment to the provision of the highest quality of care to existing and future patients. The implications for the acute respiratory services currently provided at the hospital are being assessed, following which it is understood there will be further consultation with a range of relevant parties. The authority will participate fully in this process to ensure that the interests of, and potential benefits to, patients of the region are fully realised. The industrial relations issue referred to by the Deputy is a matter for the board of Peamount Hospital and, accordingly, I do not propose to comment on the matter.

394. **Mr. O'Shea** asked the Minister for Health and Children his proposals to provide the appropriate level of dialysis services at Waterford Regional Hospital, bearing in mind the present highly unsatisfactory level of dialysis service at WRH; and if he will make a statement on the matter. [9846/04]

**Minister for Health and Children (Mr. Martin):**

The provision of hospital services at Waterford Regional Hospital is, in the first instance, a matter for the South Eastern Health Board. My Department has, therefore, asked the chief executive officer of the South Eastern Health Board to investigate the matter and reply directly to the Deputy.

395. **Mr. Carey** asked the Minister for Health and Children when a person (details supplied) in Dublin 11 will receive an appointment to see an orthopaedic surgeon in Beaumont Hospital; and if he will make a statement on the matter. [9847/04]

**Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of services to residents of counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

396. **Ms O. Mitchell** asked the Minister for Health and Children if the Mid Western Health Board has provided a site to the Mid-Western Hospital Trust for the purpose of building a radiotherapy unit; if the planned radiotherapy unit will treat public and private patients; the way this planned radiotherapy unit will fit in with the Minister's plans for the development of radiation

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oncology services in Ireland; and if he will make a statement on the matter. [9855/04]

**Minister for Health and Children (Mr. Martin):** I have met with both the Mid-Western Hospitals Development Trust and the Mid-Western Health Board in respect of their proposal for the development of a radiation oncology unit on the campus of the Mid-Western Regional Hospital Limerick. The proposal is for a facility to be constructed on a site to be made available by the Mid-Western Health Board and to be operated by a private hospital, with funds provided by the Mid-Western Hospitals Development Trust. I have been assured that the development will not require revenue or capital resources from my Department. My understanding is that it is intended to treat public and private patients at this facility.

I have advised the representatives of the Mid-Western Health Board of the establishment of a national radiation oncology co-ordinating group which will advise inter alia on the national co-ordination and delivery of existing and planned radiation oncology services, including agreeing quality assurance protocols and guidelines for the referral of public patients to private facilities.

My plan for the development of radiotherapy services is that the supra-regional centres in Dublin, Cork and Galway will provide comprehensive radiation oncology services to patients regardless of their place of residence. Specifically, these supra-regional centres will provide significant sessional commitments to patients in the mid-west. I expect proposals in that regard to be finalised shortly for submission to Comhairle na nOspideal, involving the Mid-Western, Western and Southern Health Boards, in order to expedite the recruitment of consultant radiation oncologists at Cork University Hospital and at University College Hospital, Galway.

The implementation of the report on the development of radiation oncology services in Ireland is the single most important priority in cancer services in the acute hospital setting. The immediate developments in the southern and western regions will result in the provision of an additional five linear accelerators. This represents an increase of approximately 50% in linear accelerator capacity. We will also provide for the appointment of an additional five consultant radiation oncologists. We currently have ten consultant radiation oncologists nationally. This will result in a significant increase in the numbers of patients receiving radiation oncology in the short term. These appointments are specifically designed to offer patients in areas such as the mid-west equity of access to radiation oncology services that are in line with best international practice.

#### **Child Abuse.**

397. **Mr. McCormack** asked the Minister for

Health and Children the reason the Brothers of Charity school in Woodlands, Galway, is not included on the lists of schools included in the Residential Institutions Redress Act 2002; and if he will make a statement on the matter. [9935/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Section 4 of the Residential Institutions Redress Act 2002 allows the Minister for Education and Science to include additional institutions in the schedule attached to that Act subject to a public body having had a regulatory or inspection function. Additional institutions can include industrial schools, reformatory schools, orphanages, children's homes and other such residential facilities for children.

My Department, in consultation with the Department of Education and Science, has been reviewing institutions to ascertain whether they can be included in the Schedule to the Act. Within the last week, information has been brought to the Department's attention which may allow for the inclusion of the Holy Family School, Renmore, previously Woodlands Hospital, in the Schedule. This information is being examined and a decision will be taken very quickly.

*Question No. 398 answered with Question No. 393.*

#### **Hospital Services.**

399. **Mr. Allen** asked the Minister for Health and Children if he has set up a group to implement the report on palliative care services; and if this group is already set up, the number of times and the dates which this group has met. [9937/04]

**Minister for Health and Children (Mr. Martin):** As the Deputy may be aware, the report of the national advisory committee on palliative care was launched in October 2001. One of the recommendations of the report is the establishment of a national council on palliative care services. The council would offer advice on the ongoing development and implementation of national policy on palliative care services in Ireland, having regard to the report of the national advisory committee on palliative care. I wish to advise the Deputy that the establishment of the national council is being examined in the context of the restructuring of the health system.

400. **Mr. Allen** asked the Minister for Health and Children if he will intervene in a situation where a person (details supplied) at the Cork University Hospital, is awaiting an outpatient appointment. [9939/04]

**Minister for Health and Children (Mr. Martin):** The provision of hospital services at Cork University Hospital is, in the first instance, a matter for the Southern Health Board. My Department has, therefore, asked the chief

executive officer of the Southern Health Board to investigate the matter and reply directly to the Deputy.

401. **Mr. Durkan** asked the Minister for Health and Children if a warfarin clinic would be set up at Celbridge health centre in view of the fact that currently the local population in Kildare must attend at Blanchardstown Hospital for same; and if he will make a statement on the matter. [9940/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of a warfarin clinic at Celbridge health centre rests with the Eastern Regional Health Authority. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

#### Health Board Services.

402. **Mr. Durkan** asked the Minister for Health and Children if extra speech therapy sessions can and will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9941/04]

403. **Mr. Durkan** asked the Minister for Health and Children if and when a person (details supplied) in County Kildare will be offered a place at specialist speech therapy school in Tallaght, as recommended by their current language therapist in view of the fact that they have the speaking ability of a two year old; and if he will make a statement on the matter. [9942/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 402 and 403 together.

The provision of health related services, including speech and language therapy, for people with physical and/or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the chief executive officer of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

#### Hepatitis C Incidence.

404. **Ms O. Mitchell** asked the Minister for Health and Children the progress which has been made in identifying and contacting late informants in respect of donors or others contaminated with hepatitis C; if there are outstanding cases as yet not notified; the action which has been taken in terms of counselling and compensation; if a further public enquiry is envisaged; and if further civil cases are anticipated. [9943/04]

**Minister for Health and Children (Mr. Martin):** In the course of an article in *The Irish Times* on 10 February last, it was claimed that neither my

Department nor the Irish Blood Transfusion Service (IBTS), formerly the Blood Transfusion Service Board (BTSB), had done anything to make sure that certain blood donors who had tested positive for hepatitis C were informed of the fact. This is incorrect and I wish to refute it in the strongest possible terms.

The Finlay tribunal of inquiry, which reported in 1997, noted that between November 1991 and December 1993, donors in the Munster region who had tested positive for hepatitis C were not immediately notified of their test results. The tribunal acknowledged that these donors were eventually informed by the BTSB of their diagnosis between late 1993 and February 1994 and offered appropriate counselling and support at that time. There has never been any suggestion that individuals were not notified of their diagnosis by February 1994.

High Court proceedings have been initiated by one of these donors about the delay in notification to him of his hepatitis C infection. Inquiries undertaken by the Office of the Chief State Solicitor confirmed that there were another 27 Munster donors who were in a similar position to this person. I do not know at this stage whether further civil cases will be taken.

Following discussions between Department officials and the support groups, Transfusion Positive and Positive Action, it was agreed to establish an independent investigation of donor notification procedures and other residual donor issues. The main points at issue are the delay in notification, the donors' understanding of the position in this regard, and the policies and procedures which led to the delay.

I believe that the Commissions of Investigation Bill 2004, when enacted in the coming months, will provide an appropriate mechanism for this investigation. It is envisaged that the legislation will provide for compellability of witnesses and hearings in public, if necessary. Anyone who tests positive for hepatitis C as a result of the administration within the State of contaminated blood or blood products is entitled to have his or her claim for damages heard by the Hepatitis C Compensation Tribunal, in accordance with the Hepatitis C Compensation Tribunal Act 1997. In addition, following the enactment of the Hepatitis C Compensation Tribunal (Amendment) Act 2002, relatives and next of kin of persons with hepatitis C can also claim under a range of headings for loss and damage.

In accordance with the Health (Amendment) Act 1996, persons infected are entitled to a wide range of health services, including GP services, all prescribed drugs, medicines and appliances, dental and ophthalmic services, home support, home nursing, counselling and other services, without charge.

#### Hospital Services.

405. **Mr. Connolly** asked the Minister for Health and Children the numbers of babies born

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in ambulances on their way to Monaghan General Hospital or in cars on their way to Cavan General Hospital following the closure of the maternity unit at Monaghan Hospital. [9953/04]

406. **Mr. Connolly** asked the Minister for Health and Children the number of babies born to mothers at Cavan General Hospital within one hour of their arrival at that hospital since the closure of the maternity unit at Monaghan General Hospital. [9954/04]

**Minister for Health and Children (Mr. Martin):** I propose to take Questions Nos. 405 and 406 together.

The information requested by the Deputy is not routinely collected by my Department. My Department has, therefore, requested the chief executive officer of the North Eastern Health Board to collate the information and to forward it directly to the Deputy.

#### Medical Cards.

407. **Aengus Ó Snodaigh** asked the Minister for Health and Children the reasons a person (details supplied) in Dublin 10 was refused a medical card; if they should qualify as a person who has been in receipt of invalidity benefit for the past 10 years due to the fact that they suffer from epilepsy, has suffered a brain haemorrhage, has had a hip replacement, and has donated a kidney; and if this decision can be reversed in view of the fact that it is causing this person financial hardship. [10023/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for the provision of a medical card is, by legislation, a matter for the chief executive officer of the relevant health board/ERHA. My Department has therefore asked the regional chief executive of the Eastern Regional Health Authority to investigate the matter raised by the Deputy and to reply to him directly.

#### Medical Care Abroad.

408. **Aengus Ó Snodaigh** asked the Minister for Health and Children if the E111 certificate of entitlement to benefits in kind during a stay in an EU member state is valid and operable for Irish citizens travelling to Lourdes in France. [10026/04]

**Minister for Health and Children (Mr. Martin):** Form E111 provides entitlement to immediate necessary medical treatment during a temporary stay in an European Union or European Economic Area member state on the same basis as if the person was an insured resident of that member state. It is important to note that in some instances accessing these services may incur a charge, however such charges would be in line with charges imposed on residents of that country. Temporary stays are periods where a person cannot be considered resident in a member state under that country's legislation.

The E111 is available from health boards and health authorities and all persons ordinarily resident in Ireland are eligible to obtain this form. This covers public treatment only and any person who opts for private treatment is liable for any expenses incurred. It is important to remember that the E111 may not cover all one's medical expenses. As the hospital in the Grotto, Lourdes is a private hospital, the E111 form will not be accepted to cover emergency treatment. However, the E111 form is accepted at the public hospital in the town of Lourdes.

#### Community Care.

409. **Aengus Ó Snodaigh** asked the Minister for Health and Children if his attention has been drawn to the fine work of the Mother McAuley centre on Curlew Road in Drimmagh, Dublin 12, which caters for the needs of older persons as well as pre-school children; the grants that are available to assist the centre in building their extension in order to help deliver their voluntary services; the Government grants the centre has received in the past five years; and if he will raise this matter with the South Western Area Health Board. [10027/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** The provision of health services in this area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority.

I am pleased to advise the Deputy that this matter has been brought to my attention by other public representatives and as a result of this my Department is in touch with the authority about a grant application submitted by the Mother McAuley centre. This application will be examined in the context of overall resources available.

#### Services for People with Disabilities.

410. **Ms O. Mitchell** asked the Minister for Health and Children if his attention has been drawn to the extent of the backlog of unmet needs in the disability area as a result of virtually static budgets since 2002; and when some of this unmet need will be met by way of capital and revenue funding. [9548/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The following amounts of additional revenue and capital funding have been made available to the health boards by my Department in 2003 and 2004 for the provision of health services for people with disabilities.

	Revenue	Capital
	€million	€
2003	57.28	30,000
2004	34 million	

The revenue funding is ongoing and will remain available to the health boards for the provision of such services.

Psychiatric Services.

411. **Mr. Naughten** asked the Minister for Health and Children the guidelines in place to ensure that all patients who are in residential psychiatric care receive eye tests on a regular basis; and if he will make a statement on the matter. [9549/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** In his report for the year ended 31 December 2001, the Inspector of Mental Hospitals expressed concern that psychiatric patients enjoy poorer health than the general population. The inspector stated that it is incumbent on service deliverers to frequently assess the physical health of in-patients. Regular eye-testing would obviously form part of such assessments. Patients should be encouraged to partake in health screening programmes and health education programmes should be directed equally at in-patients and community residents, as at the general populations. The inspector stated that all patients residing in community residences are registered with GPs under the general medical services scheme and carers should ensure that patients visit their GPs frequently for routine physical appraisal.

Tuberculosis Incidence.

412. **Mr. Neville** asked the Minister for Health and Children the number of drug resistant tuberculosis cases in 2003 and to date in 2004; if he has in place a response in the event of an outbreak of the multi-drug resistant tuberculosis strain identified by the World Health Organisation in several Baltic states and central Asia; and if he will make a statement on the matter. [9550/04]

**Minister for Health and Children (Mr. Martin):** The Health Act 1947 and the Infectious Diseases

Regulations 1981 provide the legislative basis for the control of infectious diseases, including tuberculosis, in Ireland. My Department's strategy on the prevention and treatment of tuberculosis is guided by the recommendations of the report of the working party on tuberculosis, 1996, which covers a wide range of issues including epidemiology, surveillance, screening, preventative therapy, clinical management and laboratory diagnosis. Responsibility for the implementation of the recommendations rests with the departments of public health in the regional health boards. As recommended in the report, a permanent committee — the national tuberculosis committee — was established to advise on a detailed national strategy for the control and management of tuberculosis. The committee meets when necessary to review all relevant issues.

I am aware of the World Health Organisation's recent press release concerning levels of multidrug-resistant tuberculosis in central Asia and eastern Europe, including several of the EU-accession countries, and my Department has kept abreast of developments in this area for a number of years. The National Disease Surveillance Centre monitors rates of tuberculosis in Ireland on an on-going basis, identifies any increases in rates or clusters of the disease here and notifies my Department accordingly. The NDSC will advise my Department of any actions that are deemed necessary to deal with additional cases should the need arise. I am confident that the public health service can deal adequately with such cases.

According to the National Disease Surveillance Centre, the most serious form of drug resistance is multi-drug resistance which is defined as resistance to isoniazid and rifampicin. The following figures have been supplied by the National Disease Surveillance Centre for the years 1999-2002, inclusive. Treatment of tuberculosis lasts on average six to nine months and for this reason final figures for 2003 are not yet available from the NDSC.

Type of Resistance/ Year	1999	2000	2001	2002**
Cases resistant to isoniazid	4	6	9	3
Cases resistant to rifampicin	0	3	2	1
Cases resistant to ethambutol	0	0	2	0
Cases resistant to pyrazinamide	-	4	4	0
Cases resistant to streptomycin	0	1	7	1*
Multi-drug resistant cases	2	3	2	0

\* resistant to streptomycin and isoniazid

\*\*NB figures for 2002 are provisional

In terms of the total number of cases of tuberculosis notified as compared with the resistant cases notified, the following information is for the years 1999-2002 inclusive:

1999  
number of TB cases = 469  
number of partially resistant cases = 7 (1.5% of total cases)

number of multi-drug resistant cases = 2 (0.4% of total cases)

2000  
number of TB cases = 395  
number of partially resistant cases = 5 (1.3%)  
number of multi-drug resistant cases = 3 (0.6%)

2001  
number of TB cases = 381

[Mr. Martin.]

number of partially resistant cases = 12 (3%)  
 number of multi-drug resistant cases = 2 (0.5%)

2002 (provisional)

number of TB cases = 400

number of partially resistant cases = 5 (1.25%)

number of multi-drug resistant cases = 0 (0%).

### Environmental Pollution.

413. **Mr. Gormley** asked the Minister for Transport about the plans he has to introduce restrictions on helicopter movements in order to reduce noise in residential areas; and if he will make a statement on the matter. [9630/04]

**Minister for Transport (Mr. Brennan):** The activities of helicopters are regulated by the Irish Aviation Authority. If members of the public believe that certain helicopters are flying below the permitted altitudes they should address their concerns to the authority.

414. **Mr. Sargent** asked the Minister for Transport if he will introduce a legislative provision requiring operators of parked vehicles to turn off their engines as required under Swedish law and which in Ontario, Canada, is notified by signs at bus stops which read: "Please turn your engine off when parked". [9727/04]

**Minister for Transport (Mr. Brennan):** Arising out of the tragic accident on Wellington Quay, Dublin, on 21 February last a Garda investigation is under way and, in addition, Dublin Bus has launched its own company inquiry to determine the cause and the circumstances surrounding the accident. The inquiry will investigate the circumstances of the accident to establish its causes and any contributory factors and will make recommendations to prevent a recurrence. Where such recommendations refer to the need for new statutory controls on traffic, including controls on parking, the appropriate legislative changes will be urgently pursued.

### Public Transport.

415. **Mr. Eoin Ryan** asked the Minister for Transport if he will consider giving responsibility for safety in public transport to the proposed new regulatory authority; and if he will make a statement on the matter. [9755/04]

**Minister for Transport (Mr. Brennan):** The primary aim of my proposals for reform of the regulatory framework for public transport is to provide for independent, economic regulation of public transport services. The Railway Safety Bill is currently before the Houses and this provides that the railway safety commission will have responsibility for safety regulation on the railways. There is an extensive body of legislation currently in place regulating public service vehicle safety and it is envisaged that this will

continue to apply in the new regulatory environment for public transport. I am not, therefore, considering giving responsibility for safety in public transport to the proposed new regulatory body given the existing extensive public service vehicle safety arrangements already in place, and my existing proposals for rail safety.

416. **Mr. Eoin Ryan** asked the Minister for Transport if there is a satisfactory partnership between the local authorities, the health and safety authorities and the transport providers to ensure the safety to public transport users; and if he will make a statement on the matter. [9812/04]

**Minister for Transport (Mr. Brennan):** One of the five high level goals set out in my Department's statement of strategy is to ensure that transport infrastructure and services are provided, managed and used in a manner that protects people from death and injury. Within that goal, the safety of public transport users is a very high priority for my Department. I can assure the Deputy that the transport agencies under the aegis of my Department cooperate fully with all relevant authorities to ensure the safety of public transport users.

417. **Mr. Eoin Ryan** asked the Minister for Transport the criteria used in the relocation of space for stops and termini from Dublin Bus to Luas; if the passenger load of both systems was taken into account; and if he will make a statement on the matter. [9813/04]

**Minister for Transport (Mr. Brennan):** The Dublin Light Rail Orders of 1999 define the alignment for the Luas lines. These set out in detail the space to be occupied by the light rail system and, therefore, the consequences for other on-street activities, such as bus stops and termini. Where the Luas works required the relocation of bus stops or termini, discussions took place between the parties involved, namely, the Garda Síochána, Dublin Bus and Dublin City Council to determine the alternative locations which were then the subject of a direction of the Garda Síochána. My Department was not privy to the criteria used in the selection of alternative locations for bus stops and termini.

418. **Mr. Eoin Ryan** asked the Minister for Transport if the responsibility for determining the suitability and safety of bus stops and termini locations lies with Dublin Bus or his Department; and if he will make a statement on the matter. [9814/04]

**Minister for Transport (Mr. Brennan):** The power to determine the locations for the provision of bus stops and termini is vested in the Garda Commissioner under section 85 of the

Road Traffic Act 1961. Under that section the Commissioner may issue a direction to a bus operator identifying the specific location of bus stops and termini in respect of any bus route. I understand that the gardaí engage in a consultation process with both the local authority and the bus service provider before issuing a direction under section 85.

419. **Mr. Eoin Ryan** asked the Minister for Transport the safety standards he will impose on prospective private operations in view of his proposals to being competition into the bus market; and if he will make a statement on the matter. [9815/04]

**Minister for Transport (Mr. Brennan):** There is an extensive body of legislation currently in place regulating public service vehicle safety governing both public and private operators and it is envisaged that this will continue to apply in the new regulatory environment for public transport.

### Light Rail Project.

420. **Dr. Upton** asked the Minister for Transport if further to Parliamentary Question No. 167 of 12 February 2004 he will give the position on the fare structure of the Luas; and if he will comment on the eligibility of free travel holders to use their passes on Luas services. [9881/04]

**Minister for Transport (Mr. Brennan):** Following consultations with my Department, the Railway Procurement Agency has recently set fares for Luas. Fares will be based on a zone system with a maximum adult fare of 2 euro for a single journey from St. Stephen's Green to Sandyford or from Connolly to Tallaght. Fares will be discounted for shorter journeys and return tickets will be offered for all journeys at a discount on full fare. A range of discounted weekly, monthly and annual tickets will also be available. These fares are intended to reward frequent use. I understand that the Department of Social and Family Affairs are in discussions with the RPA on arrangements for Luas participation in the free travel scheme. The RPA have informed me that they look forward to an agreement on the terms of that participation shortly and to make an announcement in advance of passenger operations at the end of June 2004.

### Driving Tests.

421. **Mr. N. O'Keefe** asked the Minister for Transport if he will arrange a driving test for a person (details supplied) in County Cork who is prepared to accept a cancellation date. [9964/04]

**Minister for Transport (Mr. Brennan):** A further driving test will be arranged in due course for the person concerned.

### Traffic Management.

422. **Aengus Ó Snodaigh** asked the Minister for Transport if his attention has been drawn to the dangerous condition of the Naas Road where it passes the Davitt Road; the date by which the road will be rebuilt; and the date by which the Luas works on the road will be completed. [10041/04]

423. **Aengus Ó Snodaigh** asked the Minister for Transport if his attention has been drawn to the recent fatal accidents related to Luas works along Davitt Road, Dublin; and the steps he has taken to ensure the safety of pedestrians, cyclists and motorcyclists, in particular while the Luas works continue on this road. [10043/04]

424. **Aengus Ó Snodaigh** asked the Minister for Transport if there is a compensation scheme in place for road users, cyclists and motorcyclists, who are injured in road accidents caused by Luas works and the condition the adjacent roads are in as a result; and if he will make a statement on the matter. [10045/04]

425. **Aengus Ó Snodaigh** asked the Minister for Transport if his attention has been drawn to the fact that concerns have been raised on a number of occasions with the Garda and with the company carrying out the Luas works about the Luas works on the Davitt and Naas roads and at the junction of both roads; and the actions that have been taken to rectify the problems raised. [10046/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 422 to 425, inclusive, together.

As the Deputy is aware, responsibility for the day-to-day management of the Luas project rests with the Railway Procurement Agency, RPA. However, the RPA has assured me that it and the Luas contractors are committed to ensuring the safety of traffic management measures which have been put in place to facilitate Luas works.

As Garda investigations are still ongoing in the vicinity of the Luas works into a recent fatal road traffic accident on the Davitt Road, it would be inappropriate at this stage to comment further on this accident. I understand, however, that the Garda technical investigation of a separate accident involving a motor cyclist on the Naas Road has just been completed and that the RPA has requested the results.

The RPA has assured me that it has an excellent working relationship with the Garda Síochána. I understand weekly meetings take place to discuss traffic management arrangements and when any incident occurs a rigorous review is undertaken to ensure that any contributing factors due to the presence of Luas works are minimised.

As regards compensation in a situation where it has been established that a road user has been injured as a result of Luas works, the RPA has informed me that along with its contractors, it

[Mr. Brennan.] carries appropriate insurance policies for the construction of Luas, including third party policies.

Finally, I understand from the RPA that road construction on the Naas road to the Blackhorse Bridge at the Davitt road junction is due to be completed in May. However, tram testing and trial running will continue until August and these activities may require minor changes to aspects of road junctions.

#### **Vehicle Permits.**

426. **Mr. Deasy** asked the Minister for Transport the number of permits issued by each local authority for the use of off-road dumpers on public roads during the years 2001 to 2004. [10116/04]

**Minister of State at the Department of Transport (Dr. McDaid):** Information on the number of special permits granted by local authorities for vehicles, including off-road dumpers, is not compiled by my Department.

#### **Visa Applications.**

427. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to an application for a visa from a person (details supplied); the reason for the delay in processing this application; if he will take steps to ensure the application is dealt with in a prompt and efficient manner; and when he believes a decision will be made on the application. [9613/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am unaware of any visa application from the person concerned. The person had permission to remain in the State on the basis that she was attending an English language school. This permission expired on 6 January 2004. I am informed that she recently called to the registration office of the Garda National Immigration Bureau requesting that her permission to remain be renewed on the basis that she was now married to an Irish national. She was advised that she should make a written application in this regard to the immigration division of my Department. To date no application has been received.

#### **Land Transfers.**

428. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform the status with the Land Registry regarding transfer of land to a person (details supplied) in County Limerick. [9614/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the registrar of titles that this is an application for transfer of part which was lodged on 9 October 2003. I am further informed that this application is associated with an application for cessor of

limited ownership which was also lodged on 9 October 2003. I am also informed that queries issued to the lodging solicitors on 26 March 2004 and that the applications cannot proceed until these queries have been satisfactorily resolved.

However, I assure the Deputy that on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

#### **Child Care Services.**

429. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform if he will seek the introduction, as a matter of urgency, of legislation to compel all large companies and State bodies to provide free or subsidised child care facilities; and if he will make a statement on the matter. [9615/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy may be aware, my Department is developing child care provision under the national development plan through the provision of over €437 million, from Government and EU sources, for child care under the Equal Opportunities Childcare Programme 2000 — 2006, EOCP. To date we have allocated over €250 million which will lead to the creation of over 28,000 new child care places. This support is increasing the availability of child care places nationwide by at least 50%.

Current Government policy on child care is based on the wide-ranging and detailed recommendations contained in the Partnership 2000 expert working group report on child care. I do not have ministerial responsibility for legislation governing child care facilities nor is it feasible to compel any organisation to provide a specific service such as child care. It is open to employers to seek capital grant assistance under the EOCP towards the provision of child care facilities, while I understand that they may also avail of tax advantages in certain circumstances.

#### **European Security.**

430. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he will report on the special meeting held in Brussels to deal with European security issues; and if he will make a statement on the matter. [9616/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An extraordinary meeting of the Justice and Home Affairs Council took place in Brussels on Friday, 19 March 2004. I convened the extraordinary Council so that the EU and member states could consider how best to respond to the atrocity in Madrid on 11 March 2004 and to the growing terrorist threat which we are all facing. The sole item for discussion on the agenda of the Council was the fight against terrorism.

The Council considered measures for inclusion in a declaration on combating terrorism to be adopted by the European Council. I am pleased to say that this declaration was adopted by the

European Council on 25 March. The declaration has been published and is also available on the Irish Presidency website at [www.eu2004.ie](http://www.eu2004.ie).

### **Citizenship Applications.**

431. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the refugee status of a person (details supplied); and if he will make a statement on the matter. [9617/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 30 October 2002.

The average processing time for applications for naturalisation is 15 to 18 months at the present time. I understand that processing of the application of the person concerned is almost finalised. I am informed that officials in the citizenship section sought additional documentation from the solicitors representing the person concerned and they are currently awaiting these documents. Once this documentation is to hand we can progress the application to decision stage. I will inform the Deputy and the person concerned as soon as I have reached a decision on the application.

### **Departmental Properties.**

432. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if the lease is still in place between his Department and the landowner for the lands at Dublin Road, Kilkenny; if so, the amount paid to date; if the Department intends to continue this arrangement indefinitely; if he considers this to be good value for money; if he intends to review the arrangement; and if he will make a statement on the matter. [9619/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As I have indicated in my replies to previous parliamentary questions, the site in question is currently the subject of litigation and in the circumstances it would be inappropriate for me to make further comment. Matters relating to the current lease arrangement are appropriate to the Office of the Public Works.

### **Asylum Applications.**

433. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if his Department has issued an order prohibiting a person (details supplied) in County Kilkenny from providing advice and assistance to refugees and asylum seekers in the Ormond Hostel, John's Green, County Kilkenny; and if he will make a statement on the matter. [9621/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Reception and Integration Agency, RIA, operates under the aegis of my Department and is responsible for the provision

of accommodation and services to asylum seekers under the system of direct provision. Persons from approximately 120 different nationalities are resident in centres operated by the RIA which encourages the establishment of support groups to assist asylum seekers to adjust to life in this country in the dispersed locations where they are accommodated. A number of such groups currently operate in Kilkenny and provide valuable assistance to asylum seekers.

The individual referred to in the question is not prohibited from providing advice and assistance to asylum seekers residing in the Ormond Hostel accommodation centre. However, in the overall interests of the harmonious operation of this particular centre, it was decided that it would be preferable if the person in question did not have access to the facility.

### **Judicial Appointments.**

434. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the policy for appointment and posting of District Court judges; if he has proposals for changing the present system; and if he will make a statement on the matter. [9731/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Judicial Appointments Advisory Board was established pursuant to the courts and Court Officers Act 1995. The purpose of the board is to identify persons and inform the Government of the suitability of those persons for judicial office. Section 16 of the Act requires the Government, when advising the President on the appointment of a person to a judicial office, to first consider persons who have been recommended by the board. The annual report of the board contains a number of recommendations on administrative changes in the process and these are receiving attention within my Department. The provisions regarding the assignment of judges to District Court districts are set out in the Sixth Schedule to the Courts (Supplemental Provisions) Act 1961.

### **Prisoner Transfers.**

435. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will consider transfer of a person (details supplied) to Shelton Abbey; and if he will make a statement on the matter. [9835/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person referred to by the Deputy is serving a 12 month prison sentence for unauthorised interference with an MPV and lesser concurrent sentences for no insurance, assault causing harm and larceny. He is due for release in November 2004. I am of the view that it would be inappropriate to approve a move to an open centre at this early stage of his sentence. However, I have recently authorised a transfer for him to the Midlands Prison in Portlaoise and

[Mr. McDowell.]  
it is expected that this transfer will take place whenever a suitable vacancy arises.

### **Terrorist Organisations.**

436. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if the IRA still exists; if the IRA is a proscribed group by the Government; if his attention has been drawn to the personnel comprising the IRA army council and if he has met persons who are members of the IRA army council; and if he will make a statement on the matter. [9856/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I take it the Deputy is referring to the Provisional IRA.

PIRA continues to exist and is proscribed pursuant to the provisions of section 18 of the Offences Against the State Act 1939. For many years, certain members of this and previous Governments — myself included — have had meetings with a wide range of people in the context of advancing the peace process. The Deputy will be aware that it would be contrary to long-standing practice to disclose precise details of intelligence information provided to me or the Government by the Garda Síochána.

However, in the case of some of those with whom meetings were held, in that context, there would have been intelligence information suggesting that they held positions of seniority in paramilitary groupings.

### **Visa Applications.**

437. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform if he will reconsider the refused applications made on behalf of a person (details supplied); and if he will make a statement on the matter. [9857/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa applications in question were approved on appeal on 9 March 2004.

438. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform the status of an application for residency for a person (details supplied) in County Kerry; and if he will advise when a decision on the application will be made. [9866/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The immigration division of my Department requested documentation on this application from the person in question in December 2003. On receipt of this documentation a decision will be made on the application.

### **Liquor Licensing Laws.**

439. **Mr. Healy-Rae** asked the Minister for Justice, Equality and Law Reform the steps he intends to take to ensure that tourist

entertainment being provided by hotels and pubs which include under age persons participating in Irish dancing, music and so on will be allowed on licensed premises after 9 p.m. which is a vital part of the tourist season in south Kerry; and if he will make a statement on the matter. [9867/04]

440. **Mr. Healy-Rae** asked the Minister for Justice, Equality and Law Reform if he will ensure the relaxing of the law prohibiting under 18s in bars and hotels after 9 p.m. during the tourist season as it will otherwise have a detrimental effect on tourism; and if he will make a statement on the matter. [9868/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 439 and 440 together.

Section 14 of the Intoxicating Liquor Act 2003, which substitutes a new section for section 34 of the Intoxicating Liquor Act 1988, generally prohibits persons under the age of 18 years from being in the bar of licensed premises. However, a licensee may permit a child, a person under the age of 15 years, to be in the bar if the child is accompanied by a parent or guardian, but not after 9 p.m. Likewise, a licensee may permit a person aged between 15 and 17 unaccompanied by a parent or guardian to be in the bar, but not after 9 p.m.

To cater for private functions, section 14 also provides that a licensee may allow a child accompanied by a parent or guardian, or a person aged between 15 and 17, to be in the bar after 9 p.m. on the occasion of a private function at which a substantial meal is served to persons attending the function.

The restrictions in section 14 of the 2003 Act do not apply to a son or daughter of the licensee, a person who resides in the licensed premises, a person who is passing through the bar solely for the purpose of entering or leaving another part of the premises, or a person who is employed in the licensed premises in accordance with section 38 of the Intoxicating Liquor Act 1988.

It is important to note that the restrictions set out in section 14 of the 2003 Act apply to the bar and not to other parts of licensed premises. This means that persons under the age of 18 years may be in parts of licensed premises other than the bar after 9 p.m. 'Bar' is defined in the Act as any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of intoxicating liquor and includes any counter or barrier across which drink is or can be served to the public.

The restrictions set out in section 14 of the 2003 Act are in line with recommendations both of the commission on liquor licensing in its final report and the strategic task force on alcohol in its interim report. I have no proposals to amend these recently enacted provisions of the law.

### **Citizenship Applications.**

441. **Mr. Curran** asked the Minister for Justice,

Equality and Law Reform the status in respect of an application for citizenship by a family (details supplied) in County Dublin. [9928/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Applications from three of the members of the family concerned have been received in the citizenship section of my Department. The first was received on 13 January 2003, the second on 7 January 2004 and the third on 26 January 2004.

The average processing time is currently 15 to 18 months and the applications referred to by the Deputy will be processed according to the date they were received. I will inform the Deputy and the persons concerned as soon as I have reached a decision on their applications.

#### **Prison Medical Service.**

442. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the reason he has not implemented the recommendations outlined in the report reviewing the structure and organisation of the prison health care services. [9930/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Arising from long-standing difficulties regarding the recruitment and retention of health care staff to work with prisoners, a group to review the structure and organisation of prison health care services was established in 1999. The report of this group, which was published in 2001, makes a total of 43 recommendations covering various aspects of prison health care, including GP, nursing, pharmacy, dental, and psychiatry services.

Subsequent to the publication of this report, a prison health working group comprising representatives from both the Irish Prison Service — health care directorate — and health boards, together with representatives from both the Department of Health and Children and the Department of Justice, Equality, and Law Reform was established. This group, under the chair of Mr. Pat McLoughlin, CEO of the South Eastern Health Board is exploring means of implementing the core recommendations of this report and examining the feasibility of developing partnership arrangements on the provision of various aspects of health care for prisoners. The implementation of appropriate structures will, of course, require the active co-operation of a range of agencies, in particular the Department of Health and Children and local health boards. It is my intention that health care facilities for prisoners should broadly mirror public health facilities provided in the general community.

With regard to the specific recommendation that the common contract for prison doctors should undergo fundamental review, this matter is currently the subject of an industrial relations process, under the facilitation of the Labour Relations Commission, involving the Irish Prison

Service and the Irish Medical Organisation, which represents doctors.

#### **Garda Stations.**

443. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform when divisional status for Tallaght Garda station will be implemented; the proposals being considered for a Garda station in west Tallaght; the present position on the construction and staffing of a Garda station or office in west Tallaght, in view of the continuing rapid growth of the area; if he will prioritise a local policing service, including more community gardaí and a local station, in the area; and if he will make a statement on the matter. [9932/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The accommodation requirements of the gardaí in Tallaght are currently being considered, in conjunction with the Office of Public Works, with a view to finalising proposals in the very near future. Local Garda management is satisfied that there is currently a sufficient number of community gardaí attached to Tallaght Garda station.

#### **Garda Deployment.**

444. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the status of the Garda station office at Rathcoole, County Dublin; the way in which he will address local concerns about inadequate opening hours and Garda coverage; the long-term plans for policing and a permanent base for gardaí in the growing community of Rathcoole-Saggart; and if he will make a statement on the matter. [9933/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Rathcoole Garda station as at 29 March 2004 is 23, all ranks. This compares with a figure of 11 on 31 December 1997 and represents an increase of 12, or 109%, in the personnel assigned to Rathcoole Garda station since that date. Rathcoole Garda station is open to the public from 10 a.m. to 1 p.m. and from 2 p.m. to 6 p.m., seven days a week.

The Rathcoole patrol car patrols the Rathcoole area on a 24 hour basis, seven days a week. The area is also patrolled daily by the Rathcoole detective patrol car. Resources are augmented from within the division as required. The area is patrolled by uniform vehicles from Clondalkin and Ballyfermot as the need arises and by the divisional crime task force and the divisional traffic unit on a regular basis.

Local Garda management is satisfied that the arrangements currently in place at Rathcoole are adequate to meet the present policing needs of the area. The situation will be kept under review and when additional personnel next becomes

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available, the needs of Rathcoole will be fully considered within the overall context of the needs of Garda stations throughout the country.

#### **Closed Circuit Television Systems.**

445. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he will report progress towards the provision of closed circuit television throughout Tallaght, Dublin 24; if he will provide details of contracts he has had in the matter; and if he will make a statement on the matter. [9934/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware, Tallaght, together with Athlone, Clondalkin and Waterford, is one of the four systems in phase 2 of the current CCTV installation programme throughout the State set to receive a new Garda town centre CCTV system.

The experience to date with the installation of CCTV systems in other areas clearly indicates that to arrive at full commissioning can be a very lengthy process. This is due to in the main to the complex nature of these CCTV systems, which includes, *inter alia*, refurbishment of Garda stations for the monitoring of the cameras, provision of civil works, services of the ESB and local authorities etc.

I am further informed by the Garda authorities that in order to implement and deliver these systems in the most efficient and cost effective manner, careful consideration must be given to the planning of the project as a whole. Consideration is being given to a restructuring of the manner in which these systems go to tender with a view to delivering the implementation of these CCTV systems within a shorter timeframe.

With respect to contacts which I have had on this matter, I refer the Deputy to my reply to his Question No. 225 of 25 February 2004 concerning the need for CCTV systems throughout Tallaght.

I am also informed that meetings have taken place between the Garda authorities and South Dublin County Council to inform the council of the scope of the CCTV project and to establish communications with the various sections and departments of the council which are best placed to assist with this project. In addition, meetings have also taken place between the Garda authorities, the public lighting department of South Dublin County Council and the ESB to establish ducting and ancillary requirements in regard to the supply of power to the camera system.

A quotation for the refurbishment works required to accommodate the monitoring equipment for the system at Tallaght Garda station has been received by my Department from the OPW and is being examined at present.

As the Deputy is aware, I have recently met him along with a delegation from South Dublin Chamber of Commerce and representatives of The Square, Tallaght, where the issue regarding

the provision of CCTV systems for the Tallaght and Clondalkin areas was discussed.

#### **Anti-Racism Measures.**

446. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform his views on the Building Solidarity Across Communities report, commissioned by the South West Inner City Network; the actions his Department will take to progress the recommendations of the report; and if he will make a statement on the matter. [10019/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy may be aware the Building Solidarity Across Communities report was funded by the KNOW Racism Programme, through which a grant of €2,000 was made available in July 2003. I would like to congratulate the South West Inner City Network for producing the report.

Broadly speaking, the recommendations of the report are compatible with the structure of the draft National Action Plan Against Racism which emerged from the extensive consultations which took place on the plan.

#### **Constitutional Amendments.**

447. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if, in view of conflicting reports, the Government has decided when the proposed citizenship referendum will take place; if so, when; and if not, when the Cabinet will make its decision. [10029/04]

453. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he intends to involve the Equality Authority, the Irish Human Rights Commission, the National Consultative Committee on Racism and Interculturalism and other human rights and equality non-governmental organisations in a consultation process with respect to the proposed referendum on citizenship prior to making a decision on final wording and timing, as well as with respect to the drafting of support legislation; and if so, the timeframe for same. [10106/04]

454. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the nature of the all-party consultation process with respect to the proposed referendum on citizenship; and the timeframe for same. [10107/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 447, 453 and 454 together.

The programme for Government contained a commitment to initiate all-party discussions on the issue of constitutional or other measures which might be required to address the question of applications from non-nationals to remain in the State on the basis of parentage of an Irish-born child. In pursuance of that commitment, I initiated the consultation process on 10 March 2004 by meeting with spokespeople for each of

the Opposition parties on justice matters, including the Deputy. The briefing material which I had prepared and provided to the spokespeople as a basis for those consultations is now available on my Department's website at [www.justice.ie](http://www.justice.ie).

The proposals for an amendment to the Constitution outlined at that meeting and for a draft implementing Bill are under development at present, and I welcome suggestions and contributions from whatever source which will assist in that process. I note that a number of governmental and non-governmental bodies, including some of those specifically named in the Deputy's question, have already made public statements on the matter. I am aware that there is correspondence between the Taoiseach and the leaders of some of the Opposition parties on the matter. I hold myself available to meet any of the Opposition spokespeople should they wish to contribute to the development of the proposals. My officials are also available to meet with representatives of governmental or non-governmental organisations who wish to make suggestions in this regard.

No Government decision has yet been made as to when the proposed referendum will be held, but the proposal is to publish the amendment of the Constitution Bill as soon as possible, and at the same time to produce a draft text of the proposed implementing Bill and other explanatory material.

#### Ministerial Meetings.

448. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of times he has met the Equality Authority since assuming office. [10031/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have met variously with the chair, members of the board and the chief executive of the Equality Authority on four occasions: 26 June 2002, 27 January 2003, 6 March 2003 and 19 September 2003. I have also met the chief executive officer at a number of other events, most recently at an equality conference in Dublin earlier this month.

449. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of times he has met the Irish Human Rights Commission since assuming office. [10032/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Since assuming office I have met the Human Rights Commission on two occasions, on 21 October 2002 and on 8 March, this year. I have also met the president of the IHRC informally on a number of occasions over this period.

450. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of times he has met the National Consultative

Committee on Racism and Interculturalism since assuming office. [10034/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have met the NCCRI on two occasions, 2 September 2002 and 3 February 2004. In addition, I participated in a conference on migration policy organised by the NCCRI on 10 December 2002.

451. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the quasi-non-governmental, non-governmental, community and voluntary organisations he has met since assuming office; and the organisations representing ethnic communities here he has met since assuming office. [10036/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** With respect to the first part of the Deputy's question, in the limited time available it has not been possible to compile the information sought. However, I will correspond with the Deputy in this regard in due course.

The meetings I have had with organisations and individuals who represent or are representative of the views of the ethnic communities here are outlined in the table below.

Date of meeting	Name of organisation
20 June, 2002	Centre for the Care of Survivors of Torture
28 August, 2002	European Holocaust Commemoration Committee
2 September 2002	National Consultative Committee on Racism and Interculturalism
16 September 2002	Irish Refugee Council
26 September 2002	Islamic Cultural Centre
9 October 2002	kNOW Racism
5 December 2002	kNOW Racism
6 December 2002	United Nations High Commissioner for Refugees
9 December 2002	Holocaust Memorial Day Committee
26 January 2003	Holocaust Memorial Day Committee
7 March 2003	Amnesty International
7 April 2003	Holocaust Memorial Day Committee
20 June 2003	Holocaust Memorial Day Committee
19 November 2003	United Nations High Commissioner for Refugees
9 December 2003	kNOW Racism
25 January 2004	Holocaust Memorial Day Committee
3 February 2004	National Consultative Committee on Racism and Interculturalism

In addition, I have also met with a variety of Government and diplomatic representatives of the States of origin, and faith representatives of members of the ethnic communities living in Ireland.

### Garda Deployment.

452. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the ongoing break-ins and vandalism to cars in the vicinity of Clonsaugh Drive, Dublin 17; and if there are plans to increase the Garda presence in the area. [10038/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that there have been no burglaries reported to the gardaí in the area in question over the last 12 months. However, I am further informed that there have been six criminal damage incidents in the area for the same period which have occurred in the nearby national school.

I understand that the area receives regular attention from both the community police unit and mobile Garda patrols. I am informed by the Garda authorities, who are responsible for the detailed allocation of personnel and resources to individual areas, that the current Garda strength in the area is adequate to meet the present policing needs. However, the situation will be kept under review in the overall context of the needs of Garda districts throughout the country.

*Questions Nos. 453 and 454 answered with Question No. 447.*

### Visa Applications.

455. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform the status of the visa application by a person (details supplied). [10108/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question, a 21 year old female, applied for a visit visa for herself and her six year old son in February 2004. The application was refused because it had not been established, on the basis of the documentation supplied to my Department, that the applicant would observe the conditions of the visa. In particular, it was felt that the applicant had not displayed sufficient evidence of her obligations to return home following her proposed visit.

It was noted that the application was not accompanied by any details of the applicant's employment in her home country. It was also noted that the applicant had made a previous visa application in November 2003 to work as a childminder for the person listed as her reference in Ireland on her visa application form. A letter from her reference in Ireland accompanying her current visa application states that she would be required to look after his six children during her visit. In the circumstances, the visa officer formed the opinion that it would not be reasonable to conclude that the applicant would observe the conditions attached to a visit visa. It is open to the applicant to appeal against the refusal by writing to the visa appeals officer in my Department.

### Road Traffic Accidents.

456. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of fatalities in each Garda division as a result of accidents involving off road dumpers on public roads from 2001 to March 2004. [10109/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda authorities have informed me that two fatalities were recorded involving off-road dumpers on public roads from 2001 to March 2004. The first of these occurred in the Waterford-Kilkenny division in November 2001. The second fatality was in the Louth-Meath division in January 2003.

### Deportation Orders.

457. **Mr. McGinley** asked the Minister for Justice, Equality and Law Reform the position regarding an appeal against a deportation order by persons (details supplied) in County Donegal; and if he will make a statement on the matter. [10110/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The persons referred to in the question entered the State separately in 2000 and made applications for asylum independently of each other. They were refused refugee status in the State following consideration of their cases by the Office of the Refugee Applications Commissioner and on appeal by the Refugee Appeals Tribunal.

Notifications under section 3(3)(a) of the Immigration Act 1999 issued to the first person on 4 July 2002 and to the second person on 31 January 2002 and again on 26 February 2002. In those notifications they were advised that the Minister had decided to refuse them a declaration as refugees and setting out the options open to them, that is, to leave the State before the Minister decided whether or not to make deportation orders in respect of them; to consent to the making of deportation orders in respect of them; or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons they should not be deported, that is, why they should be allowed to remain temporarily in the State.

Representations were received on behalf of both persons as to why they should not be deported. The cases of both persons were considered independently of each other under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement), taking into account the representations received. Deportation orders were made in respect of these persons on 27 February 2004.

At no stage in the process did either person inform my Department of a pending or realised marriage or of a pending or actual birth of a child in this State. These cases were properly considered in accordance with the provisions of the law and the intention is to proceed with their removal from the State of foot of the deportation orders.

### Local Authority Funding.

458. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the plans his Department has to provide the funding necessary to overcome the waiting lists for disabled person's grant presently with Kildare County Council; and if he will make a statement on the matter. [10165/04]

459. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the plans his Department has to overcome the waiting lists in relation to essential repairs grants presently with Kildare County Council; if he will supply the necessary funding to overcome the list; and if he will make a statement on the matter. [10166/04]

485. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the problems being experienced by local authorities which find themselves with totally inadequate finance to meet the demands by applicants for disabled person grants; if his Department has carried out an audit of the waiting lists for such grants in each local authority area; if, in this context, he will provide additional funding to the local authorities to deal with the problems being experienced; and if he will make a statement on the matter. [9974/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 458, 459 and 485 together.

A capital provision of €65 million has been made for the payment of disabled person's and essential repairs grants in 2004 compared to the final outturn of €58 million in 2003. Notification of individual allocations to local authorities for the scheme in 2004 will issue as soon as all authorities have submitted their expenditure outturns for 2003 and estimates for 2004. Details of the level of applications on hands have also been sought in this context and the available information on the level of applications for assistance under the disabled person's grant scheme at 31 December 2003 will be published in the Department's quarterly bulletin of housing statistics.

The administration of the disabled person's grant scheme is a matter for individual local authorities. The framework for the operation of the scheme is laid down in statutory regulations and, as far as practicable, is designed to give an appropriate degree of flexibility to local authorities. It is a matter for the authorities to decide on the level of funding to be provided for the scheme in their areas from within the allocations notified to them for the payment of the disabled person's and essential repairs grant schemes and to manage the operation of the schemes within these allocations. My Department recoups to local authorities two thirds of their expenditure on the payment of individual grants and it is the responsibility of the authorities to fund their one third contribution from their own

resources from amounts provided for that purpose in their annual estimates of expenditure. An increased capital allocation would not, of itself, allow increased expenditure by the authority without a corresponding upward revision of the authority's own provision for expenditure on the scheme.

The significant improvements which have been made in recent years to the maximum disabled person's grant and the level of recoupment available have resulted in increased levels of demand with expenditure on the scheme increasing from €13 million for 2,455 grants in 1998 to €52.6 million for 5,932 grants in 2002. In line with this increase in the Department's capital provision for the scheme, recoupment costs have also increased from €6.3 million for 2,512 grants in 1998 to almost €37.5 million for 6,153 grants in 2003. In that time the maximum grant has doubled from €10,158 to €20,320. These very significant increases in the levels of funding provided are clear indication of the Government's commitment to the disabled person's grant scheme.

A review of the disabled person's grant scheme is being finalised in the Department. On its completion I will be in a position to determine the changes, if any, required to the regulations governing the scheme to ensure that the funding available is directed at those persons in greatest need of such assistance.

### Water and Sewerage Schemes.

460. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 485 of 17 February 2004, if he will provide an update on this scheme; and if he will make a statement on the matter. [9589/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department's examination of the revised contract documents for Lecarrow and a number of other related schemes is continuing and will be completed as quickly as possible.

### Architectural Heritage.

461. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government his plans to increase the heritage grants available to local authorities; and if he will make a statement on the matter. [9590/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I assume that the question refers to the architectural protection grants scheme which provides grants to owners of protected structures and which is administered by the local authorities. Funding for this scheme has been increased from €2.88 million in 2003 to €3.9 million this year; all local authorities were notified of their increased allocations on 5 March 2004.

### Waste Management.

462. **Mr. F. McGrath** asked the Minister for the

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Environment, Heritage and Local Government the amount of public money spent on the media campaign Race Against Waste; and if he will make a statement on the matter. [9635/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** A total of €2,190,433.17 has been spent on the Race Against Waste campaign from July 2003 to date out of a total budget of €3.5 million to end June 2004. The campaign is being financed from the environment fund which is resourced from the plastic bags and landfill levies. Research on the impact of the campaign is being carried out at a number of stages in order to ensure that the campaign's effectiveness can be evaluated in due course.

#### **Road Network.**

463. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the engineering specifications for upgrading county roads. [9636/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Engineering specifications for the depth of pavements to be used on rural non-national roads are set out in my Department's best practice document, entitled Guidelines on the Depth of Overlay to be used on Rural Non National Roads, dated May 1999.

The National Roads Authority's publication, Specifications for Road Works, dated March 2000, as amended, deals with the type of materials to be used in the construction of both national and non-national roads.

#### **Election Management System.**

464. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the money that was provided to fulfil the commitment in Framework III of the Programme for Prosperity and Fairness to institute an electoral participation initiative; the money that was drawn down; the purpose that it was put to; if the initiative has not been continued; the ongoing measures at encouraging voter participation, especially among young persons; and if he will make a statement on the matter. [9661/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher):** As part of the Programme for Prosperity and Fairness initiative, €335,722 was spent in the three year period to end 2002 on awareness campaigns to promote voter registration. Further expenditure of €181,945 was incurred in the same period advertising the supplementary register facility and polling arrangements in the run up to polls. Separate information campaigns were also undertaken to promote the introduction of electronic voting at the Dáil general election and the second Nice treaty referendum in 2002 at a cost of €520,566.

The PPF commitment to improve voter participation was also advanced as part of my Department's ongoing responsibility for the

administration and improvement of electoral law and significant improvements were made under the Electoral (Amendment) Act 2001 and the Referendum Act 2001. These included provisions for photographs and party emblems on ballot papers, earlier opening of polling stations, the display of a large print copy of ballot papers in polling buildings, companion voting for persons with literacy difficulties, voting by poll workers and provision that a registered voter who changes address during the life of a register of electors can apply for entry in the supplement. These measures were operative for the first time at the 2002 general election and were well received. In addition, the Referendum Act 2001 extended the functions of the Referendum Commission to include promoting awareness of each referendum and encouraging citizens to vote.

Ongoing measures include a comprehensive voter education and awareness campaign for the nationwide use of electronic voting and counting, of which the element devoted to encouraging the public to vote will cost €1 million.

#### **Local Authority Charges.**

465. **Mr. Healy-Rae** asked the Minister for the Environment, Heritage and Local Government the reason five schools in Killarney, County Kerry are being charged in excess of €20,000 each for water charges; and if he will make a statement on the matter. [9713/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Government's national water services pricing policy framework requires local authorities to recover the cost of providing water services from the users of these services, with the exception of households using the services for domestic purposes.

It is a matter for each local authority to set the appropriate level of charges for non-domestic users of water services. At present local authority water services charges and the process used for calculating non-domestic costs vary. Local authorities are, in accordance with the Government policy, moving to a more uniform system for determining and applying water services charges. In this regard, the policy framework requires full recovery of the cost of providing water services to the non-domestic sector by means of a meter based volumetric charge. The policy is being progressively implemented in the period to 2006 and is in accordance with an appropriate application of the polluter pays principle and the requirements of Article 9 of the EU water framework directive.

#### **Noise Pollution.**

466. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the laws that are in place to control noise nuisance through unattended house alarms; and if further strengthening of the law is envisaged in view of the considerable noise nuisance which they cause in densely populated areas. [9714/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Section 107 of the Environmental Protection Agency Act 1992 provides local authorities with powers to require measures to be taken to prevent or limit noise. I am aware that Dublin City Council, for example, regularly uses these powers in relation to noise from intruder alarms. Intruder alarms gave rise to 7% of the noise complaints made to Dublin City Council in 2002, down from 11% in 2001. Noise from alarms was the third lowest of all categories of complaints listed by the council in the annual report of its noise control unit for the period 2002-2003.

Nevertheless, I recognise that alarms are a source of neighbourhood noise. A number of arrangements are in place to reduce the incidence of unnecessary noise from alarms. The National Standards Authority of Ireland, NSAI, has published a voluntary standards specification, No. 199 of 1987, and operates a certification scheme to that standard which specifies a minimum 15 minutes' and maximum 30 minutes' duration for the sounding of external alarms in buildings with the alarms being required to cease automatically after the maximum duration. The connection of monitored intruder alarm systems to Garda stations is contingent, *inter alia*, upon the use of alarm systems which are certified by the NSAI and installed by certified installers and the provision to the gardaí of contact details for the key holder and alternate key holders.

A European standard for external intruder alarms, which will replace all national standards, will incorporate considerably stricter controls regarding minimum and maximum duration for the sounding of alarms. The new limits will be 90 seconds' minimum and 15 minutes' maximum. This new standard will be the only one applied by the NSAI for intruder alarms installed from 1 March 2004.

In addition, the Private Security Services Bill sponsored by my colleague, the Minister for Justice, Equality and Law Reform, is before the Oireachtas. The Bill provides for a private security authority to license, control and supervise all alarm installers and for the authority to have powers to maintain and improve standards in the provision of services, including standards for intruder alarms.

Part E of the building regulations, sound, details the legal requirements to be met in relation to sound insulation between separating walls and floors of new dwellings — houses and apartments. Part E requires such walls and floors to have reasonable resistance to airborne and impact sound. Technical guidance document E, 1997 edition, provides technical guidance on how to comply with these requirements. Compliance with the building regulations is primarily the responsibility of the designers, builders and owners of new dwellings. Enforcement of the building code is a matter for the local building control authority.

I understand that the promulgation of the Irish standard, the development of the European standard, the requirements of the Garda for monitored alarms, improved equipment and the

co-operation of the installers certified by the NSAI have, together, been instrumental in ensuring the incidence of false alarms and the failure of audible alarms to cut off have been significantly reduced.

Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a local authority or any person may seek an order in the district court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal avenues available to persons experiencing noise nuisance is available from my Department.

In light of the above, it is not proposed to introduce further legislation in relation to noise arising from house alarm systems.

### State Property.

467. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if, further to Parliamentary Question No. 272 of 3 March 2004, there is evidence extant that would demonstrate that his predecessor only agreed to a joint review of the issue of shooting on State lands by a scientific group on the basis that it was without prejudice; if evidence exists, if he would make it available; and if he will make a statement on the matter. [9738/04]

468. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government the policy and reasons instructing his open season orders for the hunting of various game birds and which are detailed in annexe 11 of the 79/409 birds directive; if his attention has been drawn to the fact that such orders and annexe 11 lists indicate that hunting of the listed species is sustainable hunting and that this applies to State owned lands equally with privately owned lands; and if he will make a statement on the matter. [9739/04]

469. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that lifting of the ban on hunting on State-owned lands using a ministerial open season order would not be in breach of any international commitments entered into by Ireland; and if he will make a statement on the matter. [9742/04]

470. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he would disclose the names of the experts and describe their qualifications in his Department whose advice he accepted and which led to him continuing the ban on hunting on State lands thereby rejecting the report of the scientific group consisting of persons (details supplied) being nominees of the Minister on the scientific group; and if he will make a statement on the matter. [9743/04]

471. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that a Deputy (details supplied), being mandated by the

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Minister for the Environment, Heritage and Local Government, announced to the National Association of Regional Game Council's AGM in Cavan in October 2003 that the Minister would allow a return to shooting on State lands on a trial basis; if he would explain the reason for the reversal of this declared policy position and if the Deputy was informed in advance of the change in policy; if he would indicate the reason for the change of policy; and if he will make a statement on the matter. [9744/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I propose to take Questions Nos. 467 to 471, inclusive, together.

The substantive reasons for continuing the prohibition of game-shooting on State lands used for conservation purposes have been set out fully in reply to Question No. 4 of 4 March 2004 and to Questions Nos. 264, 272 and 273 of the same date.

As explained in those replies, these reasons extend beyond the considerations of species sustainability addressed by the report of the scientific group and involve issues of amenity for the wider public, conservation of habitat for other, non-quarry species, and public safety. On the same basis, the reasons for the continued ban on hunting on lands managed by the National Parks and Wildlife Service of my Department go beyond the species sustainability criteria to which open seasons orders have regard.

It is clear that my predecessor, in agreeing to the establishment of a scientific working group, did so without prejudice to the ultimate and wider determination of policy on the matter. This is borne out by my Department's record of the meeting of 4 January 2002 with the National Association of Regional Game Councils, a copy of which is being sent to the Deputy.

There has been no reversal of policy at any stage in the consideration of this matter. The decision which I have recently communicated about continuing the ban on hunting in State conservation lands is consistent with long-standing policy. Information was erroneously supplied from my Department to a Deputy in October 2003 indicating that consideration could be given to permitting some hunting on State lands on a pilot basis. This information preceded my consideration of, and decision on, this matter which was assisted by senior officials of the National Parks and Wildlife Service and was concluded in January 2004.

#### **Social and Affordable Housing Programmes.**

472. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if the differential rent system applied in social housing schemes by housing associations complies in all respects with the system used by local authorities; and if he will make a statement on the matter. [9745/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Rents of their own dwellings are

determined by individual local authorities, and rents payable by their tenants will therefore vary according to the local authority area in which the house is located. There is no requirement on local authorities to include a ceiling in their rent schemes although some authorities do so.

Under the terms of the voluntary housing capital loan and subsidy scheme, the rent payable to an approved housing body, by a tenant, is calculated in accordance with a formula set out in the scheme and is based on household and subsidiary income in the previous tax year. There is no maximum on the rent payable in such cases. However, the contribution to the rent by each subsidiary earner is subject to a maximum of €25.39 per week. The application of the rent formula as set out in the scheme may be modified, at the discretion of the approved housing body, in particular respects where the approved housing body considers this appropriate.

In determining rents under the voluntary housing capital assistance scheme, approved bodies are expected to have regard to the tenant's income and the outlay of the body on the accommodation, including ongoing costs of its management and maintenance.

#### **Fire Safety.**

473. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if there are specific fire safety regulations for nursing homes; and if he will give details of same. [9746/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department has published a number of codes of practice providing advice on fire safety in specific groups of premises. A guide entitled *Fire Safety in Nursing Homes — A Guide to Fire Safety in Existing Nursing Homes and Similar Type Premises*, published in 1996, provides comprehensive practical guidance to proprietors of such premises on the fire safety measures they should take. It provides that a proactive fire safety management policy should be in place to minimise the risk of fire occurring and to ensure the safety of any persons on the premises. Section 18A(4) of the Fire Services Act 1981, as amended, provides statutory backing for this guide.

The fire safety of the design, construction, material alteration or extension of new nursing homes is governed by Part B — fire safety — of the national building regulations made under the Building Control Act 1990. Guidance on how to comply with Part B for nursing homes is set out in Technical Guidance Document B (TGD-B) published by my Department. My Department has published a draft revised edition of TGD B, primarily to implement EU fire performance standards for construction products. This will not have any significant impact on nursing home accommodation.

### Fire Stations.

474. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the applications his Department has received for funding for the provision of new fire stations and new fire fighting equipment from local authorities for each of the past three years; and if he will make a statement on the matter. [9747/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher):** Applications for approval in principle to proposals for 14 new replacement fire stations were received in my Department in the years 2001-03 and details are set out in table 1. It should be noted that funding decisions are not made until projects are approved to invite tenders. My Department has also initiated a review, with fire authorities, of all proposed station projects, along with those in planning, with regard to obtaining the best outcome from the station construction programme. My Department also, in certain cases, provides funding for extensions and refurbishments to stations where such work will enable the existing station to be brought up to modern standards without the need for a new station.

Over the past three years, the level of capital funding recouped in grants to the fire service for stations, appliances and equipment totalled over €57 million. In that period 16 new replacement fire station projects were completed with four

projects in progress at the end of 2003. A further five projects are due to commence construction shortly. In addition, four extensions or improvement projects were completed with a further two due to commence this year.

In regard to the new fire appliance element of the fire services capital programme, the Department determines approvals to seek tenders for new appliances having regard to the information available in relation to the age and condition of appliance fleets throughout the country, level of activity and having regard to the funds available to the programme, rather than seeking applications for new appliances. In the last three years approval was granted to fire authorities to invite tenders for 92 new fire appliances.

While fire authorities are expected to make provision for their ongoing equipment needs, including replacement and maintenance requirements, my Department funds on a case by case basis specialist or urgent applications for equipment needs, e.g. road traffic accident equipment, second hand fire appliances, water tankers, chemical protection suits, etc. In the past three years 49 applications for funding for new equipment such as detailed above have been received in my Department and details are also set out in table 2.

The 2004 allocation for the fire services capital programme is €19 million and this investment will ensure the continued development and modernisation of the fire service.

Table 1

Applications Received for New Replacement Fire Stations 2001-2003

2001	2002	2003
Achill Island, Athenry, Castlecomer, Clifden, Drogheda, Dungloe, Glenties, Gweedore, Millstreet, Macroom.	Clones, Thurles, Westport.	Moville

Table 2

New Equipment Applications 2001 — 2003

Fire Authority	Equipment	Year
Carlow	Four Wheel Drive Vehicle (4WD)	2001
	Road Traffic Accident Equipment (RTA)	2002
	Fire Behaviour Training Unit (FBTU)	2002
	New Emergency Tender	2002
Cavan	Breathing Apparatus (BA)	2002
	Hand Portable Radios	2002
	4WD Vehicle	2002
Clare	New Water Tanker	2002
	RTA Equipment	2002
	FBTU	2002
	2 4WD Vehicles and Lighting Trailers	2002
	Hand Portable Radios	2002
Donegal	New Mini Water Tender for Off shore Island	2002
Galway County	New Mini Water Tender for Off shore Island	2001
	Hand Portable Radios	2002

Fire Authority	Equipment	Year
Kildare	FBTU	2002
Kilkenny	Gas Tight Protective Suits	2001
Limerick County	FBTU	2001
	Hand Portable Radios	2001
	Chemical Suits and Decontamination Showers	2001
	RTA Equipment	2002
	Breathing Apparatus	2001
Longford	Hand Portable Radios	2002
	RTA Equipment	2001
Mayo	BA Compressor	2001
	RTA Equipment	2001
Offaly	Hand Portable Radios	2001
	2 Lighting Trailers	2002
North Tipperary	RTA Equipment	2001
South Tipperary	RTA Equipment	2001
Waterford County	2 4WD Vehicles	2001
	Breathing Apparatus	2002
Westmeath	Lighting Trailer and Air Shelter Unit	2002
	FBTU	2003
	4WD Vehicle and Lighting Trailer	2001
Athlone Town Council	Equipment for Emergency tender	2003
	Gas Tight Protection Suits	2002
Wexford	4WD Vehicle	2001
	Aerial Appliance	2002
Cork City	2 Chimney Vans	2002
	Control Van	2002
	Boat	2002
	Decontamination Unit	2001
Dublin City	2 4WD Vehicles	2001
	Water Rescue Equipment	2002
	RTA Equipment	2001
Limerick City	Vehicle for Decontamination Unit	2002
	Aerial Appliance	2001
	FBTU — Flashover Aid Set	2001

### Water and Sewerage Schemes.

475. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of the proposed sewerage system for the Brownstown, Cutbush, Suncroft, Curragh areas of Kildare; and if he will make a statement on the matter. [9748/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Curragh, Brownstown, Cutbush and Suncroft sewerage system is included in my Department's Water Services Investment Programme 2003 — 2005 to commence construction this year.

I approved Kildare County Council's contract documents for the scheme in November 2003. It is now a matter for the council to advance the tender process.

### Public Transport.

476. **Mr. Eoin Ryan** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that the local authorities adequately consult the transport providers in

Dublin city and county when they are drawing up their plans for land use. [9812/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** One of the five high level goals set out in my Department's statement of strategy is to ensure that transport infrastructure and services are provided, managed and used in a manner that protects people from death and injury. Within that goal, the safety of public transport users is a very high priority for my Department.

I can assure the Deputy that the transport agencies under the aegis of my Department co-operate fully with all relevant authorities to ensure the safety of public transport users.

### Disabled Person's Grant.

477. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the proposals he has to raise the level of the disabled person's grant to a level in line with today's constructions cost; and if he will make a statement on the matter. [9852/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** There are no proposals to change the amount payable under the disabled person's grant scheme.

A review of the scheme is, however, being finalised in my Department at present and on its completion I will be in a position to determine the changes, if any, required to the regulations governing the scheme to ensure that the funding available is directed at those persons in greatest need of such assistance.

#### **National Parks.**

478. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the percentage of seasonal job losses which will be evident at Glenveagh National Park in summer 2004; and if he will make a statement on the matter. [9854/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Operational priorities require that the allocation of seasonal staffing levels in all of my Department's national parks, including Glenveagh, will vary from year to year. As part of an ongoing management strategy to enhance the effective and efficient operation and delivery of a year-round quality service at Glenveagh National Park, seasonal posts have been consolidated into new permanent whole-time positions in full consultation and agreement with the relevant trade union.

Peak season staffing requirements for the park are now being reviewed by management in the light of these changes. In these circumstances, it is not yet possible to indicate the effect of the new arrangements on peak season job levels in 2004.

#### **Control of Dogs.**

479. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he has plans to amend the Control of Dogs Act to strengthen the rights of persons who are affected by the excessive barking of dogs held in private buildings; and if he will make a statement on the matter. [9882/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Provisions relating to nuisance by barking dogs are contained in section 25 of the Control of Dogs Act 1986. Under these provisions, the District Court may act on a complaint by any person where a nuisance has been created by excessive barking by a dog. On foot of such a complaint, the court may order the occupier of the premises in which the dog is kept to exercise control over the dog, make an order limiting the number of dogs to be kept on the premises or direct that the dog be delivered to a dog warden.

These provisions are designed to cover private buildings and appear to be appropriate to the potential circumstances involved.

#### **Housing Grants.**

480. **Mr. N. O'Keeffe** asked the Minister for the

Environment, Heritage and Local Government when funding will be allocated for a project in County Cork (details supplied). [9883/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I refer to the reply to Question No. 482 of 24 February 2004. The position is unchanged.

#### **Election Management System.**

481. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the reason EU nationals who are not Irish citizens and who are claiming a vote in the local and European elections have to pay a minimum of €10 to claim a vote in Ireland, when they get their statutory declaration signed by a notary. [9924/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** In accordance with EU Directive 93/109, EU citizens, apart from Irish or UK citizens, who are resident in Ireland, and other than those who were registered at the 1994 or 1999 European elections, must complete an application form and a statutory declaration in order to be registered as European electors. Statutory declarations may be taken by notaries public or commissioners for oath both of whom are entitled to charge a fee. A declaration may also be taken by a peace commissioner for whom there is no remuneration or financial compensation by way of fees or expenses.

482. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the cost of the training course run by the Institute of Public Administration for staff nominated by returning officers and arranged by his Department to prepare for electronic voting. [9925/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Institute of Public Administration has run or is running three training courses for returning officers and staff in preparation for the nationwide rollout of the electronic voting and counting system in June 2004.

The cost per attendant for the courses are as follows: initial election management training — one day course, €375; refresher election management course — half-day course, €200; and train the polling staff trainers — one day course, €475 — €440 for reservation of five or more places.

Persons are nominated to attend these courses by local authorities or the appropriate returning officer. While my Department does not have detailed records, we understand that some 400 persons have completed the first course and some 175 the second. The third course is still in progress.

The cost of attendance at these courses is met by the local authorities for staff engaged on local elections and from the central fund in the case of staff of the European returning officers.

### Local Authority Housing.

483. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has supplied sufficient funding to Kildare County Council to enable that body meet the housing needs of the 3,000 families now seeking housing in the county; and if he will make a statement on the matter. [9927/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department is currently examining individual house building programmes and estimated expenditure requirements for 2004 that have been received from local authorities, including the three local authorities in County Kildare. My Department will determine capital allocations for 2004 for notification to each local authority in the near future.

### Water and Sewerage Schemes.

484. **Mr. N. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the position regarding the tendering of contracts for a specific project; if the tendering process has been completed. [9957/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The Buttevant sewerage scheme has been approved for funding in my Department’s Water Services Investment Programme 2003 — 2005 under the rural towns and villages initiative.

Cork County Council submitted contract documents to my Department in February 2004 for the wastewater treatment element of the scheme which is being procured as part of a grouped design/build/operate contract that also includes Kilbrin and Doneraile. My Department has asked the council for additional information to enable the contract documents to be further considered.

In January 2004 I approved the council’s contract documents for the sewage collection system for Buttevant and it is now a matter for the council to advance the tender process for these works.

*Question No. 485 answered with Question No. 458.*

### Local Authority Funding.

486. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the status of an application for capital funding to his Department from Westmeath County Council to carry out renewals and refurbishments to housing stock at Ennell Court, Mullingar, County Westmeath; the progress that has been made in this regard; and if he will make a statement on the matter. [9975/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** It is understood that Westmeath County Council are developing proposals for a pilot phase of remedial works at Ennell Court,

Mullingar which will be submitted to my Department for approval in due course.

### Election Management System.

487. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if the residency card issued to non-nationals will be accepted as identification for the purposes of voting in the local and EU elections; if not, the forms of identification that will be considered acceptable for non-nationals; and the measures he has put in place to ensure that eligible non-national voters are fully able to exercise their franchise during the coming elections in June 2004 and that they are not discriminated against when presenting themselves to exercise their right to vote. [9976/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I refer to the reply to Questions Nos. 530, 558 and 564 of 23 March 2004.

### Fire Stations.

488. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of a new fire station at Ardmore, County Waterford; when he expects work to commence; and if he will make a statement on the matter. [10115/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** My Department approved the construction of a new fire station at Ardmore as part of the 2003 fire services capital programme.

The project has now reached tender stage and a tender proposal submitted by Waterford County Council is under consideration by my Department at present. A decision will be made in the near future.

*Question No. 489 withdrawn.*

### Údarás na Gaeltachta.

490. D’fhiafraigh **Mr. O’Dowd** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén méid iarratas a fuair an tÚdarás agus an méid díobh a cuireadh faoi bhráid an bhoird; sna cáipéisí a eisíodh don chomórtas ar leagadh béim ar phlean gnó chun na tithe a réachtáil mar thithe saoire ar mhaithe leis an nGaeltacht; ar cuireadh na pleananna gnó seo faoi bhráid Bhoird an Údaráis; cén luacháil a rinneadh ar na hiarratais maidir lena gcuid pleananna leis na tithe a réachtáil chun leasa na Gaeltachta agus na Gaeilge agus cén tionchar a bhí aige sin ar na moltaí a rinneadh; ar glacadh leis an tairiscint ab ísle; ar dhiúltaigh an tÚdarás €500,000 sa bhreis a bhí á thairiscint ag grúpa amháin nó don tairiscint ón bhfondúireacht naisiúnta aitheanta a bhí €55,000 níos airde agus plean forbartha acu a chosnódh na céadta mílte eile. [9750/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Ar dtús, ba mhaith liom a mheabharrú don Teachta go bhfuil an fhreagracht ar Údarás na Gaeltachta maidir le diúscairt a

mhaoine féin, faoi réir rialacháin an Stáit agus na hEorpa.

Sa chás áirithe seo, bunaithe ar an eolas is deireanaí atá curtha ar fáil ag Údarás na Gaeltachta dom, tuigim go bhfuarthas 11 tairiscint i leith Thithe Saoire Eanach Mheáin. Cuireadh luach gach ceann díobh os comhair Bhord an Údaráis ag a chruinniú ar 20 Feabhra 2004 chomh maith le heolas breise faoin trí thairiscint ab airde, lena bpleananna gnó san áireamh. Ag an gcruinniú sin, chinn Bord an Údaráis, faoi réir tuilleadh soiléirithe, tairiscint a roghnú nárbh í an ceann is ísle í.

Sna cáipéisí tairisceana a eisíodh don chomórtas, leagadh béim ar na tithe a reachtáil mar thithe saoire ar mhaithe leis an nGaeltacht. Deirtear sa Réamhrá “I gcomhthéacs fheidhmeanna reachtúla Údarás na Gaeltachta sé príomhfhócas an phróisis tairisceana atá leagtha amach sa cháipéisíocht seo ná tithe saoire Eanach Mheáin a dhíol le duine/dream a bheidh in ann Tithe Saoire Eanach Mheáin a cheannach agus a reachtáil mar Bhaile Saoire Gaeltachta, agus fostaíocht agus tithe saoire a chur ar fáil sa Ghlaeltacht”. Chomh maith leis sin, bhain ceann de na coinníollacha le cúnant go ndéanfar iarracht daoine le Gaeilge líofa a fhostú agus go dtabharfar áit shuntasach don Ghaeilge i bhfógraíocht, ar chomharthaí, ar fheithiclí agus ar stáiseanóireacht.

Tá sé curtha in iúl ag an Údarás go ndearnadh luacháil ar na tairiscintí ar bhunús na gcuspóirí a leagadh amach sna cáipéisí tairisceana, chomh maith le praghas.

Mar a chuir mé in iúl don Teachta san bhfreagra a thug mé ar Cheist Dála Uimh. 592 ar 23 Márta, bhí an t-ábhar seo le plé tuilleadh ag Údarás na Gaeltachta ag cruinniú Boird ar 26 Márta 2004. Ag an gcruinniú sin, chinn Bord an Údaráis deireadh a chur leis an bpróiseas tairisceana agus an mhaoín a chur ar ais an margadh ag dáta éigin amach anseo.

### Community Development.

491. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide support to the Kerry Deaf Resource Centre (details supplied) for the provision of a family support worker; and if he will make a statement on the matter. [9871/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The Kerry Deaf Resource Centre made an application for a grant in 2003 under my Department's programme of grants for locally-based community and voluntary organisations. The application was unsuccessful.

The provision of a family support worker for the group would be a matter for consideration by the Department of Social and Family Affairs.

### Rural Social Scheme.

492. **Mr. Crawford** asked the Minister for Community, Rural and Gaeltacht Affairs when he hopes to put into place the scheme for rural employment that he announced on 3 December

2003; the structures in place to implement this scheme for 2,500 workers; the sections which will make the payments to the workers; the funds which will be available to supply material and equipment for the project being undertaken by these workers; if he has satisfied himself that sufficient funds are available within his Estimates for this scheme for 2004; if a lack of funds is the reason for the delay in putting this scheme into operation; and if he will make a statement on the matter. [10119/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** In my reply to Questions Nos. 122, 133, 171 and 196 on 9 March I outlined a timescale of six to eight weeks for putting in place the arrangements for the rural social scheme with the scheme to commence shortly thereafter.

I am satisfied that the funds for the scheme will be available through a combination of transfers from the dormant accounts fund and savings in social welfare payments as a result of the introduction of the scheme. This issue, together with the others raised, is currently being finalised as part of a package of proposals I will be making to Government shortly.

### Pension Provisions.

493. **Mr. Crawford** asked the Minister for Social and Family Affairs the number of widows and widowers that are between the age of 24 and 60 years; the amount it would cost to being these persons up to the pension available to those widows and widowers over 66 years; if her attention has been drawn to the fact that these younger widows and widowers do inherit family costs and to tragic death from accident or cancer; and if she will make a statement on the matter. [9624/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The Deputy has clarified that he requires details of the number of widow(er)s under 66 years and the cost of paying the over 66 rate to them.

At present there are 120,620 people in receipt of a widow's or a widower's pension, of whom 36,492 are aged under 66 years. Of those under 66 years, 32,990 are in receipt of a widow(er)s contributory pension and 3,502 are in receipt of a non-contributory widow(er)s pension or a one-parent family payment. The estimated cost of paying all widow(er)s at the higher rate is €50.6 million.

The current rates structure, comprising an under 66 and over 66 rate, was first introduced in 1998 when the process of aligning payments of those over 66 years of age with the rate of old age contributory pension began. These arrangements reflect the fact that age 66 is the standard qualifying age for pension purposes under the social welfare system and, in keeping with the Government's commitment to older people, increased payments are generally made to those over 66.

I am fully aware that younger widows are more likely to have family costs and it was for this

[Mary Coughlan.]  
reason that the Government introduced the widowed parent grant which now amounts to €2,700. The purpose of this grant is to help with the special needs of widows and widowers with dependent children in the immediate aftermath of a bereavement.

This special grant is paid in addition to the various other schemes within the social welfare system to assist widows and widowers in the aftermath of their bereavement. These include the payment of six weeks social welfare following the death of certain social welfare recipients or their spouse. The six weeks after death payment has now been extended to all recipients of social welfare payments; the bereavement grant of €635 which is payable to insured people and their families; and the funeral grant of €635.00 which is payable under the occupational injuries benefit scheme.

The provisions for widows and widowers under the social welfare code will be kept under review and further improvements will be made in line with the availability of resources and priorities generally.

#### **Social Welfare Benefits.**

494. **Mr. Kehoe** asked the Minister for Social and Family Affairs the outcome of the Garda investigation in relation to a case (details supplied). [9864/04]

**Minister for Social and Family Affairs (Mary Coughlan):** This case was the subject of a question from the Deputy which I answered on 4 March 2004. It concerns a supplementary welfare allowance cheque that was reported missing by the person to whom it was issued but which was found to have been cashed. As I stated in my earlier reply, the health board which issued the cheque has a duty to refer such cases to the gardaí so that the circumstances can be fully investigated and the appropriate follow-up action can be undertaken by the board and, if necessary, by the gardaí themselves.

The South Eastern Health Board was again contacted regarding this case and has advised that the Garda investigation concluded that it was not the person concerned who cashed the missing cheque. On receipt of this information the board immediately issued a replacement cheque. This is

standard procedure and does not imply any wrongdoing on the part of the person to whom the cheque was issued. The board has further advised that at all times it handled its dealings with the person concerned in a courteous and respectful manner.

495. **Mr. Curran** asked the Minister for Social and Family Affairs if she will review the situation whereby an employee over 25 years of age must have at least 260 PRSI contributions paid since first starting work before being eligible to qualify for benefits; and if she will consider a system of credits for those who have been in full-time third level education for a number of years before reaching 25 years of age. [9922/04]

**Minister for Social and Family Affairs (Mary Coughlan):** I understand the Deputy is referring to the treatment benefit scheme.

An underlying principle of the social insurance system is that, to establish entitlement to benefit, a person must have been insurably employed and paid appropriate PRSI contributions for a certain length of time.

The treatment benefit scheme operated by my Department provides to insured persons and their dependent spouses a range of services in the area of dental, optical and aural benefit. The availability of these benefits is subject to certain PRSI contribution conditions. The PRSI contribution classes which qualify for treatment benefit are A, E, H and P.

The PRSI contribution eligibility requirements vary depending on the insured person's age. Persons aged under 21 must have at least 39 weeks PRSI contributions paid since first starting work in order to qualify while persons aged from 21 to 24 must have at least 39 weeks PRSI contributions paid since first starting work and 39 weeks paid or credited in the relevant tax year.

In the case of persons aged over 25, the requirement is that they have at least 260 weeks PRSI paid since first starting work and 39 weeks PRSI paid or credited in the relevant tax year.

I have no plans, at present, to change the current qualifying conditions for treatment benefits. Any change in the conditions for receipt of benefit would have financial implications and would be a matter for consideration within the constraints of budgetary policy and the best targeting of available resources.