

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

[illegible]

DÁIL ÉIREANN

*Déardaoin, 1 Aibreán 2004.
Thursday, 1 April 2004.*

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

*Paidir.
Prayer.*

Visit of Macedonian Delegation.

An Ceann Comhairle: Before coming to the business of the House, I wish on my own behalf and that of the Members of Dáil Éireann to offer a céad míle fáilte — a most sincere welcome — to members of the Committee on Foreign Affairs of the Macedonian Assembly, who are here with us in the Distinguished Visitors' Gallery. I express the hope that they will find their visit enjoyable, successful and to our mutual benefit.

Requests to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: I now come to a number of notices under Standing Order 31. I will call on the Deputies in the order in which they submitted their notices to my office. I call Deputy Bernard Durkan.

A Deputy: Tá sé as láthair.

Mr. Allen: I am Bernard Allen. The Ceann Comhairle called Bernard Durkan.

An Ceann Comhairle: I call Deputy Bernard Allen.

Mr. Allen: It was the wrong St. Bernard.

An Ceann Comhairle: I am calling Deputy Allen since I see that he is on his feet and he is also on the list. Deputy Durkan was first on the list and Deputy Allen further down.

Mr. Allen: I seek the adjournment of the Dáil under Standing Order 31 to discuss the fact that the Government has allowed the spending of public moneys by the Commission on Electronic Voting without the authorisation of Dáil Éireann, and allow it to state what funding has been made available to the commission to discharge its duties and from where the moneys came.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 on the following

specific and urgent matter, namely, in view of the divisive debate regarding the forthcoming presidential election, the necessity for this House to debate the possibility of agreeing a consensus candidate who could be representative of the people of Ireland. I propose the Rev. Ian Paisley.

Ms Harkin: I seek the adjournment of the Dáil under Standing Order 31 to discuss an issue of regional and national importance, namely, the decision by Teagasc to starve the pedigree herd that it failed to remove from the Ballinamore research station before the likely implementation of a total slaughter policy and its petty and petulant response to the determined efforts of local farmers to prevent the closure of the centre, most significantly raising major concerns regarding the animal welfare policy of a Department.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent national importance and concern, namely, the unacceptably long waiting lists, averaging 42.2 weeks, for Irish driving test candidates, stretching to 60 weeks in some cases. That compares with 8.7 weeks in the UK, which is regarded as excessive in Britain. The Department has failed to appoint sufficient examiners to cope with the demand, and that has implications for the ongoing higher insurance premium costs for young people.

Mr. Durkan: I apologise for not being here earlier, I thought that it was yesterday morning. I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, to call on the Minister for Health and Children to reverse his decision, through the ERHA, to shut down the tuberculosis and respiratory facilities at Peamount Hospital, Newcastle, County Dublin, which will remove the long-established and reliable services for patients in the immediate catchment area and throughout the country.

Mr. Sargent: I seek the adjournment of the Dáil under Standing Order 31 to discuss and clarify a matter of urgent national importance, namely, the need to act swiftly on the recommendations of the Barron committee by establishing a full public inquiry into the circumstances surrounding the Dublin and Monaghan bombings to ensure that justice is finally done.

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

Order of Business.

The Tánaiste: The Order of Business today shall be as follows: No. 3, Electoral (Amendment) Bill 2004 — Second Stage (resumed); No. 1, the Sea Pollution

[The Tánaiste.]
(Miscellaneous Provisions) Bill 2003 [*Seanad*] —
Second Stage.

An Ceann Comhairle: There are no proposals to put to the House.

Mr. R. Bruton: On the Order of Business, I thank Deputies Ardagh and Paul McGrath for the work of their committee on the Barron report. Perhaps the Tánaiste will tell us, reflecting the concerns of victims' families, whether the Government has decided on a firm timetable regarding the committee's recommendations. Will she say when the Government intends to consider those issues?

The Tánaiste: I join Deputy Richard Bruton in thanking Deputy Ardagh and the entire committee for their extraordinarily hard work on this matter. Like Deputies, the Government only received the report yesterday afternoon and I am sure we will give it every consideration as quickly as possible, perhaps at our meeting next week or the one thereafter. It is important that we reflect on the report, into which an enormous amount of effort has been put by all the committee members. We owe it to them to give the report consideration now. We will revert to the Deputy regarding the timeframe since we do not yet have one.

Mr. Rabbitte: In view of the Government's desire to rush through various Bills such as those on e-voting and the referendum on citizenship before the local and European elections, are there plans to introduce legislation to limit spending in local elections, given that corruption in Irish politics is primarily, though not exclusively, focused on local government?

The Tánaiste: No. No legislation is promised in that area.

Mr. Rabbitte: Does the Tánaiste consider that, properly, there ought to be legislation?

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

Mr. Sargent: Perhaps it ought to arise in the Order of Business, but I appreciate the Ceann Comhairle's ruling. As regards the debate so long after the Dublin and Monaghan bombings, is there to be a motion or statements, or in what form will the discussion be framed? It is important for the families concerned. They might appreciate the manner in which this matter is being considered by the House.

On promised legislation, as regards the building control Bill, will the submission of the Simon Community be taken into account which recommended that the special savings incentive account be reduced from 25% to 24%—

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

Mr. Sargent: It would generate enough money to end homelessness—

An Ceann Comhairle: The Deputy must speak on the legislation.

Mr. Sargent: —seeing that the Tánaiste is interested in the special savings accounts.

An Ceann Comhairle: That might be more appropriate to Second Stage of the legislation when it comes before the House.

Mr. Sargent: It will be, indeed.

The Tánaiste: As regards the form the debate will take on the committee's report, that will have to be agreed. It would be desirable to have agreement among all parties in the House on that format. The Bill referred to by the Deputy will be published later this year.

Mr. G. Mitchell: Will the Tánaiste say when it is intended to consider the EU draft directive 14/2004 on bee tagging?

The Tánaiste: That sounds like a waspish inquiry, on 1 April. When I woke up early this morning and heard a different story from the Dáil, I thought that was an April fool's one as well. However, I understand it is not. I do not think I will even bother going through my notes. I suspect that is an April fool inquiry.

Mr. S. Ryan: Given that Ireland has ratified the Montreal Convention 1999, will the Tánaiste say when it is proposed to introduce the air navigation and transport Bill? I was informed a couple of weeks ago that the pharmacy Bill would be on the agenda. What is the current situation on that?

The Tánaiste: Report Stage of the navigation Bill will be taken next Wednesday. The pharmacy Bill has not yet come to Government. I believe it will later this year.

(Interruptions).

An Ceann Comhairle: The House will hear Deputy Ó Snodaigh without interruption.

Aengus Ó Snodaigh: I refer to No. 96 on the legislative programme, the judicial conduct and ethics Bill. What is the status of this Bill and will it be published this year, as promised? Is a White Paper on judicial conduct a problem? Will the heads of the Bill be published, as promised in the Government action programme on better regulation, in keeping with best practice?

The Tánaiste: The Bill is expected later this year.

Mr. Crawford: In light of the destruction of a pure-bred herd in Ballinamore, County Leitrim, and the spreading of milk on land there that may cause pollution——

An Ceann Comhairle: Has the Deputy a question on legislation?

Mr. Crawford: This is relevant. There is an animal health Bill on the clár. Can that be brought forward as a matter of urgency so that the wanton destruction by the Department of Agriculture and Food may be discussed?

The Tánaiste: The animal health Bill will be brought forward later this year.

Mr. M. Higgins: I raised some time ago with the Tánaiste the Diplomatic Relations and Immunities Act 1967 as amended in 1976. Amending legislation is promised in An Agreed Programme for Government. The Tánaiste undertook for somebody to contact me, but I have had no contact from the Department of Foreign Affairs, the Department of the Taoiseach or her Department.

The Tánaiste: I apologise that nobody has contacted the Deputy. We passed on the inquiry. It is not possible to indicate at this stage when we will have the Bill. However, I will get someone to speak to the Deputy on this matter.

Mr. Allen: The commission on electronic voting, despite its narrow terms of reference, is working away and spending taxpayers' money in the performance of its duties. Will the Tánaiste say when there will be an Estimate to sanction the spending of public moneys by the commission? To my knowledge there has been no authorisation by this House on the spending of money by the commission. I have no evidence of it. Will the Tánaiste tell the House where the authorisation came from and if there is not——

An Ceann Comhairle: I suggest the Deputy submits a question to the Minister for Finance.

Mr. Allen: Will an Estimate be introduced to the House?

The Tánaiste: I am not certain under what subhead the money is being spent. I will have somebody from the Department of the Environment, Heritage and Local Government talk to the Deputy, but I am sure that if an Estimate is necessary it will be brought forward. Clearly, it was important to give the commission the resources it required. It is expected to report before 1 May.

Mr. Allen: I would expect——

An Ceann Comhairle: We cannot have a debate on it now. I suggest the Deputy puts a question to the appropriate line Minister.

Ms O'Sullivan: The Minister for Education and Science told the House on Tuesday that a report has been received on extending vetting procedures for people who work with children. Will the Tánaiste say whether the Government is in a position to proceed with a register of persons unsafe to work with children Bill?

The Tánaiste: My notes state that it is not possible at this stage to indicate when we will have the legislation, but obviously if we have the report, this will help expedite publication.

Mr. Durkan: The Ceann Comhairle may be able to help me, or perhaps the Tánaiste. Yesterday I was upset when, with a number of other people, questions to the Minister for Communications, Marine and Natural Resources were refused on the basis that he had no accountability to the House. It related to a call to reduce mobile telephone charges and direct the regulator——

An Ceann Comhairle: Has the Deputy a question on legislation?

Mr. Durkan: I presume the Minister intends to legislate. Although the question was refused to several people, I opened my newspaper and——

An Ceann Comhairle: This does not arise on the Order of Business. Deputy Richard Bruton——

Mr. Durkan: ——if the Ceann Comhairle opens his newspaper, he would see the same thing that I saw——

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

Mr. Durkan: ——the self-same Minister making an announcement to the world outside that he was now directing ComReg in this area——

An Ceann Comhairle: What the Deputy saw in the newspapers does not arise on the Order of Business.

Mr. Durkan: I just want to warn the Minister, if he persists, if he does that again——

An Ceann Comhairle: The Deputy should allow his colleague, Deputy Bruton, to speak on something appropriate to the Order of Business.

Mr. R. Bruton: I am sure the Tánaiste shares my belief that a vital concern is the extent to which schools in disadvantaged areas and children with special learning difficulties are making achievements, and being seen to do so. Will she clarify the Government's view on making information available to parents about the achievement of schools?

An Ceann Comhairle: That question does not arise. It is more appropriate for questions to the Minister.

Mr. R. Bruton: It does arise. The Minister for Education and Science indicated that the Education Act 2000 was excessively restrictive as regards providing parents and others with information.

An Ceann Comhairle: Is legislation promised? No legislation is promised.

Mr. R. Bruton: What constitutes a promise? If the Minister for Education and Science says this is unduly restrictive and there is an indication that he proposes to change it, it is about time reform in this area was thought about seriously.

Mr. Costello: I want to ask the Tánaiste about two matters. I asked her last week about the Grangegorman development agency Bill, when we are likely to have this long-promised legislation. We were supposed to have it before the end of this session. Second, in the context of the justice sub-committee reviewing the Barron proposals, it is proposed that this House endorses the recommendations. I understand that would require a motion to be put before the House. There is not much point in having statements unless accompanied by a motion. This should be done as a matter of urgency because of the request that the British Parliament should likewise endorse the recommendations. The victims and survivors have indicated strongly that they would like to see action on this as quickly as possible.

The Tánaiste: As regards the Grangegorman Bill, it is intended to have it this session. Regarding the motion, it would be the intention of the Whip to discuss that matter with other parties and to proceed along the lines suggested in agreement with everyone else. There is no sense in dividing on this important matter. We are all at one on it.

Mr. Stagg: I congratulate the Tánaiste on her attendance in the House on three full days in a row, and for taking the Order of Business on the three days. She must be exhausted. I am invited this morning to attend a coalition of organisations for disabled persons. Will the Tánaiste inform me if I can let these organisations know when the rights-based disability Bill, which has been repeatedly promised, specifically by the Tánaiste at her party's annual conferences in recent years, and last week, will come before the House?

The Tánaiste: I thank Deputy Stagg for the compliment. It is not often he says nice things about me. April Fools' Day has its advantages. Even Deputy Finian McGrath said something nice. I understand he will be enjoying a makeover later in RTE. The disability Bill will be published very shortly. It is almost finalised.

Mr. Stagg: Could the Tánaiste be slightly more specific? We have been hearing "very shortly" for two years. Will it be published in a month's time or before the summer?

The Tánaiste: As quickly as possible.

Mr. R. Bruton: We saw today that the Director of Consumer Affairs is unable to charge people who jack up the price of the pint on match days because there is no legislative provision to prevent that.

An Ceann Comhairle: That matter does not arise. I suggest that the Deputy submit a question to the Minister responsible.

Mr. Rabbitte: Given that competition is manifestly not working in the licensed vintners' trade, and given the excessive profit-taking during major events and on the eve of those events, does the Tánaiste contemplate the need to make a price-fixing order in this area?

Mr. R. Bruton: That is the same question.

Mr. Durkan: Will the Tánaiste not answer it anyway?

The Tánaiste: The answer is no.

Electoral (Amendment) Bill 2004: Second Stage (Resumed).

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

Mr. F. McGrath: As I said last night, I am opposed to this Bill, particularly because of the amount of public money, some €40 million, which is being spent on this project. I also have major professional concerns, because the dangers posed by electronic voting constitute a serious threat to democracy. Let us suppose that at election time the Government was to employ a private company to bundle up all our paper votes, haul them off to an unknown location for counting in secret and emerge with nothing more than a final unverifiable result. Would the Tánaiste be happy, and trust the result? People should consider that scenario.

Computers obey coded instructions, yet the source codes of the computer programmes to be used will not be open to independent special scrutiny because of commercial copyright.

Mr. Cullen: They have been.

Mr. F. McGrath: The count results produced by them will not be open to independent verification.

Mr. Cullen: They have been. They will be.

Mr. F. McGrath: Astonishingly, in the new legislation there is no serious means of this being

built into the system. If one does something as mundane as booking an airline ticket or carrying out a bank transaction and one makes a mistake, there will always be a paper trail to lead to the source. If one presses a button to vote, there will be nothing anywhere to prove that one voted, or to prove that the vote did not go to the chosen candidate.

With regard to independent experts, one can consider Ms Margaret McGaley, a scholar working on a PhD on electronic voting.

Mr. Cullen: She is a student.

Mr. F. McGrath: Yes.

Mr. Cullen: She is a student with no international accreditation.

Mr. F. McGrath: Last night, the Minister's colleague was claiming that those opposed to electronic voting were all members of one political party. Now Ms McGaley is described as "only a student".

Mr. Cullen: The facts will never get in the way of a good story.

Mr. Allen: The Minister should be told to take his tablet.

An Ceann Comhairle: Deputy McGrath without interruption, please.

Mr. F. McGrath: I thank the Ceann Comhairle. I will continue to make my valid points. When students of electronic voting appear before a Dáil committee and say that the system as planned poses a genuine threat to democracy, I listen to their views. I have an open mind.

Mr. Cullen: I thought the Deputy had not.

Mr. F. McGrath: I listen to their views. I do not dismiss them or heckle the speakers. Ms Rebecca Mercouri is an American professor, a world expert in electronic voting and security. She says that any first year computer science student can write a code which displays one message on screen for the voter but records something else and transmits that as a vote.

Mr. Cullen: She was referring to the American PC-based system. She has confirmed that she was not talking about the Powervote-Nedap system.

Mr. F. McGrath: Does the Minister agree with her findings?

Mr. Cullen: Yes. Regarding PC systems, I fully agree with her because they are open to being hacked.

Mr. F. McGrath: The Minister accepts that Ms Mercouri is a serious, credible person. That is fair enough.

Mr. Allen: Can I give my opinion?

An Ceann Comhairle: Deputy Allen should allow Deputy McGrath to continue without interruption.

Mr. F. McGrath: That applies also to the Minister, the greatest heckler in the Dáil. Could the Ceann Comhairle deal with him also? He needs to be reined in quickly. The Minister referred to the United States. Political momentum is gathering there for a Bill to support a paper trail. Experts say that no one can vouch for full 100% security and independence of any computer system. How then can the Minister do so on our behalf? The Minister should consider these concerns. I disagree with those who argue that we have now moved into the IT age and should get on with it.

Part of democracy is an interest in politics. Part of an interest in politics is studying and observing counts, watching tallymen and tallywomen being involved in the democratic process. I think of the people who died for the right to vote, and the right to see an open, transparent vote. When the ANC was elected to government in South Africa, I recall television pictures of queues of people going to vote.

Mr. Cullen: I was there for six weeks at the time.

Mr. F. McGrath: The right to an open, transparent vote is important. In my constituency, 33% of people do not vote at all. I am concerned about the lack of involvement. If an IT voting system is introduced, people may be driven further away. We all complain about each other in political life, but to be fair to the vast majority in Irish society, some 72% have been shown to have a strong interest in current affairs. That interest is reflected on election days in the counts, the drama, the cut and thrust of elections. At 3.30 p.m. on the day of the previous general election, I thought I had failed but, by 9 o'clock, I was elected to Dáil Éireann. If one goes into public life, one must take the heat. It is part of the package, and I accept that. Quite often I attended counts in the RDS and, when I failed to be elected, I accepted the democratic decision of the people.

People feel genuinely that electronic voting is a step backwards. As I said before, it has the potential to damage our interest in politics and current affairs. Certain things in life are worth preserving, and our current voting system is one of them.

Irish men and women have always considered the vote and the right to vote very important. They also want transparent democracy. Electronic voting moves away from these core principles of democracy, and that is why I oppose the Bill. I urge the Government to think again, and let people see and use their votes in an open and transparent manner.

[Mr. F. McGrath.]

It is essential people accept that reservations about electronic voting and IT do not, as Deputy Fleming implied, mean backward thinking. I accept there has to be some tightening up of the old system with regard to spoiled votes, etc. As one who believes strongly in the democratic process and who came up the hard way through the system — as an Independent it is not easy to get elected——

Mr. Cullen: How many spoiled votes were in the Deputy's count?

Mr. F. McGrath: I ended up with 7,000 votes. I do not have the exact figure for spoiled votes in my constituency.

An Ceann Comhairle: I ask the Minister to allow the Deputy to continue without interruption.

Mr. F. McGrath: I accept that there have been corrections to the proposed system. However well-meaning the Electoral (Amendment Bill) 2004 is, I still have genuine concerns about it. I will be voting against the legislation.

Mr. Ferris: My attitude towards changing the way we vote is that if something is not broken, why fix it. The existing system is certainly complicated and long drawn out but transparent. Everyone involved in the process, including the electorate who wish to follow the count through the media, know what is taking place. Some may object that it only touches on the entertainment value of the process and removing the count will have no material effect on either the outcome of elections or confidence in the process. I do not accept that argument.

The more people can see what is taking place, the greater the confidence in it. They also see their involvement in the electoral process and that the outcome is fair. With the new system, people's only involvement is when they punch their choice into the computer and the results are announced several hours later. Members will be aware of how this transpired in the 2002 elections. Apart from the public personal trauma suffered by Ms Nora Owen in Dublin North and the sympathy we all felt for her, I recall most a sense of an anti-climax surrounding the electronic voting. Gone was the entertainment of the tally and the importance of seeing transferred preferences and changes in local voting patterns.

Mr. Cullen: That has been corrected.

Mr. Ferris: There are other serious issues regarding electronic voting. Question arose over the last presidential election in the United States. A substantial number of level-headed and moderate voters in that country are convinced that the result was not obtained fairly. Whether or not they are correct, it would not have arisen had the system been similar to ours, where the

count takes place in front of candidates and the tally persons, and by which each vote can be scrutinised if there is the slightest doubt.

Security of the system is also an issue. Other Members have spoken about the possibility of the system being hacked. Experts in this field are by no means agreed on whether this may be possible. If there is the slightest doubt — which is possible with the proposed new system — then we should not proceed. Concerns about interference from outside the system is another issue. We all know, from regularly receiving computer viruses via e-mail, that there are far too many lunatics who make their life's vocation interfering with important computer systems. Electronic voting is no safer from these people than any other system.

I am concerned that the elderly may not exercise their franchise as a result of the changeover to the electronic system. There is also the possibility that those within the State may interfere with the process. I am not suggesting that this is what motivates the Government. However, the possibility is there on several levels. Why exchange a system of complete transparency with no doubts as to the inviolability of the franchise, to one that lacks confidence and regarding which there are many doubts?

Mr. Eamon Ryan: I will miss the older voting system and the chance it provides to bring people together in our democracy. When leaning up against the barriers at the tally, one had the Progressive Democrats, in their pearls and fur coats, standing alongside the Socialist Workers, in their combats, both sharing the democratic process. I will miss the human element and the drama that was involved in those days. I am sure Fianna Fáil will miss it too because it was the only chance for the party's two sides in a constituency to come together after months of fighting each other.

Mr. Cullen: It was illegal.

Mr. Eamon Ryan: There will be a reduced interest in politics as a result of the changeover. Giving the result in such a brief manner will be like the anti-climax after examinations in college to those who spent the election canvassing. The great advantage of the existing voting system is that it gives us a day of drama. As a tally person, one feels that one is pushing one's candidate towards getting elected, even though one does not have a real influence on the vote. It makes people feel they are involved and part of the process. This will be a terrible loss to politics.

Whatever system the Minister will eventually introduce, I ask him to retain some of that excitement. The results should not be released in one swift process. We need the drama and stories to be told of elections. Though June is only three months away, there is no plan as to how this would happen.

Mr. Cullen: It has been done.

Mr. Eamon Ryan: How will the broadcasters tell their story on the local and European elections?

Mr. Cullen: We have met them.

Mr. Eamon Ryan: We have no idea how the results will trickle through to the broadcasters and ensure a day of drama on television. People like watching election results coverage and it gets them genuinely interested in politics. From speaking to broadcasters in RTE and elsewhere, they have no idea how coverage will work as well as it has under the previous system.

Electronic voting was Deputy Noel Dempsey's great courageous step forward when he was Minister for the Environment and Local Government. It has been many years in gestation, yet with a few months to go a commission has been asked to decide whether it is an accurate system. It shows an incredible lack of planning and respect for our democratic process.

The central concern of the system is that secret software is being used. It is akin to putting a curtain around the middle of the counting area with some Dutch people walking in behind the curtain and counting the votes——

Mr. Cullen: No. A Cheann Comhairle, I demand that the Deputy yield.

An Ceann Comhairle: Will Deputy Eamon Ryan yield to the Minister?

Mr. Cullen: If the Deputy is going to perpetrate the usual bull on this, then we are all in trouble.

Mr. Eamon Ryan: There are other options than using secret patented software.

Mr. Cullen: The Deputy is completely and utterly wrong.

An Ceann Comhairle: Deputy Eamon Ryan, do you wish to yield to the Minister?

Mr. Eamon Ryan: I do not because the Minister has used up most of my time.

Mr. Cullen: It is appalling that he comes into this Parliament to perpetrate what are complete and utter untruths. He is speaking complete rubbish.

An Ceann Comhairle: The Minister will have an opportunity to respond at the end of Second Stage.

Mr. Cullen: He is ridiculous with his statements about Dutch people wandering around the count centres. For Heaven's sake, will the Deputy cop himself on? I have never heard such rubbish in all my life.

Mr. Eamon Ryan: A Cheann Comhairle, can the Minister listen and allow me to speak? I have only four minutes and he has taken up half of it.

Mr. Cullen: The Deputy is talking utter nonsense. What does he expect me to do when he refers to Dutch people wandering around the count centre?

An Ceann Comhairle: I ask the Minister to be silent and allow Deputy Eamon Ryan to continue without interruption.

Mr. Eamon Ryan: I ask the Minister to respond to this question. Are we using, as in the Canberra model in Australia, open-source software which we have developed ourselves, or are we using patented software which is not open to public perusal?

An Ceann Comhairle: The Deputy is out of order. He should make his contribution and not provoke the Minister. The Minister will have an opportunity to reply at the end of Second Stage. The Deputy is not entitled to ask a question and provoke the Minister so as to disrupt the business of the House.

Mr. Cullen: He has referred to Dutch people wandering around during the count.

Mr. Eamon Ryan: The Minister needs to answer that question because he is wrong. We should be using open software which is verifiable.

Mr. Cullen: The source code is being tested by an Irish company.

An Ceann Comhairle: I ask the Minister to remain silent and let the Deputy conclude.

Mr. Eamon Ryan: The Minister is disputing this but I am correct on this matter. Will the Minister in his response inform the House directly whether open-source or patented software will be used? I had several other points such as the accuracy of the system and the secrecy for voters who wish to spoil their votes. I am unable to make these due to the Minister's interventions. I look forward to his response as to why it is not open-source software. As uncomfortable as he is about that, that is the truth and a concern of every computer expert.

Mr. Cullen: The anti-brigade are anti-everything.

Mr. Cregan: I am glad to contribute to the debate on this legislation. The existing procedures have been in place since the 19th century. While they have stood the test of time, it is now necessary to take advantage of major advances in technology to make elections more democratic. We need to use some of the advances to ensure that improvements are made for everyone involved, including candidates,

[Mr. Cregan.]

administrative staff and voters. The present manual system is labour-intensive and, by its nature, cannot be as accurate as a machine-based system.

The imperfections of the existing system were shown up at the last general election, when a large number of votes were deemed to have been spoiled because of the way in which ballot papers had been marked. There were variations in certain results after recounts took place. At that election, seats in 17 constituencies were decided by a number of votes that was less than the number of spoiled votes. The votes of 24,000 people were disallowed at the last local elections, overwhelmingly because of inadvertent errors such as indistinct numerals or a failure to stamp the ballot paper properly. Forty councillors were returned by less than 50 votes. On the same day, over 46,500 votes were ruled out in the European elections, mainly because voters had mistakenly continued numbering between the different ballot papers. Anyone who has been at a close recount, as we all have been from time to time, has seen ballots being held up to the light to check if the perforation has gone through. In the 21st century, there must be a better way of doing things.

There is nothing more important than making sure that our voting system allows the voice of the people to be heard. If one sets aside time to go to the polling station, one has the right to know that one's vote will be counted accurately. The system being introduced accurately records and counts each vote. The existing manual system results in thousands of votes being declared invalid and not being counted, as a result of an inadvertent action by the voter or the polling station staff. At the last general election, seats in 18 constituencies were decided by less than the number of spoiled votes. The introduction of the new system should help to ensure that such scenarios do not arise in the future. The proposed system is not only easier to use, but it also guarantees that every vote will be counted accurately.

We are introducing the new system because it has been shown and proven, through testing and in actual use, that it works. It has been used by more than 400,000 voters at two polls in this country and by millions of voters at elections in other countries. It is the best system available, it has been proven to work and it will deliver a more accurate and timely result. Given that the existing electoral procedures have been in use since the 19th century, it cannot be said that we are rushing anything. Now is the time for change.

The issue of spoiled votes is a big one. The people who are elected should be those candidates who have the most votes at the end of the count. Under the Irish electoral system, seats can be decided by the smallest of differences. When the Minister, Deputy Cullen, attended a joint committee meeting on the issue last December, my constituency colleague, Senator Finucane, recalled how votes being ruled invalid

directly resulted in him losing his Dáil seat by a single vote. I am sure there have been many similar instances in other constituencies. Similarly, councillors were elected by less than 50 votes in 40 local electoral areas. I saw many unstamped ballot papers at the Limerick West count at the last general election. It does not matter if the failure to stamp the papers was inadvertent, because it happened. A seat was decided by a single vote. Senator Finucane was correct to ask the joint committee to press ahead with the introduction of electronic voting because it is better for everybody.

Mr. Cullen: None of the votes in a ballot box in Ferbane was stamped.

Mr. Cregan: That cannot happen under the system that is being introduced.

Mr. Stanton: It should not happen anyway.

Mr. Cregan: Opposition Members have claimed that we will have a mess similar to that in Florida in 2000, but that is not true. Such arguments confuse the public and create doubt at a time when we should be reassuring voters. The system being introduced is nothing like the system used in Florida. The voting machines are different and there are no chads, hanging or otherwise. It is wrong, therefore, to compare our system with that used at the last US presidential election. It is not fair to base one's criticism of our electronic voting system on the shortcomings of a few other systems.

We should examine the record of our new system here and on the Continent. The system that is being introduced here has been extensively and independently tested. It has been successfully used by more than 400,000 voters here, as well as in Holland over 15 years. France is pursuing the Nedap system — it was used at a regional election in Brest in March and it will be used in a number of other cities at the European elections in June.

India, which is the world's largest democracy with a population of 1 billion people, has chosen to forge ahead with electronic voting. Some 668 million registered voters will use over 1 million electronic voting machines when they go to the polls in April, making India the first country in the world to adopt 100% electronic voting. Just as we did here, the Indian authorities tested the new voting system as part of a pilot project in five states in November 2003. There is a big difference in the numbers involved, however. In India, 94 million people voted for more than 5,000 candidates in 600 constituencies. While the Indian voting machines do not use the Nedap-Powervote system that we are adopting, it has many of the same features, including a ballot unit, which displays the candidate's name and photograph, and a control unit that is operated by polling staff.

The Indian system, like that to be used in this country, does not have a voter verifiable audit trail or a paper trail. Opposition spokespersons

have made many calls for a voter verifiable audit trail to be put in place. The system we are adopting is fundamentally different from systems used in the US. Unlike the US system, our system has been proven to be safe and trustworthy, in our pilot elections in 2002 and in elections on the Continent over the past 15 years. There is no need for an audit trail. The argument in favour of giving voters a paper receipt or storing a printed ballot paper in the machine has been made on the basis that people need to have confidence that the vote that has been cast has been recorded properly.

The system we are using shows the vote preference beside the ballot paper and the candidate's photograph. Details are also shown on the machine display. This enables voters to check their votes, or to amend them, before they press the "Cast Vote" button. It should be noted that this aspect of the software was tested and confirmed by an internationally accredited test institute. The introduction of a paper receipt would be the same as the introduction of a dual system. We have never before provided for such a receipt so why should we have it now? I would be seriously worried about the use of a paper receipt because I firmly believe that it would lead to corruption in our voting system and spoil the secrecy of the ballot.

Mr. Stanton: How?

Mr. Cregan: It is not unknown in this country for people to be instructed to vote for particular candidates. I can imagine that if people were given a paper receipt, they would be asked to bring it back as proof of who they had voted for. I would have worries if such a system were in place so I welcome the fact that no such receipt will issue from any machine.

I do not think the secrecy of the ballot could be compromised if a person chooses to spoil his or her vote. I do not think there is an entitlement to spoil one's vote. We fought hard enough for the right to vote. The vast majority of Irish people are happy to cast their votes. We should not make an arrangement, facility or accommodation for anybody who wishes to spoil his or her vote.

Section 41(4) of the Electoral (Amendment) Act 2001 states that if "an elector fails to cast his or her vote by pressing the vote button on the machine, the presiding officer shall de-activate the voting machine without approaching the voting machine". The issue has been fully considered by legislators. The 2001 Act takes particular care to protect the privacy of those who do not press the "Cast Vote" button by prohibiting the presiding officer, or his or her staff, from approaching the voter at the voting machine. I understand that more detailed practical guidelines in respect of these legislative provisions will be provided by the Department of the Environment, Heritage and Local Government before the elections in June.

Polling staff are legally prohibited from disclosing information obtained in the polling station. They are guilty of an offence if they do so and should be prosecuted as such. It has never been a purpose of electoral law or administrative arrangements to provide a facility for people to spoil their votes and I hope it never will be.

It has been suggested that Nathian Technologies spent just eight days reviewing the source codes, but that is not true — the organisation spent 176 days reviewing the codes. Many rumours and smears are coming from all sides of the House, but they are without foundation and are not substantiated by any shred of evidence. It is time for such innuendo to stop. When this issue was first introduced in the House, everybody was in favour of it. All sides of the House agreed that it was the best way to proceed. We were urged to press ahead and we did that. We pressed ahead with three pilot constituencies at the last general election and seven at the second Nice referendum. The system worked quite successfully. Not one commentator, either in the media or from the Opposition, questioned the result, the security or any other aspect.

The only difficulty that arose was the presentation of the results. That difficulty was recognised by the Minister and his Department and action has been taken. I am glad of this. It was a very cruel way to present results but the problem has now been rectified. This was the only complaint I heard about the electronic voting system at the last two elections. We have tested the system and it has been proven to work successfully. I compliment the Minister for pressing ahead with the issue despite the rumours that had been thrown around.

At present the returning officers, as they have done for decades, arrange the storage of more than 6,000 ballot boxes, more than 10,000 polling booths and other election materials. Storage takes place in an official premises and there is also some private storage. The voting machines and ancillary equipment should not require additional storage space but where existing storage is in poor condition — for example, in courthouse basements or local authority sheds — improved accommodation is required. This would be necessary even if voting machines were not introduced. I understand the Department does not have full details in this respect and is seeking further information from returning officers on the storage arrangements for the voting machines. The only requirement for the storage of these machines is that the accommodation has dry air. It is expected that a mix of public and private accommodation will be used by returning officers and the cost will not be as high as some have recently speculated.

While cost is an important consideration, it is not the sole determining factor in the Government's approval of the new system. The accuracy, reliability and security of the electoral process has been of paramount importance in

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selecting and developing an appropriate electoral system. The system chosen incorporates security and audit features, both internal and external, at all stages of the electoral process from the initial set-up of a poll to the production of the count result. The vast bulk of the expenditure on this project is a once-off capital expenditure on the purchase of voting machines, which have a lifespan of some 20 years. It is expected that substantial savings will be made in electoral administration, particularly in the area of count procedures. The extent of the saving is dependent on the number of national polls held and the hours and days appointed for such polls during the 20-year period. In some years two or three polls may be held, as happened in 2002, while in other years, such as 2003, there may be none. Therefore, it is not possible to calculate the precise savings that will be made over the lives of the machines.

The equipment, including the supporting software, has been tested by the German institute PTB, TNO, the Dutch electronics products and services company, and Kema Quality BV. The count software has been further functionally tested by the Electoral Reform Society in the UK against its database of some 400 single transferable vote elections. No problem has ever been found. We can trust the system. It was mentioned that computers can crash, tell lies and break down. I spent many days in the Oireachtas Joint Committee on the Environment, Heritage and Local Government listening to various experts and the Minister and his officials and I am satisfied that we can trust the system. A range of safeguards have been built into it and have been tested extensively from manufacturing through to polling day.

If there is a power failure, the machines break down or any other problem arises, procedures are in place to remedy the problem. The most important thing to remember is that the votes stored within the ballot modules in the machine will not be lost. According to our colleagues who have run elections on this system in the Netherlands and Belgium, no votes have ever been lost. That is a track record second to none. Neither the voting machines nor the PCs will be connected to a network or the Internet. Many commentators refer to the system as e-voting but, although I am not an IT expert, I must point out that it is not e-voting——

Mr. Cullen: That is correct.

Mr. Cregan: ——because voting takes place within one system, not on the Internet. This has been put out there to confuse the public.

The only people with access to the machines, apart from voters on polling day, are the returning officers and their staff, the same people that have always been trusted to run our elections since the establishment of the State. Returning officers will have strict access controls such as

smart cards and security keys to ensure that only authorised persons access the equipment. This is contrary to what has been said across the floor by my colleague from the Green Party about people going behind curtains. That is not the case and it is wrong to put those thoughts in the minds of the public. However, people are not stupid and they understand that what is being said in this regard is not true. The Fianna Fáil leprechauns will not be in the machines either.

Mr. Cullen: We have taken the little men out of the machines, as the Minister for Finance said.

Mr. Cregan: That is reassuring for the Opposition.

I mentioned that I sat on the joint committee for many days listening to opinions being bandied about. We have always listened to constructive criticism. We have not dismissed anybody's concerns without due consideration. The parties have stated that they were in favour of electronic voting and counting from the outset. Many concerns were discussed and resolved at the committee before Christmas and it is now time to move on. Unfortunately, we now seem to be in an era of opposition, in which everything the Government proposed is automatically opposed. This is a safe, accurate and efficient system and this has been comprehensively shown.

There can be no higher priority than investing in our democracy. This is the first major investment to improve our voting system since the State was founded. I explained earlier that the system would result in savings over the lives of the machines. It is paramount to consider the positives. The system available to us has been proven to work and we can make sure that every vote is counted accurately. This is very important.

The Minister has been accused of compromising his position by being the Fianna Fáil director of elections. This is more rubbish. It is one of the great strengths of our system that no politician has any influence on what happens in the voting process. The elections will be administered by the same people that have always administered them and who are statutorily independent in the conduct of elections. The Minister's position within the party is irrelevant as he is not involved in running the elections. Nothing has changed since other parties were in Government and there is no need for concern.

It is not the fault of the Department that there have been public fears about the source code. It is the fault of the Opposition. No change introduced by the Department of the Environment, Heritage and Local Government has ever gone through more independent scrutiny. Independent agencies have reviewed all parts of the machinery and the software and the Department is making publicly available all the test reports on the various elements of the system. It is important to note that most countries do not make the source codes publicly available on security grounds.

The source code contains profiles for all the different types of elections and referendums held in the country. To date, different profiles have been used for the general election and the Nice referendum and two more profiles will be run at the European and local elections. When the complete software package is finished, containing profiles for all the different elections and combinations, a decision will be taken on whether to release the source code, taking into account security concerns and intellectual property rights of software designers.

It has been said that every request to introduce extra safeguards for the system has been rejected. This is not true. There are safeguards built into every part of the process and every reasonable concern has been addressed. Following a report on the security aspect of the system and feedback from voters in the pilot areas, the Department made further improvements to the system in the areas of security and usability. However, we must make a choice between listening to every conspiracy theorist, some of whom have no experience of elections, and moving ahead with a proven system which has been independently evaluated and endorsed. We are moving ahead and I welcome that.

I wish the independent commission well in its endeavours. I was disappointed to hear its members' independence being questioned by Opposition spokespersons at a joint committee meeting. They are eminent, decent, independent people. We should allow them to get on with their job. I am confident, without pre-empting their deliberations or their conclusions, they will find that the system will stand the test of time and will serve Irish democracy well by way of an accurate, secure and efficient method of casting and counting our votes.

Mr. Stanton: I welcome the opportunity to contribute to the debate on the provisions of the Bill. Democracies work on the basis that voters, and citizens generally, accept the democratic process which includes polling. Even though a voter's chosen candidate may not be successful, the strength of a democracy is that everyone accepts the outcome of an election, even though they may not agree with it. The Government is elected to govern and, to that end, the voting system must have the confidence of everyone. If the public does not have such confidence, if there is any doubt about it and if they do not agree with the system or have even the slightest suspicion that it can be abused, it will cast a shadow across our democracy. The Minister must ensure, therefore, that any change in the way we vote will attract the confidence of all, not just a majority. Polls have shown that many citizens are unsure about the electronic voting system being proposed by the Government.

The Minister had made much play about spoiled votes. In his speech to the House he said: "It is estimated that at least 95% of those invalid papers were inadvertently spoiled." How does the

Minister know that and how did he estimate it? On what is he basing the statement that 95% of those invalid ballot papers in the 2002 general election and the 1999 local and European elections, were inadvertently spoiled? What evidence does the Minister have to show that?

I want to present him with some other evidence which may make him sit up and take notice. In the first Nice treaty referendum of 2001, there were approximately 14,000 spoiled votes. The turnout was relatively small at about 76,000 and people were disappointed about it, but 14,000 people spoiled their votes. In the second Nice treaty referendum in 2002 the number of spoiled votes was considerably less at approximately 5,000. Irish people are not stupid and voting is not rocket science. I put it to the Minister that the vast majority of those who spoiled their votes chose to do so. None of us can prove otherwise because it is a secret ballot, but if one examines both referenda results, one will find that considerably fewer votes were spoiled in the second referendum. That is because more people went into the polling booths and decided not to spoil their votes.

Mr. Cullen: There is a difference between a spoiled vote and a protest vote.

Mr. Stanton: I know that.

Mr. Cullen: The figures came from the returning officers, by the way.

Mr. Stanton: Yes, but the Minister said the votes were "inadvertently spoiled". If it is a protest vote that means the voter has made that choice. If a considerable number of those 24,000 people decided to spoil their votes we must take notice of it.

Mr. Cullen: I disagree.

Mr. Stanton: The Minister may wish to explain why there was a considerable difference in the number of spoiled votes between both referenda on the Nice treaty. The only explanation I can come up with is that people decided to spoil their votes. This calls into question whether we, as legislators, have the right to say to people, "You can't spoil your vote any more". If they want to spoil their votes, they should be allowed to do so.

Mr. Cullen: No. It is a fair point but I would disagree.

Mr. Stanton: The Minister made the point that these votes were inadvertently spoiled. My contention is that they were spoiled deliberately, so the Minister is wrong on that.

Will the Minister address another issue that has arisen? I am sorry that he is leaving the Chamber now because I have put a great deal of work into this, but perhaps the Minister of State can take it up. Deputies Fleming and Cregan said that people were being forced to bring back proof of

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voting. They referred to the idea of having a receipt which would be brought out of the polling station. In yesterday's debate, Deputy Fleming spoke about someone bringing out a blank ballot paper, getting someone outside to mark it, and then bringing it back in. This was happening on a rota system. If that was happening, the Minister should investigate it because it constitutes a serious abuse of the electoral system. If both Deputies have proof that that was occurring, they should make it known to the authorities because it is a serious allegation. They should come forward with the information they have.

On a related point, if someone goes to a polling station and does not wish to cast a vote, will polling station staff be aware that such a person has not voted? If so, would that in itself not break the secrecy of the ballot? In other words, if someone registers that they have attended the polling station but decides not to vote, will the polling station staff know that? If so, the secrecy of that person's choice will have been made known to the polling staff. Will the Minister of State tell us how that situation will be rectified, so that the secrecy of the electoral process can be maintained? If people decide not to cast a vote, they deserve confidentiality, given the fact that the choice of spoiling one's vote has gone and the option of choosing "none of the above" has not been given. The only other choice a person has is to attend the polling station and not vote as a protest. People should have the right to protest in that way if they so wish but that is being denied under the proposed procedures.

In other jurisdictions a certain turnout must be reached in order for the election to be valid. I do not know whether that matter has been considered by the Minister. I am concerned about the number of people who turn out to vote. It has been reported that electronic voting will improve the rate of voter turn-out but statistics indicate that has not happened. Where pilot electronic voting took place — for example, in both Nice referenda — the statistics remained the same with no marked difference from constituencies where electronic voting did not occur. In fact, in Meath the percentage difference between both referenda was 14.8%, which was roughly the national average. The figure was 13.78% in Dún Laoghaire-Rathdown, 15.58% in Dublin West, 14.75% in Dublin South-West and 13.82% in Dublin South. Therefore, electronic voting did not seem to make any major difference and did not improve the turn-out in any way.

The Minister has also been making a big issue of stamped ballot papers which had not been stamped.

Mr. Durkan: That is right.

Mr. Stanton: This is not rocket science. The Minister should order an investigation into why more than 300 ballot papers were not stamped.

Mr. Durkan: Correct.

Mr. Stanton: It is not rocket science to stamp a ballot paper. That is one of the few functions that a polling station official has to fulfil. The Minister has raised this issue himself. He said that in Ferbane more than 300 votes were ruled out because the presiding officer had failed to stamp the ballots. What the heck was the presiding officer doing? That is one of the presiding officer's most important functions on polling day, but if this is happening wholesale, someone has been negligent. One wonders why this happened.

Mr. Browne: It is too late to do anything about it when the voting is over.

Mr. Durkan: It is not too late for the next time, though.

Mr. Stanton: Of course it is. What has happened since? Has an investigation been carried out? To what extent did it happen nationwide?

The Minister referred to the voting machines developing faults, stating that the possibility of breakdowns is minimised. The old system cannot break down because it comprises papers and pencils. The experts say no computer is bug free, although I acknowledge the system will not be Internet-based. If a computer breaks down, what will happen?

It was proposed that judges could order recounts on the basis that each vote would be printed and could, therefore, be recounted. However, the computer will print the information it has stored and, if it has stored incorrect information for whatever reason, its print out and the recount will be incorrect. A leap of faith is required to believe the computer software will record what the voter intended and the Minister's assertion has no basis. One can only check what the computer has stored.

The legislation should address problems with the register of electors. I surveyed local authority websites recently to ascertain whether I could access their franchise offices. Some were easy to access while others were impossible to access and a number did not provide a link to the franchise office. I downloaded registration papers easily from a number of websites but it was not possible to do so from others. One can register to vote on line and access the register of electors in a number of countries. It should be obligatory on local authorities to provide access to their franchise offices on line, to make registration papers available for printing and to permit people to register or to check whether they are registered. The Department should consider this, although data protection issues may arise. If the Government goes down the electronic voting route, it should be possible for people to register on line.

The decreasing voter turn-out must be addressed. My greatest worry about the

introduction of the electronic voting system is that because people's confidence in it is not as high as it should be, they will not vote. If the system is forced through and voter turn-out decreases again in June, a double whammy will result. Many people will decide not to vote anyway but, if the system is introduced in this manner, others will be discouraged from voting and the Minister will have done us a great disservice. The reason the legislation is opposed is that the introduction of such a system must have the total confidence of the voter and everybody can accept the outcome, allowing the game to proceed. If people do not have confidence in the system, they will not vote and that would be a tragedy.

This system has not been used anywhere else in a national election, although it has been piloted here and there. The electoral commission in Britain recommended the provision of a paper trail. Many Government backbenchers have used smoke and mirrors in talking about the paper trail. They have suggested the use of receipts that can be checked but that is nonsense. When the voter casts his or her vote, a paper ballot should also be created and stored in a sealed ballot box so that, if there is a problem or a question about the reliability of the electronic method, the sealed ballot will be available to provide a double check. The sealed ballot could also be used to verify the electronic method. People would probably then have more confidence in the system.

No experts have suggested the use of receipts. The charge by Deputies Fleming and Cregan that people were pressurised into taking receipts on leaving the polling station should be investigated. That is a serious charge and the Deputies should go to the authorities if they have evidence that happened.

It was suggested that there was a necessity to make it easier for people to vote but I wonder why. Voting is a serious business. Voters make serious choices about who they want to represent them at various levels and that should not be done flippantly. Text and on line voting have been proposed. However, by making it easier for people to vote, there is a risk that their vote will be devalued. If people must make an effort to vote, they will take it seriously. Our energy should be directed at educating and informing people about the importance of voting so that, no matter where the polling station is located, people will make an effort because they will value their vote that much.

In the South African elections, hundreds of people queued for hours in extreme heat to vote, having travelled long distances to do so, because they valued their vote. A number of people in Ireland want the ballot box to be placed outside their front doors. The Government should embark on a voter information and education campaign not only on how to press buttons but on the importance of exercising the franchise.

It is difficult to ensure the electoral register is up to date but it is important to do so. More

resources should be put into updating the register to ensure people are registered and the names of those who have emigrated or passed away are removed so that the register is accurate. Not enough effort is put into this and I would be happier if the Government had put more effort into making sure the electoral register was up to date and encouraging people to vote, given the significant decrease in voter turn-out in recent elections.

The Government is going ahead with a system, which I think will discourage people from voting because people are not sure of it and that could damage the democratic process. That is serious. Why is this being rushed? The public was not demanding electronic voting. It will cost a great deal of money. Let it not be said that I am against electronic voting, because I am not, but the system should not be rushed through. I do not think it is beyond the bounds of possibility to have a verifiable paper trail. Also, a button that will allow a voter to register that he wishes to vote for none on the ballot sheet should be an option in the system. Given that people choose to protest by spoiling their vote, we do not have to take that choice from them.

Mr. Browne: They can stay at home.

Mr. Stanton: We should take heed of their protest. For example, during the first referendum on the Nice treaty, people protested by spoiling their vote, whereas in the second referendum, they voted. People are not stupid and make a choice, and spoiled votes are not always inadvertent as the Minister contended. Will the Government reconsider its position?

Mr. Ellis: As elected representatives under the old system, Members will have to take a long hard look at the proposed electronic voting. On a personal level, I could take a closer look at it because I lost out in a general election in 1982 by a fraction of the number of spoilt votes cast in the constituency. The electoral system has served us well, but it is time to move on and deal more sensibly with elections. Electronic voting, as it is proposed, is a vast improvement on the system down the years. We have experienced long counts and it is well known that some counts have lasted for weeks and during which it took days to scrutinise the votes.

Mr. Durkan: In Florida it took a couple of weeks.

Mr. Ellis: If Deputy Durkan is having a problem with Mr. Bush and his brother, he should address them to the White House, rather than across the floor of the House.

Mr. Durkan: Deputy Ellis should remember the hanging chad. He would not want that in Sligo.

Mr. Ellis: Is the Deputy concerned about that?

Mr. Durkan: I am concerned for the Deputy.

Mr. Ellis: I am delighted about that. Before I was interrupted by Deputy Durkan, I was making the point that the paper system was efficient up to a point.

Mr. Durkan: It was accurate.

Mr. Ellis: That is out of the question. If somebody with bad vision crossed the line on a ballot paper, his or her vote would be a spoilt vote.

Mr. Durkan: Does the Deputy think it will be easier to work the machines?

Mr. Ellis: When the scrutineers from the various parties examined the ballot papers, they would argue the point relentlessly. The net result was that, in some cases, people were disenfranchised because of minor errors on the ballot paper. That point must be accepted. If Deputy Durkan listened rather than dictating to everyone in the House, we would have a more progressive debate.

Mr. Durkan: Members are rushing through this at speed.

Mr. Ellis: The Deputy is a prime example of someone who does not want to hear another's point of view. Everyone has a right to make his or her point in a democracy. We are a bad example to the students in the Visitors Gallery who see Members bickering at each other.

An Leas-Cheann Comhairle: Order, please.

Mr. Durkan: On a point of order, I do not wish to be lectured by the Member opposite.

Mr. Ellis: I do not accept one from the Deputy.

An Leas-Cheann Comhairle: That is not a point of order.

Mr. Ellis: The old system was quite effective, but there were serious discrepancies when someone made the slightest error. We have all seen examples of what was written about candidates when somebody deliberately wished to spoil his or her vote.

The electronic system will record the vote as cast by an individual and the machine will be able to provide the following information: the number of votes cast at a polling booth, the total number of votes cast and the preferences cast for each candidate. The net result is that, instead of a black box being sent to the count centre to be opened at 9 a.m. the following morning, a disk will be taken to the count centre and the counters will be able to conduct the count quickly. Some may argue that this takes away from the drama of counts but, for those who have been involved in counts for a long time, the drama and the rise

in blood pressure that goes with it are best avoided even if the decision will be sudden and sharp. It has been agreed that a reasonable period will be left between the announcements of the results of the various counts.

I have listened to the points made by the Members opposite on the paper trail. Members may not realise the danger of the paper trail. Deputy Stanton said that ballot papers were taken out from polling booths. I can confirm where that happened and I know people who did it. People were intimidated to go to the booth with a specimen ballot paper in their pocket and, having had the ballot paper stamped, post the specimen ballot in the box and bring out the stamped ballot paper in their pocket. I am aware that a certain candidate was elected to a local authority in that manner to ensure the bet was won.

Mr. Durkan: There are staff to ensure that does not happen.

Mr. Ellis: It cannot be prevented. You do not have the right to ask a voter to show the stamp on his ballot paper before he posts it in the box.

Mr. Durkan: You have.

Mr. Ellis: You do not.

Mr. Durkan: The presiding officer is supposed to be able to show that the ballot paper is stamped.

Mr. Ellis: The ballot paper is stamped by the presiding officer and given to the voter, who goes behind the screen and does not put the stamped ballot sheet in the box but a specimen ballot paper instead. The net result is that the stamped ballot paper can be taken out of the polling centre.

Mr. Durkan: If that is the best the Deputy can come up with, he is in serious trouble.

Mr. Ellis: The stamped ballot paper that has been taken from the polling centre is given to somebody else. Let me say that this is still done in certain constituencies to intimidate people. Deputy Kehoe and the Minister of State, Deputy Browne, would want to watch out in their constituency because it could be done to them.

It is well known that people have been intimidated into taking out a stamped ballot paper and giving it to somebody outside who in turn brought it back in and posted it in the ballot box. There is nothing to prevent it happening.

Mr. Durkan: It was found out.

Mr. Ellis: Electronic voting will help to deal with that problem. Once it was found out, nothing could be done about it. The issue could not be dealt with because the ballot paper was properly

stamped and marked and was part of the electoral system.

Mr. Durkan: It could have been prevented.

Mr. Ellis: It could not be dealt with because the ballot paper was properly stamped and was part of the official poll. These are things we all have to face.

Another issue we must face is impersonation. I agree with Deputy Stanton that the electoral registers are in many cases chaotic. People refuse to place their names on electoral registers or in other cases have their names listed in three or four places. The system is in need of such an extensive review that it should be placed under the remit of the Garda, as it was previously, to allow the force to ensure that everyone is registered. We can all agree that people should not have the right to fail to register. Whether they wish to vote should be their own business. This must be examined.

In considering electronic voting, we are considering progress. In that context we should examine the issue of unstamped ballots which were mentioned earlier. They have been a major problem. Everyone who has been a scrutineer at a count will have seen a number of unstamped or improperly stamped ballot papers, some of which have come into question. In some cases, they have decided elections. We have heard during this debate of people who failed to win seats in this House by margins of one vote. Others were defeated by two, three or four votes. If a presiding officer forgets to profile or stamp a ballot paper, that paper is invalidated and cannot be counted. A speaker mentioned 300 such ballots at one polling in Ferbane some years ago. If only one ballot paper is unstamped, it means somebody has been disenfranchised. None of us will stand for that irrespective of his or her political viewpoint. Electronic voting will ensure that everybody's vote will be recorded to the full extent of transfers.

Under the manual system, if a person who made six transfers down the ballot paper and missed a line before continuing to the ninth transfer, the seventh, eighth and ninth votes were uncountable. This is typical of the manual system. Many Opposition speakers have attempted to scaremonger about the accuracy of electronic voting. Any Member can say that a machine might go wrong, but the new system will be capable of verifying the manner in which votes were cast. That is terribly important. The only note of caution I would sound is that the coming local and European elections will be the first occasion on which the system is used and, for that reason, it would be useful to provide extra time to allow people to cast their votes. Perhaps, polling stations could stay open until 10 p.m. rather than 9 p.m. The process will be much slower than the manual system for people who are using electronic voting for the first time. They are entitled to the extra time necessary to allow them

to vote in comfort and to become accustomed to the new system.

Impersonation is a serious problem, especially in major urban areas. An onus should be placed on presiding officers and polling clerks to identify by some means every person who hands in a ballot paper if it is not possible to make a personal identification. Voters should be required to produce a driver's licence or passport to prove they are the people named on the ballot paper. We have all heard horrible tales of the impersonation which goes on. It rarely happens in rural areas as most polling clerks and presiding officers know everybody who attends a polling station to vote. In a major urban area nobody knows anything except that a polling card has been produced. Unless a person is challenged to produce identification, the ballot paper is counted.

I lived in an apartment in this city to which were posted three polling cards. When I asked how they had come to be sent there, I was told they were the cards of people who had lived at the address four years previously. This is the sort of incident which upsets the entire electoral system. This has done more to create worry among people than will electronic voting.

Electronic voting will take people into the modern age. Candidates and the public will have full confidence in the electoral system as a result. I have heard Members say that people may feel intimidated at having to vote electronically, but I disagree. People will actually feel more confident as they will know that what they input will be recorded fully by the machine. There have always been cases of electoral abuse under the manual system and there will continue to be attempts in this regard. We must ensure that we do not dent people's confidence in the system before we begin to use it.

Tally information has always been very important to candidates, their supporters and others. The fact that this information will be made available is important. It has always given confidence to those who work for political parties to know how many votes had been cast at a polling station. They can in many cases divine that the percentage of the vote gained by each political party is at the usual level or that there has been change. At least, they have a record to show what happened. They can reconcile the number of votes they think were cast with the tally. The new system will allow that process to continue. Some people have said that the tally system was problematic in small polling stations. While I can understand the worry, in most cases people accepted that no one had greater access to information than anyone else.

I will have a great deal more to say about the number of Members when the next electoral Bill comes before the House to deal with the amendment of constituencies. The number of Members *per capita* has fallen by 16% over the past 20 years. While there are those outside the House who feel there are too many Deputies,

[Mr. Ellis.]

people are being distanced from their elected representatives. There was always a great exception in this regard here. Irish citizens have always had access to their public representatives to a greater extent than citizens of larger European states who might not even know where to find their local member of parliament. Elected representatives abroad may never come to see their constituents. In rural Ireland the important relationship between the electorate and public representatives has always been maintained. That will go out the door if something is not done about the number of Members and the growing number of constituents they represent.

We must encourage young people to become involved in the electoral system. It should be mandatory to provide every child at primary or second level education with the opportunity to come to the Houses of the Oireachtas to see how the system works. It is terrible that people who have been voting for many years are not made aware of how the system works. While they know for whom they are voting, it is sad that they do not know more about the Oireachtas. It is a scenario which needs to be improved.

The composition of the commission has been mentioned. Does any Member of this House have a reason to say any High Court judge is not fit to be a member of the commission on electoral voting? No. Other members, such as the Clerks of the Houses, are people of the highest integrity. To challenge this commission is wrong. Two others with experience in the field of information technology will also be included in the commission.

Persons involved in IT have criticised the proposed system of voting. Why do they criticise it? They do not provide any real background that shows why it cannot work. As far as we are concerned, the proposed system will work and contribute to our electoral system. The new system may encourage more people to vote than voted under the old system. It will give people greater confidence when they know the system cannot be interfered with.

I fully support the Bill. It will make a tremendous contribution to the accuracy of ballots cast. Everyone wants to ensure that his or her ballot is fully recorded.

Mr. Kehoe: I am glad of the opportunity to speak on this important Bill. I will refer to comments made by the Minister, Deputy Cullen, and Deputies Ellis and Dennehy. This House should be proud that it allows Members to apologise for comments they have made. I have read the Official Report and have spoken to other Members about this. I am sad to see that Deputy Ellis has left the Chamber; he does not like to hear the truth. Yesterday, the Minister said, "Some Deputies have been more active than ever in hiding behind parliamentary privilege. The performance of one Fine Gael Deputy in casually slandering an eminent judge, while this

was later withdrawn, showed just how far things have gone." I was surprised to hear Deputies, including the Minister, referring to something I said for which I have apologised. I am disappointed in the Deputies for saying this.

The manner in which this Bill has been rushed through the House is a poor display of democracy. I cannot understand why the Minister for the Environment, Heritage and Local Government cannot build a consensus from all Deputies and parties. It is of utmost importance that all Members are happy with the electronic voting system before we proceed with it.

I have argued with the Minister of State, Deputy Browne, on local radio on many occasions, including on the issue of electronic voting. I feel strongly about the need for a paper trail. Many Government Deputies have said they do not feel strongly about paper trails. Electronic voting should be accompanied by a paper trail, as we have no way of tracing ballots if something goes wrong. Deputy Ring spoke about computer viruses. Under no circumstances can anyone say there will not be viruses in electronic voting. While computers have been with us for some time, we are not able to keep them free from viruses.

When one withdraws cash from an ATM one gets a receipt.

Mr. Browne: Most people choose not to take a receipt.

Mr. Kehoe: That is the person's choice. It would be a simple matter to have these devices do the same thing. The receipt could be put into a ballot box — I do not mind the way it is done. A paper trail would back up this important element of our democratic process. After all, we will use this system to elect representatives to town and county councils, Dáil Éireann and the European Parliament and also use it in referenda.

I have spoken to older people who are afraid of their lives about using electronic voting in the next election. I think of 80 year old citizens who have voted all their lives but are unable to use a mobile telephone. They are frightened about the prospect of this. This should have been held back and introduced before the next general election. The Opposition is fighting for the addition of a paper trail. Each Opposition and Government Deputy is frightening the people.

Mr. Browne: It is the Opposition, not the Government, which is frightening the people.

Ms F. O'Malley: I never heard the like of Deputy Allen when he spoke on this Bill yesterday.

Mr. Kehoe: The Deputies are wrong; people are afraid of their lives to vote using this system.

Mr. Browne: They are happy with the system.

Mr. Kehoe: When people go to the polls in Wexford and Enniscorthy in the forthcoming elections — of course, they will vote for Fine Gael candidates — they will vote in town council, county council and European Parliament polls and maybe a referendum too. The array of candidates, colours and buttons that must be pressed would frighten any person. One will have to take time to ensure one is voting for the right candidate and a party——

Mr. Browne: All the good-looking candidates are in Fianna Fáil.

Mr. Kehoe: ——that will not ram something through the House and could not care less about anybody else.

Mr. Browne: This system was used in the general election two years ago.

Mr. Kehoe: Deputy McCormack told me what happened at an environment committee meeting. I could not believe that such a thing could happen here; it sounded like something that would happen in a non-democratic country. The committee agreed to meet with independent experts to discuss electronic voting. The morning session of the meeting went well and the independent experts posed 41 questions. Fianna Fáil Members put an end to the questioning in the afternoon session, saying that the Minister had called a halt to it. The Fianna Fáil Members said that no further questions could be posed. Everything was signed, sealed and delivered the next day and the machines were brought to Waterford. The Minister told the House yesterday that he did not know where the machines are being stored. He is in charge of electronic voting and does not even know where the machines are being stored. Information received under the Freedom of Information Act has revealed the machines are stored in the Minister's constituency.

The Minister is treating the House with contempt. A number of Fianna Fáil backbenchers have told me they are totally against electronic voting. While they have said so at parliamentary party meetings, the Minister wants to get his way. Like the Minister for Health and Children who introduced the smoking ban——

Mr. Browne: The Deputy supports the smoking ban.

Mr. Kehoe: ——and the Taoiseach who wanted to build the “Bertie bowl”, the Minister wants to have his little party piece before he retires.

I ask that consensus be arrived at across the House. This has not yet happened and it is important that everyone agrees with this 100% before the system is introduced.

Mr. Browne: Deputy John Bruton said it is as easy as one, two, three.

Mr. Kehoe: I have to laugh when Government Deputies talk about Deputy John Bruton. In a letter to the Taoiseach before the last election, Deputy Bruton outlined his concerns about electronic voting. This letter was published in all the newspapers. I am sure the Minister of State, Deputy Browne, reads them on a daily basis. It was in the *Irish Independent*, *The Irish Times* and the *Irish Examiner*.

Mr. Browne: I do not read those papers.

Mr. Kehoe: I will not outline what else was in the newspapers. I would like to know where the Progressive Democrats stand on this important issue. I am looking forward to Deputy Fiona O'Malley's contribution.

Ms F. O'Malley: I hope the Deputy will stay for it.

Mr. Kehoe: I will stay and I am looking forward to her contribution. The Progressive Democrats were on their high horses when the Minister, Deputy Cullen, was away for a week. I am not sure where he was or why he was away. As soon as he arrived back in the Dáil Chamber, the Progressive Democrats shut up. It was end of story and they had to agree with the Minister. They have become more Fianna Fáil-like than ever before.

Mr. Browne: There is nothing wrong with that.

Mr. Kehoe: This is the same party that had the Minister for Justice, Equality and Law Reform, Deputy McDowell, up the pole to protect us from a one-party Government. This is the same party that went to Killarney last weekend and was going to look after the whole of Ireland. This is the party of the Tánaiste, Deputy Harney, who was unable to come in yesterday morning to say whether she agreed with the Punchestown trio. It is unbelievable. The Progressive Democrats claim to be holding the country together. Along with the Fianna Fáil Ministers and Deputies, they are treating the country with contempt. As a relatively new Member, I find it unbelievable.

I cannot understand why the Ombudsman was not invited or allowed on the Commission on Electronic Voting. A person of her stature and importance who listens to the people should have been allowed on the commission to say whether she was happy with electronic voting.

I have strong views on those who want to spoil their votes. The Minister of State, Deputy Browne, said earlier that they should stay at home. There is something anti-democratic about telling people who might want to spoil their votes to stay at home. As somebody over 18 years of age I should be allowed to spoil my vote if I wish.

Mr. Browne: If they all spoilt their votes, the Deputy would not be here.

Mr. Kehoe: I have great respect for the Minister of State, who is my constituency colleague. While I had this argument with him on a local radio station and he said the same thing, I do not agree with him.

Mr. Browne: I only listen to the people who vote for me.

Mr. Kehoe: If I wanted to spoil my vote, I should be allowed to go to the polling booth and do so. I see Deputy Fiona O'Malley nodding her head in agreement. I am glad she is coming around to my way of thinking. At the last election I witnessed many spoilt ballot papers. A person might make a genuine mistake and insert ticks beside every name. This might not be a genuine mistake — perhaps such a person wanted to cast a spoilt vote. Other people might insert a flowery message on the ballot paper. While I am glad there were no such messages left for me in the last general election, many were left for candidates from the other side of the House, who having been in Government were unable to deliver for Wexford.

Mr. Browne: Is that why Fine Gael ended up with only one seat?

Mr. Kehoe: People should be allowed to spoil their votes.

I wish to pick up on Deputy Ellis's point on polling cards. While I was not paying much heed to him as I had had enough of his nonsense, he said that two or three polling cards can come to a house with only one occupant as the others might have moved on. How will electronic voting prevent such cards from being used? The Minister's officials should take note of this and explain why Deputy Ellis believes electronic voting will prevent these cards being used when they cannot be stopped under the manual voting system. The Deputy believes that electronic voting will solve all these problems and nobody will be able to get away with anything like this. I was amused by his comment about people bringing the ballot papers in and out. I would like to know how he knew so much about it.

I have many reservations about electronic voting. As Deputy McCormack said yesterday, since I was elected to this House in May 2002 having been actively involved in politics for years, not one person ever suggested to me that we should move with the times and introduce electronic voting. I have spoken to many Fianna Fáil members in Wexford who are also totally opposed to it. It is unbelievable that millions of euros have been spent on this system. The bill will ultimately come to about €60 million. There are many more important matters on which we could spend €60 million, for example hospital waiting lists and the school building list — I could go on for about three days talking about the schools in Wexford alone.

The Department of the Environment, Heritage and Local Government disabled person's grant is administered through local authorities. Not a day goes by without a constituent contacting me about a disabled person's grant. Why cannot the €60 million to be spent on electronic voting not be spent across the country? We have cancer patients in the south east waiting for treatment. At the last general election, the Minister for the Environment, Heritage and Local Government, Deputy Cullen, promised cancer treatment for the south east in his election leaflets, which I have kept to back this up. However he subsequently decided it was more important to spend it on a sham system of electronic voting.

People have to wait five or six years to get orthodontic treatment. Other priorities are people on hospital trolleys, widow's pension, medical cards etc. We could have a far happier country if the €60 million had been allocated to such areas. I have spoken to many in the Fianna Fáil Party who are totally opposed to electronic voting, which could be proved if they were polled.

Mr. Browne: A poll on Fine Gael members could be interesting. They all just follow the leader.

Mr. Kehoe: Electronic voting is the Minister's hobbyhorse. He hopes to be able to leave the Dáil — he might be gone after the next general election — having introduced electronic voting. I am very disappointed that the Minister was not able to take Dáil privilege and neither were many other Deputies on the other side of the House.

Mr. Browne: The people of Wexford cannot believe the Deputy.

Ms F. O'Malley: With the sole exception of Deputy Stagg, I doubt whether anybody in this House has not found the experience of electronic voting in this Chamber to be a positive experience.

Mr. Neville: The system here is verifiable.

Ms F. O'Malley: Deputy Stagg is the only person who continues to request that we go through the lobbies. We all find electronic voting considerably more convenient.

Mr. Kehoe: We also have a printer in the Chamber, which produces a printed record.

Ms F. O'Malley: We will have a counting machine in the elections too. Will the Deputies who were so keen to come before the House to listen to my contribution permit me to make it? I am sorry I was not a Member of the previous Dáil. It is a matter of record that I am learning about the massive and extraordinary U-turn Opposition parties have taken in respect of this matter.

Mr. Neville: This is rubbish.

Ms F. O'Malley: I never heard the likes of so many of the contributions made yesterday, particularly that made by Deputy Allen. Is the Deputy going to boycott the election? Will his party, which has cast many aspersions on the system, do so? Fine Gael appears to think the system is worse than one would find in deepest, darkest Africa in the 1950s.

Mr. Kehoe: That is exactly what was stated in the *Irish Examiner* a couple of weeks ago.

Ms F. O'Malley: According to Deputy Allen, there is no way of verifying the election results. Of course there is a way of doing so. Has he no faith in electronics? It was extraordinary to listen to the Deputy's contribution. Deputy Bradford stated that people are afraid of their lives.

Mr. Kehoe: I am Deputy Kehoe. I am disappointed the Deputy does not know my name.

Ms F. O'Malley: I beg the Deputy's pardon. It is no wonder that people are afraid of their lives when they have to listen to the kind of nonsense uttered by Deputy Allen. Is Fine Gael going to boycott the elections if the electronic system is put in place? It clearly has no faith in it. Deputy Bruton made the point that using the system is as easy as one, two, three.

Mr. Neville: It is easy to use the system. We are concerned about verification of the results.

Ms F. O'Malley: Why is there such a chasm between those two positions held by members of Fine Gael?

I was surprised by the contribution of Deputy Gilmore, a man for whom I have tremendous regard. He has done a great deal of work in this area and is extremely knowledgeable about it. The Deputy highlighted an instance to demonstrate the unreliability of the electronic voting system. He referred to a case where an opinion poll placed a person at a certain percentage and indicated that when the real poll — the only one that matters — took place, there was a difference of 11 points. This is meant to demonstrate that electronic voting is not reliable. I never heard such nonsense from a man of such high standing. The only poll that matters is the election. The Deputy's example demonstrated the fickle nature of opinion polls rather than anything else.

All parties recognise that the most important element in introducing electronic voting is that it should have the trust and confidence of the people. That is why we should not engage in opposition for opposition's sake. It is not helpful to be scaremongering and that is exactly what is happening in this case. The notions with which people have come out are simply extraordinary. We all use electronic communications each day and we do not experience the type of breakdown to which people have alluded. If we did not have

electronic communications of the sort which exist, society would not be nearly as efficient as is the case. It is disappointing that the Opposition has not put forward any constructive arguments against electronic voting.

Many speakers asked why we should introduce electronic voting. Why should we not introduce it? Is it not part of natural progress? If we have the ability to improve our electoral system, should we not grasp it? We have the opportunity to make our voting system 100% accurate and people are finding grounds to criticise us. As democrats, surely we want the will of the people to be reflected in this Chamber. There have been instances where seats were won and lost on a slim margin of six votes on people's fifth, sixth, seventh, eighth or ninth preferences. Such instances show one area in respect of which we are going to enjoy the benefits of accurate information. I would have thought that this would be applauded by all Members. To seek to introduce a system that will guarantee such accuracy is important.

People have also asked why there is such a rush to introduce electronic voting. That is an extraordinary question. This system was first mooted in 2000, it was put into effect in 2002 and people are talking about us being in a rush. God forbid that any of the Opposition parties ever get into Government, particularly if they call a four-year interlude a rush.

The fact that the electronic voting system operated in three constituencies in 2002 means that we have been able to modify it. There were difficulties with it, particularly in terms of the cruel nature of having instant results, etc. We have reaped the benefits of using the system in three constituencies on a pilot basis. There has been no rush to introduce it.

It is disgraceful that the integrity of the commission has been brought into question in the House. I agree with Deputy Kehoe that the Ombudsman should be a member of the commission. However, I would criticise the Ombudsman for having aired her opinion and natural bias because doing so has precluded her from membership. How can one possibly be independent if one questions the effectiveness of the system? Had the Ombudsman indicated here enthusiasm for electronic voting, everybody on the opposite side of the House would be jumping up and down and stating that there is no way she could be a member of an independent commission. If one is in a position of responsibility, one must ensure that one does not air one's views. The Ombudsman occupies an influential position which is meant to incorporate an independent overseeing role and the holder of the office must not comment on the pros and cons of particular matters.

Mr. Neville: Is that not gagging the Ombudsman?

Ms F. O'Malley: If one is a member of the commission, one can raise such points at that forum. To expect the Government to appoint somebody who has demonstrated a bias is irresponsible. The Ombudsman has, therefore, excluded herself from the process, which is regrettable.

I have no enthusiasm for audit paper trails. If we are going to change the system we should do so and have confidence in our choice. If we use an electronic recording device and a paper distributing device, which holds supremacy? If we want to embrace electronic voting we should do so, not half-heartedly but wholeheartedly. If Members are interested in having a paper trail, why do we not retain the existing balloting process? It is ridiculous to have two elections, which is effectively what will happen because there would be two methods of recording the results. What would happen if there was a discrepancy between the two? I do not believe in an audit paper trail. We should embrace the change wholeheartedly.

Some Members referred to the fact that the source code would remain in private hands. I do not see any difficulty with the Minister trying to acquire it and I do not believe that he is precluded from doing so. I would encourage him to procure the code. It is in the interests of the State that it should retain technical electronic information regarding the running of elections. I would encourage the Minister to obtain the code but his not possessing it is scant reason for not proceeding with electronic voting.

Previous speakers referred to the electoral register which does not have much to do with the introduction of electronic voting. However, the register is a vital element in our electoral process. Anyone who monitors electoral registers will be aware that they are in a lamentable state, that standards differ from county to county and that different electronic means are used for the recording of data. A great deal of work needs to be done in this area. My name was included on three electoral registers at the one time despite a request from me for it to be taken off. The message just did not get through. We need to set aside time to deal with this important issue and to ensure our registers are accurate. Apart from anything else, an inaccurate register reflects badly on voter turnout, an issue about which we are all concerned.

Another issue about which we, as democrats, are keen is voter participation and voter education. The proposed change in the electoral system will provide us with an opportunity to encourage people to participate. Young people are enthused by the introduction of electronic voting. However, I am concerned that elderly people might find it rather frightening or intimidating. Rather than scare them, as Deputy Allen did yesterday, we need to encourage and help them understand that the system will not bite and is fairly straightforward. That is the type of service we, as public representatives, should be

providing to our constituents and the country at large.

I visit many schools to speak to students about politics which, I believe, is an important profession. Their participation in our democracy is vital and it is their duty to vote. The current electoral system is quite complicated. It is not easy for the person voting for the first time. I refer not to electronic voting but to proportional representation generally. It was pointed out to me during one of my visits that 18 year olds are confident and do not like to be faced with situations in which they do not know what to do. That is a valid point. Our schools do not provide any form of in-depth voter education which would teach people how to vote. People need to be taught how to vote. It is not as easy as simply putting an X in the box opposite the name of a particular person. There is an art to voting in terms of who one would or would not like to be elected. We need to explore this issue.

Ms Shortall: I am pleased to have an opportunity to speak on the Bill. However, it would have been in all our interests if this legislation had been held off until there was consensus on the way forward in respect of our electoral system. It is a little rich of Deputy Fiona O'Malley to come into the House this morning and hold up as an example the electronic voting system used here. Nobody has any difficulty with electronic voting. They have a problem with electronic counting which they know is not secure and in which they cannot have confidence. That is the difficulty.

The system used in this House is one whereby one pushes a chosen button and immediately sees verifiable evidence that one's decision is accurately recorded. There is also a checking mechanism available so that we know exactly what are the results and the system is transparent. In addition, a print-out of the result is available. It is true to say that Members have no difficulty with the system used in the House and that it has been successful. The Opposition is making the point that it would like a similar type system for elections and referenda. We want a verifiable system, not one which requires us to put our trust in the Minister for the Environment, Heritage and Local Government. Nobody is prepared to trust in this Government given its record, something which Deputy Fiona O'Malley will have to accept.

There was a time when the Progressive Democrats claimed to be the guardians of the State.

Ms F. O'Malley: It was forced upon us.

Ms Shortall: The Deputy is aware what the Minister for Justice, Equality and Law Reform, Deputy McDowell, did in the previous general election. The Progressive Democrats Party sold itself as the watchdog of Fianna Fáil. Following more than one and a half years in Government,

that party's Members are more like Government pussycats because they are prepared to roll over on major issues. Yesterday, we witnessed the Tanáiste's pathetic performance when asked serious questions about Punchestown. It is sad to see a politician who had such stature and respect in this House at one time for standing up for probity. The Tanáiste was placed in an indefensible situation by the behaviour of the Minister for Finance and the Minister for Agriculture and Food, the sharp practice involved and the money wasted by being given to friends of the Ministers. Were the Tanáiste in Opposition, as she was some years ago, she would be ranting and raving about such practice.

When asked yesterday what she was going to do about the situation, the Tanáiste refused to answer. She made a ludicrous comment and sat down as quickly as she could. She has lost her edge, the reason she is in politics and the reason for the Progressive Democrats' existence. The Progressive Democrats Party has reached the point of being a pathetic partner in Government doing no service to the public in monitoring Fianna Fáil. As other speakers said, the Progressive Democrats has become more Fianna Fáil than Fianna Fáil and is a disgrace to those who elected its Members.

The fundamental question which arises in respect of the proposal to introduce electronic voting must be why the Government is doing this. That is the question people are asking. It is the question I have asked since the idea was first mooted. I cannot answer it. There is no public or political demand for electronic voting. There are umpteen areas where Government funding is urgently needed. There is no need to recite them. We all know there are umpteen obvious and glaring areas where €60 million could be put to good effect. Nobody sought the introduction of electronic voting.

By and large, the public is happy with the current voting system and has rejected past attempts by Fianna Fáil to change it. The people are comfortable with the current system and, although it is complex, they have shown they are well able to understand and operate it. It comes into its own on the day of the count. It is the one time when people are genuinely interested in politics. The system is exciting and interesting and brings home to people the importance of their vote, of voting down the ballot paper and how important that vote can be at 3 a.m.

The manual counting of the vote is an education in itself for the electorate. People set aside the day, watch television or turn on the radio and listen to the count and enjoy it. It may not be as enjoyable for the candidates but the public enjoys it. That procedure generates a great level of interest in politics and brings home to people the importance of their vote.

The current system is a good one and I do not believe there is a need to change it. There is certainly no public demand in that regard. One must ask why the Government is introducing this

change. Is it a diversionary tactic as has been used in numerous other areas? The Minister for Health and Children has played a blinder in terms of the smoking ban, which I welcome, because it has worked a treat as a diversionary tactic in taking everybody's minds off the appalling problems in the health service. The Minister for Justice, Equality and Law Reform, Deputy McDowell, has made a mess of the criminal system and has failed to tackle problems of public order, drugs and under-age drinking. He has introduced the idea of a referendum on citizenship, which is another clever diversionary tactic.

One must wonder if the Minister for the Environment, Heritage and Local Government, Deputy Cullen, is using a similar tactic to detract attention from the fact that we have unprecedented housing waiting lists and environmental problems. There is a whole list of other areas that he is failing to tackle. Is this another rabbit pulled out of a hat to distract attention from that or is it something more sinister? One cannot blame people for thinking that there might be a more sinister reason since it is inexplicable that the Minister is going ahead with this, particularly since the system has been so severely criticised by those expert in the field of IT.

We saw it some time ago at the Joint Committee on Environment and Local Government when the proposal was first announced. The committee examined it very seriously and brought in several experts who examined the Minister's proposal and identified several questions that needed to be answered. I believe that 41 questions were raised. Most of us here have only passing expertise in computers, but the committee did the responsible thing and brought in the experts who expressed grave reservations and raised those questions, which to date have not been answered. Politics is about trust. The political system, and the accounting system in particular, must enjoy the trust of the public. If the Government is not prepared to answer fundamental questions asked by experts about the technical aspects of the system proposed, how can anyone have confidence in it?

Not only did computer experts raise concerns and questions about the system, the Ombudsman said that she was concerned and wanted a system of validation. From listening to Deputy O'Malley, it seems that no public figure is allowed to express an opinion any more. It is a good job the Ombudsman did not express those opinions before she was appointed or she might never have been so. Is that what this State is coming to? Public figures are not allowed to express opinions on anything and are punished if they do so and their opinion conflicts with the Government view.

As well as the Ombudsman, the Comptroller and Auditor General raised concerns. Another senior public figure, the chief accounting officer of this State, has said on behalf of citizens that he has serious concerns about the proposed system,

[Ms Shortall.]

yet none of those concerns has been addressed. The Government has completely ignored the comments of the Comptroller and Auditor General. This is certainly not the way for the Minister to go about building confidence or trust in politics. Given the lack of trust that has existed for some years, I would have expected the Government to take some responsibility for that.

Such lack of trust has come about, by and large, because of the performance of Fianna Fáil in government over several years. The way in which the Taoiseach and senior Ministers used political language has now rendered it meaningless. Something can be said one day and the exact opposite is said the next. The Taoiseach has made an art form out of such deception. He uses weasel words and fails to give a straight answer to a straight question. He mumbles, mutters and stutters to avoid having to answer any question in a straight manner. We have now got used to that from Fianna Fáil, as has the public, which is increasingly sickened by the litany of disreputable behaviour unfolding daily at the tribunals.

In addition, various Fianna Fáil luminaries over recent years have utterly disgraced themselves, their party and politics. All those things have led to a situation where the public, particularly young people, have no trust whatsoever in politics or politicians. This is the most damaging thing that Fianna Fáil has done to this State in the last century. Over the past ten or 15 years they have done untold damage to the political system and confidence in it. That is having all kinds of repercussions throughout the country. It is unsurprising that there is such a sense of hopelessness among young people. Given the leadership provided by Fianna Fáil over recent years, anyone would feel hopeless about human nature and standards in politics when they see that kind of performance.

That makes it all the more necessary to ensure that the political systems that we have in place, particularly the voting system, are beyond reproach and can withstand scrutiny. However, the Government is now proposing to introduce a system over which major questions remain concerning its security, since there is no validation for it. I see that the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, has just come in. We shared a radio studio on this topic a few weeks ago. The Minister admitted that neither he nor the Taoiseach knew the first thing about the system.

Mr. N. Ahern: I did not, that was the Deputy's summary.

Ms Shortall: However, he said that the experts said that it was all right, but the experts did not say that. They continue to say that there are major problems with the system, and their questions remain unanswered. The Labour Party has made several proposals to deal with public

concern about the proposed system — the critical one is having a validated paper trail.

Mr. N. Ahern: The Deputy's constituents in Finglas will be able to come out and show that they voted for her.

Ms Shortall: That is not what I am talking about.

Acting Chairman (Mr. Costello): Deputy Shortall, without interruption, please.

Ms Shortall: The Labour Party has proposed a system whereby there would be a print-out of one's voting choice as happens when one withdraws money from an ATM. However, that print-out would not be dispensed by the machine but printed out behind a screen. The person, having cast his or her vote electronically, could validate that by looking at the print-out. Provided that it satisfactorily reflects the voter's choice, it can be stored in the machine. That is what the Labour Party proposes — a validated system. I am convinced that, at some point, either before or after the elections, this issue will be challenged in court. People have a right to a secure, genuine electoral system. That right is covered by Article 25 of the International Covenant on Civil and Political Rights. There is no way of proving that the system the Minister intends introducing will be genuine. Every citizen has a right to a secure system, and that right will be upheld in the courts at some point. Anyone standing for election also has a right to have his or her vote validated.

In the next election, if by chance the result is called out in the Dublin North-West constituency and the returning officer says that Noel Ahern has received only 4,000 votes — that is, that his vote has collapsed — and he is amazed, having put in a good canvas and being convinced that he would top the poll, what will he do? What recourse will he have?

Mr. N. Ahern: The Deputy and I would look at the tallies and know immediately whether there was a problem.

Ms Shortall: What tallies would there be?

Mr. N. Ahern: We would get them.

Ms Shortall: That is not accurate. There is no way of validating that, and one cannot see——

Acting Chairman: The Deputy should address the Chair rather than the Minister.

Ms Shortall: Certainly, a Chathaoirligh. One has no way of validating that system and without question this will end up in the courts. There are several other technical issues regarding the proposed system which must be addressed. It seems it is possible for the database on the count

1 o'clock

centre PC to be interfered with. Many experts have said this is possible and that the system could be corrupted. There is no security system in place to ensure this cannot happen.

There is also an assumption that the presiding officers are somehow expert in information technology. Presumably some might be good and others might not have a clue. If there are people in charge of a machine, there must be a security system to ensure that there is no way that someone may put another disc into it or employ some other way of corrupting the computer system. Experts say that this is possible because no security system is in place. Unless people who have some expertise in this area are in charge of the machines, this cannot be ruled out. There is also the security issue surrounding the transfer of discs from the polling stations to the count centres. Again, there is no guarantee that one disc will not be substituted for another disc——

Mr. N. Ahern: What if the ballot box were to be lost?

Ms Shortall: The point is the system is open to abuse. Whether it is under this or some future Government, we should not have a system that has the potential to be abused. That is the way it is at present because of so much secrecy surrounding this whole system. There is no reason, for example, the source code could not have been made public. No issue of confidentiality or security is involved in this regard. Perhaps 1% of the public know about and understand these matters. The Government should make the source code available and allow it to be examined by the experts, to confirm whether or not it is all right. The fact it is not prepared to release it certainly raises questions, such as why the Government is being so secretive and why it is not prepared to have the system validated by experts.

The Bill is highly suspect. It is outrageous that this Bill will be law before the commission that is in place can report. That is putting the cart before the horse. A commission should be established to examine the different systems and make a recommendation on the one to be used and the safeguards to be put in place. However, all that is happening after the event, when the system has been bought and paid for. It is clearly a flawed system and rushed job and should not have happened. The public deserve better than this.

Two questions arise. Why is the Government doing this? It is bound to raise suspicions. There is no answer to why it is being done when there is no public demand for the system. What is the rush? At a time when confidence in politics has never been so low, why is the Government proceeding with a system which will damage confidence even further?

Mr. N. Ahern: The Deputy is damaging it.

Ms Shortall: There is no question about that. We have heard people on the airwaves and we have seen the letters and received the phone calls.

Mr. N. Ahern: They are being stirred up.

Ms Shortall: They are not being stirred up. They have every reason to suspect the Government and what it is trying to do and every reason to be suspicious of this electoral system. What is the Government's rush? Why does it not take its time? Why not build political consensus about this?

Mr. N. Ahern: Life is about making decisions, not just talking about them.

Ms Shortall: There is a consensus and people are quite happy with the notion of electronic voting. The difficulty is with the counting system. There can be no confidence in that as it stands. This is a shambles.

Mr. O'Connor: I was nearly tempted to concede some of my time to Deputy Shortall to allow the northside debate to continue. I am sorry, as a southsider, to have to intervene. I am sure my contribution will not be as exciting.

I have been listening carefully to the debate. Deputy Fiona O'Malley made some points about the various contributions, but some of those I heard were so scary and frightening that I thought it was Hallowe'en and not April Fool's day. Perhaps that irony will not be lost on the public.

I welcome the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Ahern, and applaud his efforts as regards his remit. I am sorry the Minister is not present as I had sought an opportunity during the week to speak on the Private Members' debate. However, so many of my colleagues were anxious to defend the Minister against the amazing attack on him that I was unsuccessful. Someone said about the Green Party motion that the Minister must have felt he was being attacked by a flock of dead sheep. It was that sort of debate. It is a pity given that better use could be made of Private Members' time.

As regards this debate, I am reminded that it is ten weeks from tomorrow to the local and European elections — 71 days and counting. Many issues have yet to be dealt with. Is Deputy Gregory counting as well?

Mr. Gregory: I am just making notes to be able to reply to the Deputy should he happen to speak on the issue.

Mr. O'Connor: I am only learning, like all the other new Members. If I was in the Dáil as long as Deputy Gregory, I would approach my speeches differently. However, I will come to this Chamber and act as I want. I am responding to what I have seen. There are other issues to be dealt with over the next ten weeks as far as

[Mr. O'Connor.]

preparation for the elections is concerned, and they are important. Other colleagues, including Opposition Deputies, have made the point about the importance of voter participation. I believe there are many ways in which we can encourage that. There are also issues concerning registers and how local authorities and returning officers will handle the challenge of personation. This is talked about after every election and I am not convinced sufficient effective action is being taken.

It is generally acknowledged and applauded in Tallaght that the Labour Party is adept at tallying. At one of my polling stations during the last general election, a tallyperson from another party approached a Labour Party tallyman and asked how many votes his party had got. The answer was something like 37. The reply was that it should have been 69. Challenges must be faced in the personation aspect of elections. I would like to spend much more time dealing with such issues over the next ten weeks.

Mr. Gregory: Why does the Minister not deal with that instead of squandering money on electronic voting?

Mr. O'Connor: The Minister is dealing with those issues, as the Deputy well understands. In any event the Deputy said he would not heckle me until his own contribution on the debate, so——

Mr. N. Ahern: Deputy Gregory needs to be out representing the civil liberties gang. He needs to make up his mind which side he is on and be consistent.

Mr. O'Connor: I was interested in what was said about spoilt votes. In my constituency of Dublin South-West I am consistent in all the debates about spoilt votes.

Acting Chairman: The Deputy will proceed without interruption and without provoking other Deputies.

Mr. O'Connor: I greatly appreciate the Acting Chairman's protection. I thank God he is the Chair because, if he were sitting in the Opposition benches, he might be adding to the challenges I face. I was thinking about spoilt votes because this is something with which we must all deal. In some of the boxes in Tallaght at the previous general election, Dustin the turkey received a few votes. Some of the students who visited Dáil Éireann last week were telling me about their experiences in Australia. We should value the vote. I am not talking necessarily about people choosing to spoil their votes, but democracy is something that was fought for and deserves to be defended with regard to voting rights.

On various occasions I have made short contributions to Bills in the Dáil and have

referred to experience in my constituency clinics. I am not suggesting it is scientific, but I hold seven clinics a week in my constituency and, during a busy period last week between Thursday and Saturday, I asked people how they were responding to electronic voting. I am not suggesting this is scientific by any means, but I found to my surprise that the majority of people I asked could not understand why we in Leinster House were becoming so vexed about electronic voting. A number of constituents told me that daily they depend on technology for their banking, their wages or pension payments, their shopping bills at the supermarket check-outs and their national lottery tickets. They asked me what all the fuss was about.

Mr. Neville: Does the Deputy think that someone coming to his clinic would disagree with his views?

Mr. O'Connor: I run clinics all over my constituency, with an open door policy. People come in to talk to me. I attend all my clinics personally. People are entitled to give me their views and I report them accurately. Some of our colleagues have been telling tales from Hans Christian Andersen over the past few hours, and I could do that too.

Mr. Neville: I do not agree with the Deputy.

Mr. O'Connor: Unlike some colleagues, I do not have a spin person to write my speeches for me, I write them myself. There is no spin in Charlie O'Connor's constituency office. I walk the streets of Tallaght, Firhouse, Greenhills and Templeogue, I hear what people say to me and represent them in my constituency. I do that without fear or favour, and if colleagues are vexed about that, I am sorry. I will be supportive of you, but if you do not wish to support me, that is fine. If you want to check with the Fine Gael organisation, if you can find it in Tallaght, it will tell you how I go about my business.

Acting Chairman: The Deputy should address the issue as well as the Chair.

Mr. O'Connor: I certainly will. Does that rule apply to everybody?

Mr. Neville: The Deputy is new and does not understand. He has been in the House only two years.

Mr. O'Connor: People ask me what all the fuss is about. People have also said to me that we as politicians are quick to preach that people should embrace change. They tell me that technology is the future and that the first thing we do when faced with technology is scream blue murder and cry wolf. We all have to go through change. If the furore about the change in the electoral system is designed to undermine confidence in the system being used, and in the Minister introducing it,

perhaps our standing as elected representatives of this House may become diluted. Any Member who believes that the Minister for the Environment, Heritage and Local Government, or his officials, would foist on us a software system that will not work is being disingenuous and should reconsider his or her opinion on what is clearly a major change.

Like many in this House — perhaps leaving aside the Fine Gael bratpack on the Front Bench — I cut my political teeth on the tallies at election counts. Like everyone else, I experienced the buzz of the figures being collated and the strange feeling of celebrating the stages leading to the success of the party candidates. Later I experienced the lows and highs of the results on such occasions. I lament the departure of the old way, as one does with the passing of many old ways. I was a member of Dublin County Council from 1991 to last year and I was upset at giving up the dual mandate, but I did so earlier than many colleagues because I believe in the continuity of political work. I miss my council work and miss going to council headquarters in Tallaght every day, as I did. Because of the pressures we are all under, I have to do things differently, though I still try to visit the council offices during the week, usually very early in the morning.

Times are passing on and are different. We must embrace change. I am of a generation which finds change challenging, but I accept it. I am not a natural advocate of the technology era. I have struggled with computers, as other people of my generation have, yet they are clearly the way forward. I look with awe at how younger people respond in that regard.

There have been many contributions to the debate on electronic voting, both in this House and in the media, some of which have been mischief-making and attention-seeking. In some cases the debate is being brought to extremes. We should consider the facts. The up-front cost of the electronic voting system, standing at €43 million, with a shelf life — another buzzword I have noticed recently — of 20 years, would appear to most people to offer value for money when one considers that the general election in 2000 incurred over €8 million in administrative costs, excluding the three electronic voting test machines. As the Minister explained, the vast bulk of the current spending on the electronic voting system is a once-off capital expenditure on voting machines.

We must also consider the integrity of the new electronic voting system. This has been vigorously tested by six independent internationally-accredited test institutions. The Minister has publicised details of their names and findings. In response to claims that Microsoft Access is not a suitable application for counting votes, the Minister and his Department have received advice from experts who reviewed the use of Microsoft Access in stand-alone security-hardened computers for the counting of votes, and they certified such computers as fit for use in

elections. I depend on that same Access software to run my constituency office, as do many successful companies in their database management systems.

Regarding information integrity, the votes stored in the ballot modules will be intact and kept by the returning officers for six months. If so ordered by the courts, all votes cast in an election can be printed out and counted manually.

Whenever I prepare for a contribution to a debate on a Bill, I learn something new. I thank the Minister for the following gems. At the last general election, seats in 18 constituencies were decided by fewer votes than were spoiled. In the last local elections, there were 40 electoral areas where councillors were elected by a margin of fewer than 50 votes. During the last local and European elections, the votes of 70,000 people were declared invalid, in spite of calls to Joe Duffy — Members know how much I admire Joe Duffy. I do not believe that many Irish voters sought to spoil their votes and the new system will remove that inadvertent occurrence. The new system will also make it easier for people to cast their votes. It counts votes more accurately and speedily and will improve electoral administration.

I said earlier that I try to bring to these debates my experience in my constituency, as do other colleagues. I notice that I am the only Member from the south side of Dublin in the Chamber, and we are no different. This new system presents challenges. The public information process is important in this regard. We must encourage people to vote, and the elections approaching in 71 days give us that opportunity. The democratic process is important, as will be the local and European elections. I regret that I am not involved in the local elections, but so be it.

I do not wish to be parochial, but in my constituency we have had to make strong representations to the city and county sheriff and to South Dublin County Council in its Tallaght headquarters about ensuring that local communities have their own polling stations. There are a number of estates in Tallaght where we need to get that message across. People should not have to travel to vote. I am talking of places like Westbrook, Brittas, Aylesbury and so on, places I am sure the chairman has heard of and which the Minister of State, Deputy Noel Ahern, has often visited with me. It is hoped that the city and county sheriff will find it possible to ensure that people can exercise their right on election day to vote in local polling stations, and that is the way it should be.

In anticipation of this legislation being passed, in the run-up to 11 June, I ask the Minister and his Department to make as much effort as possible to ensure that people become used to the system and that it is user-friendly. As Deputy John Bruton and his colleagues said, it is as easy as one, two, three, but the many people who have not yet used it must get used to the process.

There has been much political hype surrounding the issue and I am sure Members

[Mr. O'Connor.]

who follow me will take up that point. I apologise to Deputy Gregory if I do not hear the whole of his speech. I must rush off as President McAleese is visiting Jobstown today and, as that is in my area, I would like to be there. I hope the Deputy will not be offended, but first thing tomorrow, I promise to check the "blacks" of his speech.

Listening to the debate, I know political points have to be scored. However, all Members will have to sell the system to the public and ensure that the democratic process prevails so that by 11 June people will be comfortable with it and will come out to vote. As a democrat and one who waited a long time to be elected to the Dáil, I have no problem with how they vote.

Democracy is strengthened by vigorous debate, encouraged by change and supported by leadership. I agree with the Minister, Deputy Cullen, when he said that it is not too much to ask that this debate be informed and that wild claims be subject to the scrutiny they deserve. All Members rise in the Dáil to make statements and claims on all subjects, but they should be subject to scrutiny. It is important that every Member who wishes is given the opportunity to speak on this legislation and I compliment the Whips on ensuring that so much time has been given to this debate. I am pleased to commend the Bill to the House. I apologise to the Acting Chairman for my challenges, but it is that sort of day.

Mr. Gregory: I would offer to send a copy of my notes to Deputy O'Connor, but I am afraid they are illegible. I wish to share my time with Deputy Twomey.

Acting Chairman: Is that agreed? Agreed.

Mr. Gregory: Before Deputy O'Connor leaves the Chamber, I am in tune with him on the issue of personation in elections, of which my constituency has had some experience in the past.

Part 2, sections 1 to 4, provide for the use of electronic voting at European, local and presidential elections and referenda. It is symptomatic of the arrogant cynicism surrounding this issue that the Minister's original intention was to extend electronic voting to these elections by ministerial order, as if it did not affect anyone. He would have done so were it not for the Carrickmines case in which the courts disputed the use of ministerial orders to amend primary legislation. This is why this Bill is before the House.

I have no objection to the principle of the introduction of electronic voting at some stage. However, I strongly oppose this proposed system on a number of grounds. Most Members will agree — obviously those on the Government side cannot say so — that the system does not have a back-up, transparent and checkable record of votes cast in a polling station. The voter simply presses a button and hopes for the best. They put their trust and political faith in the reliability of the electronic machine. In those circumstances,

speaking from common sense, it must be a machine that cannot err or be interfered with in any way, no matter what the circumstances. I was not aware that such perfection with the absolute impossibility of anything going wrong exists. Apparently, such a system does exist and the Government has discovered it. There must be a voter verifiable audit trail whereby the voting machine prints a record of each vote for the voter to see and the machine then stores the ballot paper. That is the essence of transparency which should be the basis of the democratic process, but apparently that is to be got rid of. This is the first basis on which I oppose this electronic voting scheme.

The proposed system is a scandalous waste of public money, with various estimates from €45 million, and another €5 million for advertising, to €70 million including maintenance. A handful of marathon recounts in the last few elections is hardly sufficient basis on which to squander a colossal amount of taxpayers' money when there are so many other areas in need of funding. These are the areas that the Government is cutting back on, such as schools, hospitals, child care and care of the elderly. To nail the cynicism to the mast, it is at a time when the Government has robbed widows and widowers of their meagre entitlements. In those circumstances, it is scandalous that so many millions of euro are wasted on machines that will be used a handful of times every five years or so.

If the Minister for the Environment, Heritage and Local Government wished to reform the voting system, he would have been better off concentrating his efforts, as Deputy O'Connor mentioned, on the electoral register and the identification requirements for persons casting their votes. I tabled numerous parliamentary questions on this issue, yet I always got the same reply. I am told that the matter is under review but, as the present system is working satisfactorily, there is no pressing need to change it. The same logic was not applied to the issue of electronic voting. I was not aware of the ballot paper system breaking down, unless there was some pressing need to change it.

This again raises a question that I have not yet heard satisfactorily answered as to why there is such a rush at this time to squander millions of euro which has come from the taxpayer. What is the urgency? I have not heard an answer to this question from anyone. Would it not be better to ensure a more secure electoral process in the manner I have suggested?

Mr. Durkan: Correct.

Mr. Gregory: If a citizen wishes to obtain a resident's parking disc, for example, he or she must supply items of verifiable identification on a rigidly-applied basis. Is it not extremely odd, therefore, that no such requirement is applied, rigidly or otherwise, when one casts a vote to elect a Dáil and a Government? Identification is

demanding on a random basis — I estimate that one in five people are asked for it. When one considers the enormity of what is involved, it is hard to understand the Government's reluctance to alter the casual and random system of challenging voters to produce identification.

It has been stated that some candidates are elected at every election by a margin of a handful of votes. Most recent Governments have been put in power by a small margin of seats. If the Minister is genuinely interested in a more effective, secure and democratic system of running elections, as he claims to be, he should address such issues. He needs to streamline the reliability of the electoral register and to ensure not only that those who vote are entitled to do so, but also that they cast just one vote each. I understand that most modern democracies require reliable identification from each voter before he or she proceeds to vote. Very stringent steps are taken in this regard in the emerging democracies. Why is there a reluctance to take such measures here?

If one wants to open a deposit account in a building society or a post office, if one wants to cash a social welfare cheque or if one contacts one's local authority to get a parking permit, one will not be entertained for a minute if one does not produce a variety of checkable identification. No such rigidity applies, however, if one wishes to cast a vote, thereby electing a Dáil and installing a Government. I would like to hear an explanation of this matter. When he gets a chance, perhaps the Minister will elaborate on the reasons for not doing what I have suggested.

I have pursued this issue at every opportunity. In relatively recent elections, I have brought organised personation by one of the main political parties in my constituency to the attention of the Garda. A conviction has resulted on one such occasion. I do not doubt that such practices continue at every election, but I would like them to stop.

Mr. P. Power: Hear, hear.

Mr. Gregory: Most Members of the House would like them to stop. I have raised this issue with Ministers, including very senior members of the Government, all of whom have agreed that something should be done about it. I would like to know why nothing is being done.

I would like to conclude by referring to the proposed independent electoral commission. I have always been intrigued by the suggestion that such bodies are independent. I do not have time to elaborate much further, but I would like to ask a question. If a commission is independent, should its members not have expertise in the areas under its remit? Those who are appointed to such organisations should be people whose careers or future prospects do not depend in any way on the Government. I would like the two criteria I have mentioned to be applied. If that is not done, it is a scandal to state that such

commissions are independent. It might be an idea to give the job of selecting and appointing members of such commissions to the Ombudsman, or somebody who is independent.

Dr. Twomey: Like Deputy Gregory, I do not oppose electronic voting. My only objection to it, in some respects, is that it may spoil the most enjoyable day of any election campaign — the day after the election when the count takes place.

Mr. Durkan: It is fun.

Dr. Twomey: Regarding the failings of the ballot paper, I am surprised that Government Members are defending electronic voting on the basis that some councillors or Deputies may lose their seats by a handful of votes. The outcome of an election is not greatly affected, as far as democracy is concerned, if people deliberately or accidentally spoil their votes or if ballot papers are not stamped by a returning officer. It is an attack on democracy if the electronic voting system is not open to proper scrutiny or if there is any attempt to abuse the system.

Mr. Durkan: It might be a large-scale abuse.

Dr. Twomey: Other speakers have asked how much it will cost to run an election in which electronic voting is used and I would like an answer to that question. Is electronic voting useful from a cost-benefit point of view? Given that the machines will be used so little and their maintenance will cost so much, I cannot see how they will represent value for money. I do not know why we are investing many millions of euro in electronic voting when IT systems are not available in many other areas of public administration, such as health boards, hospitals and primary — general practice — care. An improved IT system is needed to allow the different parts of the health service to talk to each other, but the Government prefers to spend money on electronic voting. Many of the fears that have been raised by the Opposition have been steamrolled by the Government, which has said that the new system is perfect.

Deputies have mentioned that ballot papers are sometimes held up to the light to check whether they have been stamped by the returning officer. This issue was raised on a number of occasions, but nobody has asked how ballot papers get into ballot boxes if they have not been stamped. What percentage of ballot papers emerging from certain boxes have not been stamped? Has there ever been an inquiry to ascertain why such ballot papers have found their way to count centres, even if they are then dismissed as spoiled votes? Have such ballot papers been examined? Has there been an independent inquiry into the problem of unstamped ballot papers? The existence of such papers means that there is already a weakness in the system. If we have not inquired into such

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matters, the integrity of the electronic system is called into question.

It is true that we trust returning officers, but it is also the case that we often hear rumours of fraudulent political activity. It is hard to say these things publicly, but we are safe enough in the House because we are covered by parliamentary privilege. It has been suggested that ballot boxes are sometimes stuffed with extra papers when polling stations are open, or during the night before the count.

Mr. Durkan: It can happen in the last ten minutes.

Dr. Twomey: How does it happen? We should examine this important issue.

Mr. N. Ahern: That is why we are introducing the new system.

Dr. Twomey: That is an important point. It is difficult to carry a ballot box under one's arm, but one can quite easily fit a cassette from an electronic voting machine in one's inside pocket.

Mr. Durkan: That is right.

Dr. Twomey: It will be quite convenient for the switch to be made. When a Senator in the United States was asked about electronic voting he said he was sure it would make matters much easier for him, as he would no longer have to stay up all night stuffing ballot boxes. If the system has weaknesses, we should examine them. Although returning officers have done a great job, we have not tackled this issue to a great extent. How will the new system work?

The voting machines are quite simple. They will probably be no more complicated than the computers of 20 or 30 years ago. To tamper with the voting machine one must tamper with the disk that goes in. I do not see any grave problem with these machines. However, after voting is finished the disks are taken away and, as I said, they could be exchanged before being put into the mainframe computer which will add up the votes. This system is definitely prone to abuse because it is run by a computer programme. It will be a closed system in the sense that it will not be connected to the Internet, so if there is to be abuse it will need to be programmed in beforehand. It may also be the case that the disks being used have been interfered with.

It is important that we know how the programme is set up and the code that is used because this machine will not just give us the bare count and then let us work out the rest for ourselves; it will do the transfers for us, sort out the surpluses and eliminate candidates. It will do all the things we see happening in the count centre in front of our eyes. We see the papers being taken from the boxes in front of 200 people. All this will not happen any more. Once the disks

are loaded the result is available five minutes later.

Members of the Opposition are very supportive of electronic voting, but their questions and concerns are genuine and we need crystal clear answers. Up to this point we have been able to send representatives to every polling station to sit beside the returning officer and try to limit the amount of fraud that happens. If there is deliberate spoiling of votes, that is a different issue. We have little or no control over how this new system will operate down through the chain. I do not focus much of my concern on the machines themselves because the general public will learn how to use them, but the scope for making changes along the way is worrying. Disks containing 10,000 votes would fit in one's briefcase. They could be transferred before reaching the count centre.

Mr. N. Ahern: There is a spare copy in the machine.

Dr. Twomey: That is true, but it might not be called upon because the fraud might not be extensive enough to be noticed. People may not go to the trouble of checking the spare copy. To carry out the same operation with paper votes would be impossible because the ballot boxes to carry all those votes would fill the back of a van.

It is important that we keep the integrity of our voting system intact. The tribunals have revealed corruption among elected and unelected officials. I am not casting aspersions on any Member of the House, but I do not think anybody on the other side of the House, certainly not the senior people, could have been unaware of what was going on. Certain Members who have appeared in front of the tribunals had been the subject of rumours three or four years before any tribunal was set up. It was known that some of their practices were corrupt, to say the least. Those people got away with it for many years. I would be surprised to hear that Members who have much closer contact with the political system were not aware of these rumours and allegations of corruption in the late 1980s and early 1990s. Why did these people do this? It was either because of fear for their own political positions or indifference. This sort of thing could happen just as easily with the polling system. We should keep this in mind.

Mr. N. Ahern: The new system will be much more secure.

Dr. Twomey: Openness and transparency should be the hallmark of good government and good elections. The integrity of this system will in some respects depend on the commission on electronic voting. It is important that both sides of the House have the utmost trust in the commission. The Clerks of the Dáil and the Seanad will be impartial because that is the way they operate. The other appointments to the

commission, however, are wide open to political influence. This system has many potential weaknesses and much potential for fraud. Much will depend on the impartiality of the commission. Many sections of the Bill contain provisions which try to make the commission a very secretive organisation, which is detrimental to the long-term integrity of and trust in the voting system. It is imperative that the Government opens up the system and that the commission members are all passed by a Dáil committee at the very least. Opposition Members should have a say in the appointment of these members. The commission will consist of a limited number of people who will have a major influence on our trust in the system. We should bear this in mind when we are setting up the commission.

Mr. P. Power: When all the scaremongering and disinformation are removed from these contributions, one can effectively distil the arguments against this legislation into two parts. First, people are saying that if the system is not broken we should not fix it. We have relied on the system for decades and it serves our democracy well, so we should not tamper with it. Deputy Howlin of the Labour Party based almost his entire speech on this. The second argument is that perception that the efficacy of the system is questionable — that the system is somehow unreliable. When all the padding is removed, those are the two central planks of the Opposition's attack on the Bill. However, neither of these stand up to critical scrutiny.

Since I have come to the House I have never seen any debate such as the one we have had on the reform of our electoral system. I have seen many other debates in which passions have run high but I have never seen such a debate based upon a complete lack of basic knowledge and information. Whether that is deliberate or otherwise I cannot say, although I suspect the latter. I have never seen any debate characterised by so much disinformation and scaremongering. I thought the debate on electronic voting was finished and that this legislation was merely to deal with the Mulcreavy decision, which questioned our ability to bring in reforms such as this by ministerial order as distinct from primary legislation. I thought we on this side had won the debate, although others have different views. Now we have had it all over again in the last two days. Nothing I have heard has persuaded me that the two central tenets of the Opposition's argument are not flawed. I have heard many contributions about other matters but none of them have been able to undermine the legislation.

I do not know whether the comments of Deputy Stanton represent Fine Gael policy, but his remarks must be looked upon extremely gravely. He effectively proposed that people should be allowed to register to vote on-line. This is a worrying suggestion and has grave

implications. There are parties in the House that would like to see such a system being introduced because it is obviously open to total abuse. I will speak about that matter later, if I have time to do so.

I would have more sympathy for the Opposition's arguments if they had been made consistently since electronic voting was first introduced on a trial basis. The fact is, however, that they have not, with the notable exception of Deputy Gilmore. On the whole, however, since the system was introduced people have not complained about it. Fine Gael was happy to endorse it in the last general election.

Mr. Neville: They complained about it privately to the Taoiseach. The Deputy experienced that on the "Pat Kenny Show" when Deputy John Bruton exposed his work.

Mr. P. Power: What Deputy John Bruton said on that programme has been misinterpreted.

Mr. Neville: It is not being misinterpreted. We have the letter.

Mr. P. Power: In response to my exposé that double standards were pervading the Fine Gael Party, it said on the one hand that electronic voting is as easy as one, two, three, and everybody should embrace the system.

Mr. Neville: It is as easy as one, two, three. It is the integrity of the system that is in question, not its operation. The Deputy wants to spin it that we are against its operation.

Mr. P. Power: I accept that Deputy John Bruton wrote his letter questioning the system, but my fundamental challenge to him is that he is a former Taoiseach and is currently a Member of this House.

Mr. Neville: So.

Mr. P. Power: As a public representative for close on 30 years, why did he not make his views public?

Mr. Neville: He made that quite clear.

Mr. P. Power: He did not have the courage of his convictions and it was too late for Fine Gael to change its policy.

Mr. Neville: No. He did not want to undermine——

Mr. P. Power: I have strong views about the way in which Deputy John Bruton did that.

An Leas-Cheann Comhairle: Deputy Neville will have an opportunity to make his contribution later.

Mr. Neville: He will be gone by then.

An Leas-Cheann Comhairle: It will be on the record.

Mr. Neville: Who reads the record?

Mr. P. Power: The other main feature of this debate is the U-turn conducted by Fine Gael. That party embraced electronic voting since its inception, with all the party's TDs speaking approvingly of the system at the time. I suspect, however, that once Deputy Gilmore started to make political hay by attempting to undermine the system, Fine Gael performed an enormous U-turn on the issue.

I will now return to the twin-plank approach of the Opposition. First, it states that if the electoral system has been working appropriately and effectively for many decades, why fix it? It is a reasonable argument that deserves to be analysed but it does not stand up to scrutiny. It has never been established that the existing system is perfect. Some people have tried to hold it up as the holy grail, and have asked why the Government is changing it. The main problem with the existing system is that in many instances over the years it has had a material and adverse effect on the outcome of elections. It has effectively disenfranchised many people, as well as having had an adverse effect on the results of many elections. Public representatives, both at local and national level, know that is a fact because they have witnessed extremely tight votes and have seen how human error can play a part in all of this.

I can draw from my own experience to illustrate how the system is imperfect. I was fortunate to have been elected in the last general election and it was fairly obvious from the first count that I would be there or thereabouts when the final results were announced. That was not the case for other candidates in my constituency, however. The count began on a Saturday morning and proceeded at a snail's pace for 48 hours. Candidates who were not certain of being elected had to hang on endlessly, without knowing what their fate would be. I spoke to many of those who attended the count from all the political parties. They felt that their confidence in the existing system was undermined by the snail's pace of the count in Limerick East. I was extremely critical of that count. The electronic voting system can deal with that problem, not just in Limerick, but throughout the country. At the last general election we did not know for seven days after polling day what the composition of the House would be. Surely, that does not inspire confidence in the democratic system.

Ms O. Mitchell: I could have waited longer.

Mr. Neville: The composition of the Government is not known until we vote for a Taoiseach.

Mr. P. Power: Yet, we on the Government side of the House were accused of undermining that system. Far from it, we are trying to enhance the system. The sight of senior counsel going down to Wicklow, at enormous expense to all parties concerned, and holding ballot papers up to the light — as was done in the last American presidential election, although that system is totally different from ours — did not inspire confidence in our electoral system. It undermined confidence in it. People around the country were saying, "For goodness sake, the politicians can't even get their own election right; how can we possibly have confidence in the sort of policies they are introducing." This legislation seeks to cure that.

Many Members will be familiar with what happened in Taiwan a few weeks ago when there was great publicity over the alleged attempted assassination of one of the presidential candidates. Deputy Olivia Mitchell may be familiar with this. The election was won by a wafer-thin margin of a mere 30,000 votes.

Ms O. Mitchell: They tried to have a referendum with that election. The Taoiseach should be very careful.

Mr. P. Power: We can address that point later. People do not realise that while there was a wafer-thin majority of 30,000 votes, there were over 300,000 spoiled votes in that election. I accept that Taiwan's system is different from ours but if they had electronic voting the situation would not have arisen. India, which is the world's largest democracy, has a population of one billion, over 300 times our population. They are confident enough with the electronic system to register the votes of almost one billion people, yet we seem to have major problems introducing a simple system for an electorate of three million.

If the margin of electoral victory on the last count is less than the number of spoiled votes, it immediately gives rise to a suspicion that some people's votes were not properly recorded. In every election over the past 20 or 30 years, some people have spoiled their votes without realising it. When politicians are presented with a system that can eliminate such a basic flaw, it ill behoves us not to grasp it with both hands. That is what the Bill is all about. There must be a better way than the current system, of which everyone in this House has direct experience. Some may say that we have a perfect electoral system but that argument does not stand up to logical or critical scrutiny.

The second argument that has been made by the Opposition is that once the new system is in place it will not be able to record votes accurately or reliably and, thus, its efficacy is questionable. It is extremely easy to make such an argument because one can conjure up images for people who do not have experience of the electoral system, such as we have in this House. One can

tell inexperienced people, for example, "Once you press the button to cast your vote, it goes into cyberspace and is lost". I suspect, as do others, that since that argument is so easy to make, it is tempting to embrace it for political purposes to fool people and undermine their confidence in the system. In that way, some people can be led to believe that the Government is introducing a system to con them. That argument is so attractive and enticing that, unfortunately, it has been embraced by far too many. Deputy Gilmore used an example to prove how unreliable is the system. He said polls were conducted three or four weeks prior to the last general election in the constituencies in which electronic voting was used and the result of the election was much different to the result of the polls and, therefore, the system was unreliable. This raises a question which is at the core of the legislation. Is the Government entitled to rely on the best independent, specialist, expert advice or should it second guess? The debate centres on this question. The Government is entitled to make decisions based on the best expert, independent advice and I fundamentally disagree with those who oppose that position.

The proposed electronic voting system was tested by PTB, a German institute which undertook a code review of 25,000 lines of embedded software. A Dutch firm, TNO, conducted extensive environmental electromagnetic testing. Another Dutch firm, KEMA, certified the safety aspects of the machines. The Electoral Reform Society ran functional tests to verify the system implements the PR-STV count rules properly. Lathean Technologies Limited, an Irish software company, undertook a full architecture and code review, while Zerflow Information Security, an Irish firm, assessed the physical threat to the system's hardware.

The Government and the Legislature are entitled to rely on the best expert advice. I am not an expert in this area but, when one seeks expert advice, one must rely on it subsequently. The best expert advice is that this system is a proper and efficient way of recording and counting votes. To quote Fine Gael, "It is as easy as 1, 2, 3".

The other issue raised by those opposed to the system is that a paper trail should be provided. This is the fallback argument but it is easy to make and is fundamentally flawed. If a dual system were employed, the electoral system would be impossible to administer and Ireland would be the laughing stock of the world. Can Members who oppose the system imagine the administrative chaos and undermining of the electoral system that would ensue? According to them, a voter, whether his or her motives are political or genuine, can enter a polling booth, vote electronically and receive a piece of paper that he or she can use to question his or her vote every time. However, Opposition Members

advocate such a system but it does not stand up to scrutiny.

People have concerns about the system and I accept they have a right to test the electoral system to the last. If they have the courage of their convictions, they can apply to the courts to have a paper audit and count carried out. I cannot think of a better verifiable audit trail than that.

The experience of the trial in the three constituencies at the previous general election highlighted a major problem. The announcement of the result to all the candidates at the same time was grossly unfair. I am glad that has been addressed in the legislation. Public confidence in the system is important. I am concerned that, for political purposes, our electoral system has been undermined through misinformation and misrepresentation. The contributions of a number of Members have not done them or the electoral process any favours.

Doomsday predictions were also made as Y2K approached, but it passed without a hitch. When the euro was introduced, it was predicted that the European financial system would collapse overnight.

Mr. Neville: We did not say that.

Ms O. Mitchell: Who said that?

Mr. P. Power: Fine Gael Members made that argument.

Mr. Neville: The Minister of State, Deputy O'Dea, made that argument or else he said the Deputy made it.

Mr. P. Power: I am confident that, this time next year, people will ask what all the furore was about with the elections having passed off peacefully, although with an unhappy result for a number of parties.

Mr. Neville: I welcome the opportunity to contribute to the debate. No Opposition Member objects, in principle, to electronic voting, but we have a problem with the verifiability and credibility of the system. Voters need to be confident when casting their vote that it will be picked up by the system and will be counted.

I agree with previous speakers who have criticised the cost of the system. It is estimated the cost will be between €40 million and €70 million when public relations campaigns are included. The House debates the needs of the electorate every week. Last we debated the €5.8 million cutback in the widow's pension, yet the Government can spend upwards of €40 million on an electronic voting system. We regularly debate the need for new school accommodation and the difficulties in the health service. The Tánaiste expressed concern about the elderly last weekend and a sum of €40 million would go far in addressing these issues. For example, if €2 million were invested annually for the next five years in suicide prevention and research, it would have a

[Mr. Neville.]

significant impact on the number of suicides and attempted suicides.

I refer to the credibility of the electronic voting system. There is no provision for a voter to verify that the ballot cast corresponds with that recorded, transmitted or tabulated by the system. All programmers can write a code that displays one result and records a different one in the print-out. It must be ensured the voter is confident that is not happening in the system. An electronic voting system that does not provide individual print-outs for examination by voters does not provide an independent audit trail. All voting systems, especially electronic systems, are prone to error. The ability to perform a manual count of the ballot is essential to ensure that the voter believes the system to be credible. No electronic voting system in the world has been certified to even the lowest level of international acceptance by international computer security standards, that includes the ISO, nor has any been required with such a level of certification. Hence, no electronic voting system in the world has been certified as totally secure. Electronic balloting and tabulation makes the task performed by poll workers, challengers, returning officers and officials purely procedural and removes any opportunity to perform bipartisan checks. We should pay tribute to the many returning officers and their staff who, over days and nights, counted votes and entered into their work enthusiastically, ensuring that the result as expressed by the people was the outcome of the election. This was scrutinised by the candidates, the representatives of the candidates, the general public and the media and at the end of the day nobody questioned that the system was not fair and credible in the context of our democratic process. Now we will have a conceptualised election process and all the work that was done previously will be entrusted to a small group of individuals who programme, construct and maintain machines.

The various computer systems and programmes can be cracked or hacked thus leaving the valid contents along with the identity of the voter open to perusal and this has happened elsewhere. One of the top US cryptographer, Bruce Schneider, recently expressed his concerns on this matter and has recommended that no computer voting system be adopted unless it also provides a physical ballot paper perused by the voter and used for recount and verification. It is a known fact that the computer industry does not have the capability at present to ensure a safe, reliable election, using only electronic devices. Failure of performance in actual elections has demonstrated the existence of major flaws. Interviewed on the RTE programme "Five Seven Live", Dr. Rebecca Mercuri stated it is incumbent upon all concerned with elections to refrain from procuring any system that does not provide an indisputable ballot paper which can be checked by the voter

visually before deposit and used by the election board in the case of a recount.

I would like to draw attention to experience in the US. In Alabama in 2002, the election voting software changed the outcome of the governor's race as 6,300 Baldwin County votes mysteriously disappeared after the polls had been closed. The Republican candidate was declared the winner but six months afterwards the provider of the machine said something happened and he did not have enough intelligence to say what.

In the November 2002 election in Scurry County, Texas, poll workers became suspicious about a landslide victory for two Republican candidates and were told a bad chip was to blame. A new chip was flown in and they counted the votes by hand and found that the Democratic candidate had won by a wide margin, overturning the first result.

A software programme error ensured the wrong candidate was elected in 1999 in Oneida County, New York. Bob Faulkner, a political newcomer went to bed on election night confident that he had helped to complete a Republican sweep of three council seats, but after election staff rechecked the totals, he had lost to the Democratic candidate and a few hours later election officials discovered that a software programme error had been the cause of the mistake. In 1998, in a Salt Lake City election, 1,413 votes never showed up in the total. A programming error caused a batch of ballots not be counted, though they had been run through the machine like all others. When the missing 1,413 votes were counted they reversed the election because they were traceable. These votes could have been traced because there was a back-up system. According to the *Wall Street Journal* in the 2000 election, an electronic counting machine in Iowa was fed 300 ballot papers and reported four million votes. The county auditor tried again and got the same result. Eventually the manufacturers agreed to have replacement equipment sent. Republicans had hoped that the tiny but heavily Republican county would tip the scales in George W. Bush's favour, but tipping it by 4 million votes attracted national attention. Bill Rowe junior, the county auditor, pointed out that there were not 4 million votes in the state of Iowa. In 2003, officials from Boone County, Indiana, wanted to know why the electronic voting machine counted 144,000 votes when only 5,352 ballot papers were in the box.

With computerised voting, the certified official returning officers, scrutineers and so on will step aside and let technicians tell us the results. In Dallas, Texas, a software programme error caused Dallas County's new \$3.8 million high-tech ballot system to miss 41,015 votes during the November 1998 election. The system refused to count votes from 98 polling stations on the basis that they were already counted. Operators did not realise this until they saw the votes were missing at the end of the count, when they were carrying out a double check on it. One

manufacturer's response was assuring, he said the electronic system recorded the votes but they were not counted. That is just some of the experiences of electronic voting in the United States which as the Minister of State, Deputy Noel Ahern, would say is one of the foremost democratic systems in the world, and which is held up as a model to others. The American democratic system is considered the father of democracy and so on.

Mr. N. Ahern: Has the Deputy done a trawl?

Mr. Neville: I am like the general electorate, I do not know the details of the programming or the system that will be used. I am being asked to place a vote of confidence in the proposed system. I have recorded experience elsewhere where people had confidence in the system, but it did not work and cheated them. We do not have confidence in the Government system. I cannot evaluate the system proposed by the Government in comparison with any other. I want the opportunity to do so. I want a text element in the system which lets me know that what was inputted into a machine was what was recorded when the votes were finally counted. That is our request rather than a demand that electronic voting should not be considered at any point. We want a verifiable, credible system in which we and the public can have confidence. That is the key to our contributions and the contributions of all speakers on this side of the House. It is the credibility of the system which we question.

The accuracy of the proposed electronic voting system must be considered in the context of elections in general. Credibility in the recording of one's vote is the foundation of our democracy. Citizens expect their votes to be confidential, given equal status and protected from alteration or loss. Contributions from this side of the House have demonstrated that no voting system is perfect — and I challenge anyone to assert otherwise — yet the Minister of State is asking us to accept that the system proposed is.

Mr. N. Ahern: It is possible to have a better system than the existing one.

Mr. Neville: I do not agree with the Minister of State.

Mr. N. Ahern: I am sure the Deputy can speak to that from personal experience.

Mr. Neville: We have been using the current system in our democracy for 82 years. I defy the Minister of State to inform the House that it has not served us well. We might not always have been happy with the outcome just as Members from the other side of the House may not have been happy on other occasions. However, we respected the integrity of the system.

Mr. N. Ahern: Were there not occasions in west Limerick when the odd vote went the wrong way or was not counted?

Ms O. Mitchell: At least one could see if a mistake had been made.

Mr. Neville: I have experience from the previous general election, as the Minister of State knows, of two days of rechecking. I saw candidates' representatives and members of the press scrutinising in great detail the outcome of the count. Everybody who left the counting hall on the day in question had confidence that the correct result had been recorded. That confidence is important for our democratic system.

Mr. N. Ahern: Was every vote cast included in the final count?

Ms O. Mitchell: It would not necessarily be included in the case of electronic voting.

Mr. Neville: In America, 4 million votes went missing.

Mr. N. Ahern: If more than one or two votes are missing, the system will show it.

Mr. Neville: The disappearance of 4 million votes demonstrates the lack of credibility of the system.

The introduction of electronic technology brings a new and unfamiliar risk model. It is not unusual for electronic systems to be attacked by persons willing to wait a relatively long time before seeing any benefit. Frequently, attacks on electronic systems are practically undetectable. Many forms of attack require minimal experience to carry out. Excluding deliberate attacks, electronic systems are inherently prone to random, unavoidable and naturally occurring errors. Inadvertent failures of hardware and software have occurred in voting machines abroad as we have seen. While failures have been most widely documented in the USA, they have also been experienced in Belgium where a single event resulted in a 4,096 vote error in a declared result. The previous speaker spoke about the reliability of checks in various continental countries, but I have provided the example of a breakdown in a fellow member state.

While a similar, naturally occurring and unavoidable error could occur in the proposed system, we may not notice it unless it is absurdly large. The loss of 4 million votes in the USA was absurd and, for that reason, noticed. Would 500, 1,000 or 1,500 missing votes be noticed? The Minister of State has already described the manner in which a small number of votes can affect the outcome of an election. When he is considering future policy, the Minister of State should consider the real needs of people.

Mr. M. Moynihan: I welcome the opportunity to speak to the Bill and contribute to the debate

[Mr. M. Moynihan.]

on electronic voting. I have paid particular attention this morning to the contributions from all speakers on the subject. Some of the remarks have been a little humorous and off the mark. Given certain contributions, one could be forgiven for thinking the Government had been trying to foist electronic voting on the people over the past four or five weeks. While the details of the proposed electronic voting system have been in the public domain since 1999, it is only in recent months that the proposal to use the system on a nationwide basis has exercised the minds of the Opposition. People used the system in the previous general election and both referenda on the Nice treaty and it was of great benefit to them.

Reference was made to the drama and theatre of traditional counts. Many candidates will be delighted to see the end of that long, drawn out process. While I am happy I succeeded in being elected on some occasions, I feel for those who had to wait a long time for the result of a count. The current system has been in use for more than 80 years and stood the test of time. Its integrity has been beyond the reproach of all parties. An argument in the debate on electronic voting has been that, while they may not have liked it, parties have always accepted the will of the people on election day. It has been asked, therefore, why we should introduce electronic voting. The basic purpose of the new system is to improve the efficiency, speed and accuracy of elections and to make them more user-friendly. It is also designed to eliminate the wastage associated with spoiled votes, of which there were more than 20,000 in 2002, equivalent to 1.1% of all votes cast.

This is not simply a case of moving to improved technology. By modernising and transforming elections visibly, the opportunity is created to tackle voter apathy and improve the image of the electoral process, especially among younger members of the electorate.

While the system has served us well over the past 80 years, it must be open to change. We would not get too far if we were to canvass on the doorsteps in the forthcoming local elections, or the next general election, using policies from the 1920s; Ireland has changed.

This computer system that will be used is the best system to apply to Irish elections. It has enjoyed the proven advantage of wide-scale and successful use in national and local elections in the Netherlands for many years and in some German elections. The new system was extensively piloted in the general election in 2002 and in the second referendum on the Nice treaty. The reaction of users has been overwhelmingly positive. No significant complaint or challenge about the fairness or integrity of the process has been made by any candidate or voter in the constituencies concerned. The integrity of the system has been questioned on a number of occasions during this debate. People are

scaremongering and raising fears that this will not work. If one had said 20 years ago that computers would carry out most work done in offices and Departments, people would have claimed that it would not be possible. They would have claimed that a hands-on approach was required. We have seen the benefits that have derived from computers across the spectrum in recent years. It is about time computers were introduced in the electoral system.

The audit trail, from the programming of the ballot modules to the end of the counting, has been brought to the fore. Statements will be produced by the voting machine before polling commences and at the close of polls to confirm the order of candidates on the ballot paper is the same as in ballot module. The returning officer will use specific seals and locks to secure the voting machine. It will always be within the presiding officer's control and supervision. The count software will have an audit trail of votes cast. If a petition hearing at the High Court orders a recount of the votes, the system will print a ballot paper for each vote cast and it will be possible to manually recount the votes. As is the current position, the order of votes after they have been mixed before the first count will not be disturbed.

No change introduced by the Government has ever had greater independent scrutiny. Independent agencies have reviewed all parts of the machinery and software. The Department of the Environment, Heritage and Local Government is making publicly available all test reports on the various elements of the system. It is important to note that most countries do not make any source codes available owing to security concerns. This issue will be kept under review.

On one hand, we are trying to increase participation by young people in the electoral process. On the other hand, fears have been articulated that the elderly will not be able to use the machine. I am delighted the Government is rolling out a huge publicity campaign across the country. This will encourage people to familiarise themselves with the system and grow comfortable with it. We must ensure the electorate is fully informed of the new system and that it is competent and comfortable with using it. The Government has organised a series of television, radio, newspaper and billboard advertisements, and has also organised road shows and mail shots.

Many Members will already have been canvassing on doorsteps with local authority and European Parliament candidates. Many questions have been asked about electronic voting. As with most issues, when people are given the necessary information, they feel happy with it. There is a general acceptance that this is the way forward. Computers are used right across the spectrum, why should they not be use in the democratic process?

The Government has responded to concerns raised in order to maintain public confidence in

the system. As politicians, we are beneficiaries of the electoral system and it behoves us to ensure the public has confidence in our voting mechanism. To ensure this, the Government has established an independent electoral panel to verify the secrecy and adequacy of the system and I wish this body the best of luck. It is vitally important that it produces a detailed report about which the public can be confident. Membership of the panel is under consideration. The electoral commission will have to deal with a number of issues to ensure the electorate has total confidence in the system.

For politicians, tally data has always been important. For generations, politicians have used information supplied to them by the tallymen in every poll from local authority to European Parliament elections. The information allows politicians to discern voting patterns and helps to develop strategies. Prior to the last general election, many candidates were advised to take a proper tally as it was thought this would be the last time a verifiable tally would be available. I am glad to say that tallies under the new electronic system will be made available to interested parties. Such information is vital for politicians.

This issue has most excited the Opposition during this session. The introduction of electronic voting is the best way forward. Computers and electronics have been introduced in most sectors of society, whether in urban Dublin or rural Ireland, and we have seen the benefits that have derived from this. We have an exceptionally well-educated electorate. It is off the mark to suggest that the public will not be able to use the machines. When decimalisation was introduced in the early 1970s, I remember that my grandparents struggled with it and had not fully accustomed themselves to it even ten years later and still talked about pounds, shillings and pence. When the euro was introduced, people who were the age my grandparents were in the 1970s felt they would never get used to it. While there was much discussion about the currency's value, the changeover was simple. I believe people will adapt to electronic voting in the same way.

I commend the Bill to the House and I compliment the Minister and the Ministers of State. I am sure we will be back here in the middle of June and we will all be saying how great electronic voting was. In years to come we will ask why we had such furore over its introduction.

Dr. Upton: I welcome the opportunity to speak on the Bill. To pick up on the last point made by Deputy Moynihan, I have no doubt that in ten or 15 years we will ask what the furore was about. However, right now we have every reason for a furore and to ask questions. We have all been accused of being Luddites and technophobes merely because we are not jumping up and down to have electronic voting implemented by 11 June. There is a question over the urgency of the

Bill. My colleague, Deputy Gilmore, yesterday outlined the many other Bills due before the House that have been put on the backburner while we rush this Bill through before the local and European Parliament elections in June. One has to ask the reason for such urgency.

Deputy Moynihan's point is well made. We will look back and ask why there was such fuss. However, we will do that in hindsight when we have taken due concern for all the possible glitches that might arise in the system. On that basis, the urgency in passing the Bill is unwarranted and unnecessary. Because of the importance and the need to get it right, a strong case can be made for winding it down and waiting until after 11 June. We do not need to rush this legislation through in time for the local and European Parliament elections.

The public has always had confidence in the paper-based system. None of us will claim there is absolute perfection in any voting system either in this country or elsewhere. However, walking into a polling station, getting a ballot paper containing the candidates' names, marking it up and dropping it into the ballot box inspires confidence in people as they can see the trail. While I am not opposed to moving away from that system, the urgency of implementing the change is unprecedented and unwarranted.

I say this in light of what we call the voter verifiable audit trail. I know the Fianna Fáil Deputies will all tell me this is in place, but while it is in place for segments of the process, a full end-to-end audit has not been carried out. A known number of votes should be input into the system and processed through to the final result. While the system cannot be piloted in any real election sense it can be carried out on an experimental basis with a known number of votes ploughed into the system and the output of the system checked against the known result — in other words a verification of the result. This has not been done. I have no doubt that the system has been checked on a piece-by-piece basis. It would be unfair to criticise elements of the technology as we all want to move on and get into the improved technological age. We are discussing a fundamental right. Ultimately it should be possible to verify people's votes as cast.

If the system is implemented for the June elections, we will be engaging in a very big experiment for the country, with all our voters participating. Because of the lack of auditing and traceability, we will be asking people to make an act of faith and take part in an experiment that should have been carried out initially at laboratory stage, subsequently at pilot stage and finally we could go commercial with it.

Mr. N. Ahern: We have done this for five years.

Dr. Upton: This has been done on a piecemeal basis. However, have we ever inserted a known number of votes, followed them through and audited the outcome at the end of the process?

[Dr. Upton.]

While we may have piloted it in a number of constituencies in the last general election, clearly when we counted those votes we did not know what the outcome ought to have been. Has the system been tested where the inputs and the expected outcome were known? Such an experiment should clearly be done in a non-election environment.

When we expressed reservations about the technology, we were described as technophobes or Luddites, or afraid to make progress. None of this is true and all we are saying is that there is a need for caution. We need to take our time — there is no rush. There is no urgency to have this implemented for the local and European Parliament elections. It is unfair to accuse us of being Luddites or keeping our heads in the sand.

Mr. N. Ahern: Is that all? We did not have it——

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

Mr. N. Ahern: The Deputy is really saying this is a political issue and that if we called it off for 11 June, she would be happy on 12 June.

Dr. Upton: I am not saying that at all, I am saying we are facing a deadline, which we are being forced to meet and I believe that is unnecessary.

Mr. N. Ahern: We started this process five years ago.

Dr. Upton: However, no end-to-end audit has been carried out. Once this has been completed, I will be happy to go with it. If this were completed by 11 June, I presume I would have no problem with it. I have yet to see an end-to-end audit and confirmation of the outcome. This is about having the best assurances possible to dispense with doubt we might have about the process. I did not set the deadline of 11 June, which has been put in place. If I were confident that all the tests and audits had been carried out I would have no difficulty with the implementation date. I am not against progress or the technology. I am merely concerned about the confirmation and assurances that should be in place before we progress it.

Earlier Deputy Seán Power expressed a concern when one of the Fine Gael speakers mentioned the possibility of on-line voter registration, which would be a logical progression. While I would have grave reservations about implementing such a system now, it should be considered in the future provided we assure the system in the same way that I want the system of electronic voting assured. There is a dichotomy between being critical of on-line voter registration and being

confident of the proposed electronic voting system.

On a more practical level, I wish to consider the process of counting votes on election day. Those of us who have been involved in tallying and later became candidates and elected representatives know the nerve-racking day one has. However, everybody agrees there is a certain buzz about being involved in the tally, which should not be dismissed. It is very important from the point of view of the candidates and their supporters who rally around on the day to see the process unfold. Apart from everything else there is a sense of camaraderie among the various political opponents on the day who exchange information, which also has a certain value.

Carrying out the tally is very important to the Irish voter, as is the process of the count. I have the greatest sympathy for those who have been involved in a protracted count and all the nail biting that goes with it. While the system from that point of view is far from perfect, one could say it represents a very good reason for generating interest in elections. The electronic voting system is being put forward as a way of encouraging young voters. I have no doubt that such voters will be particularly attracted to and interested in the idea. However, there are many voters who will miss the tally and the count. I would not wish for counts that last ten days, as has happened on occasion, but there is a certain value in watching counts take place.

A matter which has caused concern among those to whom I have spoken is that of postal votes and special voters. Section 12 of the Bill details how the postal vote will be processed, etc. It has been pointed out to me by a number of constituents that the mechanism outlined in the section will deprive postal voters of the right of seeing how their vote is processed, something they could witness until now. They will still complete their ballot papers and post them in but someone else will be responsible for logging in their vote. While these people are clearly not being disenfranchised, they are genuinely concerned about the idea that somebody else will have responsibility for processing their votes. There are in the order of 300 postal voters in my constituency. If that number is scaled up across the country, it becomes apparent that a substantial number of votes will be effectively handed over to officials to input into the system. I appreciate that the Bill contains considerable detail in respect of how this will be done but my point remains that those individuals will not be in control of how their votes will be finally delivered into the system. That is an important point. Those people who cannot be present at their local polling stations on the day have expressed considerable reservations to me about this matter. They are genuinely concerned that their rights are being diluted by virtue of the fact that somebody else will manage their vote for them.

One must weigh up the cost of the process against the benefits that will be derived from it.

What are the advantages involved? The randomness of the process was one of the key features used to market it initially. However, that randomness has now been removed.

Before we commit to the system, there is a need for further assurances to be given. There is also a need for auditing and a system of double checking. The Minister, Deputy Cullen, highlighted the disadvantages of a paper trail and stated his concerns about it. However, it is clear that there are advantages with keeping such a trail. It would appear that there will be no great difficulty in managing the rest of the system. It is, therefore, somewhat naive to state that, in view of the many difficulties involved in having a paper trail, we must dismiss it entirely.

I do not believe that this process should commence during the forthcoming elections. While we are not against electronic voting or electronic counting of votes, there remains some work to be done before we can commit to the system.

Ms O. Mitchell: As the Minister stated, this has been a live issue for some years. As my party's former spokesperson on the environment, I recall that the initial introduction of electronic voting was buried in legislation which was primarily concerned with political donations. It received little attention at the time and the then Minister dismissed any concerns raised by Deputy Gilmore and me.

Anyone who cares about democracy must have a major interest in this issue. The integrity of the system is vital to everyone. It is as important to Deputies on the Government side of the House as it is to those on this side. I wish those Deputies would accept that Opposition speakers are not dancing up and down in outrage simply for the sake of doing so. We are deeply and genuinely concerned about the partisan way this matter is being dealt with. It is as if it is merely another political proposal in respect of which the Government must win. What is the urgency? Why must the Government win the debate on this matter? This is not just another political housekeeping decision; it is a decision about our electoral system, which is fundamental to and lies at the core of our democracy. It is a decision which stands at a completely different level to other decisions on which we normally vote in the House. It is not really a decision for the Government to take alone.

There has always been a tendency on the part of members of Fianna Fáil to assume that Ireland is their personal fiefdom. However, they are making a major mistake if they believe that they own the democratic system. They do not own it and they cannot behave as if they do. This issue is too important to be messed about in the way it has been. If we are going to change such a fundamental aspect of our democracy, all political parties, on behalf of all members of the public, must subscribe and agree to that kind of change.

The way in which the change is being effected is that which is least likely to bring about any kind of consensus. The latter will only be achieved if there is trust. Everything the Government is doing at present will undermine trust and ensure that we do not subscribe to the new system without question. The unseemly haste with which the system is being introduced is inexplicable. We do not understand why the June deadline must be adhered to. There are questions about the way the commission was established. It will be a toothless commission because, given that the Bill will be passed, it will be obsolete by the time it reports. Questions must also be asked about the way information has been sent out to the people who are going to operate the system. It is as if our passing of the Bill is a mere rubber-stamping exercise. This all undermines the entire democratic process and betrays an arrogance which is unbecoming of the Fianna Fáil and the other Government party.

Many Members have stated that we are merely huffing and puffing for the sake of it and that we should just accept electronic voting because it does not impact on the results of elections. That is not the case. Electronic voting has an impact on the outcome of elections in a variety of ways. One Deputy stated that there were no complaints following the previous occasion on which it was used. It is as if that is a guarantee that it had not influenced the outcome of the election or that mistakes had not been made. The point is that we do not know whether the outcome was influenced or whether mistakes were made. That is our concern.

Trust is everything in an election. If people do not trust the way an election is being run, they will not turn out to vote. There is evidence, to which previous speakers referred, that people have indicated they will be less likely to vote in an election in which an electronic voting system is used. The people who are least likely to vote are those who are opposed to the incumbent party proposing the system. The election result will, therefore, automatically be skewed in favour of the Government. There is also great validity in the argument that the electronic counting system will reduce interest in elections. That will certainly influence the outcome. I am wary about the latter and I will comment further on it shortly.

I would not accept a banking system unless I could see first-hand the accuracy of all the transactions that took place. I want a paper record. I will not even let my credit card out of my hand in shops or restaurants I frequent. Why on earth would I relinquish something as precious as my vote when the only guarantee of the system's accuracy is the fact that the Minister has indicated that it is accurate? The Minister in question is also director of elections for the main Government party. It is real arrogance to think that we would merely lie down and succumb to such a system being imposed in that kind of way.

There are other ways in which the voting system can be influenced, namely, flaws or fraud.

[Ms O. Mitchell.]

I am not stating that I believe anyone in the Government or any political party would have anything to do with fraud. However, if an electronic voting system is in the control of a political party and is not utterly open, transparent and accessible to all, the potential for fraud increases. The rewards for winning an election are enormous. It is the gateway to power. With a prize like that on offer, we would be naive to think that there would never be interference in the electoral system. Such interference might not necessarily be practised by politicians but by people who support them. It could be done indirectly through those who manufacture the machines and the software or those who transport the cassettes to the counting centre. Anybody who has access to the machines or the recorded votes can potentially influence the outcome of the election. There were no guarantees against fraud in the past but at least protective election agents were in place to represent our interests as candidates and political parties. I do not know what is to be their role in the future. It appears they will not be able to perform their verification functions under the Electoral Acts. They will be political eunuchs because the information required by them to do their job will be contained in a machine.

For all the benefits of technology, we should not have blind faith in it or those who tell us it is fool-proof because we know that is not true. Even without attempted fraud, we can never be sure the system is not flawed. Computer experts say it is impossible to devise a large-scale system which is without bugs. While it is possible to test for the presence of bugs, it is impossible to detect their absence. One can never be 100% sure that what the machine counts is what the voters intended to be recorded on their behalf.

We were all amused by the fiasco in Florida regarding the hanging chads and so on. America is moving to prevent a recurrence of that fiasco. It has undertaken a great deal of testing and trial runs in that regard. What happened in Florida proved that the system is full of potential flaws in that votes can be erased or added. The reality is that Florida was in a far better position than we will be if mistakes are made. At least they had hard copies to examine; we will have nothing.

I understand the comments that a paper trail will take away from the advantage of electronic voting but it is possible to provide a voice record. The machine would speak the name of the person one is voting for and that would then be recorded on a separate computer and could be used to verify the vote. I am not a troglodyte; I recognise the advantages of technology in all areas such as my office, business, banking, Government and in everything we do, but I am less and less convinced that the benefits of technology, speed and cost-effectiveness, are ones we need in our electoral system. I am not sure that we will not be giving up too much in moving to a system like this. At the very least, I ask that the Minister

agree that a statutory electoral commission to oversee the voting system is absolutely essential if we are to have trust in the system. The Minister should remember that some day Fine Gael will be in Government.

Mr. J. Brady: I wish to share time with Deputy Killeen. The Bill seeks to establish the commission on electronic voting as a statutory body to empower the Minister for the Environment, Heritage and Local Government, Deputy Cullen, to push ahead with the roll-out of the system for the local and European elections on 11 June. It also clears the way for the publication of detailed information on vote transfer patterns in individual electoral areas.

The Bill was introduced following a High Court ruling in January that secondary legislation such as ministerial order or regulations could not be used to amend primary legislation. I am happy the Bill has been scrutinised by the Attorney General, a person in whom we all have confidence. The fundamental purpose of the initiative is to improve the efficiency, speed, accuracy and user-friendliness of the Irish electoral system and to eliminate the wastage associated with spoilt votes. More than 20,000 votes, 1.1% of all votes, were spoiled in the 2002 general election.

This Bill is about more than improving technology. By modernising and transforming elections in a visual manner the opportunity is created to tackle voter apathy and to improve the image of elections, especially in terms of the increasingly younger electorate.

The Nedap-Powervote system has been identified as the best to apply to Irish elections. It has enjoyed the proven experience of widescale and successful use in national and local elections in the Netherlands and in some municipal elections in Germany. The new voting system was extensively piloted during the 2002 general election and the second referendum on the Nice treaty when it was used by 400,000 voters. The reaction of users has been overwhelmingly positive. No significant complaint or challenge has been made by any candidate or voter in the constituencies which operated the electronic voting system regarding the fairness or integrity of the process.

The system was piloted in county Meath. Many people were concerned about its effects and there were the usual cries and whinges from Fine Gael, Labour, the Independents and other smaller parties. I am not suggesting some of my colleagues were not concerned. However, the system was successful. Prior to its use, we were told young and elderly people would not vote. That was far from the truth. The young people came out in their droves, as did the elderly. Never, in my time, had so many people come out to vote. They were interested in the system and wanted to view it. There is no doubt that there have been some minor problems with the system but no problems arose as regards the machine.

There was a minor problem with a machine in one polling station in Meath which failed to start that morning. However, that problem was rectified when the operator received instructions by telephone. That was the only problem encountered in County Meath.

The suddenness of the result was something with which we were all unhappy. Naturally, those who were successful were happy but those who were not successful, in particular those who had served in this House for many years, were not. They were brought to a room and told the results of the election and the returning officer then announced the results. That was not fair to candidates or their families. I am glad the Minister has taken that issue into account and that votes will be announced result by result in future elections. That is to be welcomed.

Under the old system of tallying, we were not able to obtain result by result information from polling stations. I understand that problem has also been resolved. While everybody was concerned about using the new technology, the presiding officer and machine operator took to it like a child takes to an ice-cream and performed a tremendous job on the day. I have always had great confidence in presiding officers and poll clerks. In the future, there will be a third person who will operate the machine.

Mr. Durkan: They will be an additional hazard.

Mr. J. Brady: Those who have a say are of various political parties and persuasions, just as under the old system. Presiding officers can be Fine Gael or Fianna Fáil, but they always do their job in the interests of voters, and I compliment them on that. Perhaps the Deputy would not show much interest in such people, but I would. I have confidence in those of all political persuasions.

Mr. Durkan: So why change it?

An Ceann Comhairle: Deputy Durkan should allow Deputy Brady to speak.

Mr. J. Brady: It is a pity the Deputy did not talk to some of my colleagues or his own party in County Meath about how successful the system was there. It was successful for both our parties so he cannot whinge or cry. You have nothing else to whinge about at present, and you are trying to make a damnable issue out of this.

Mr. Durkan: I did a fair bit of that.

An Ceann Comhairle: Deputy Durkan should allow Deputy Brady to speak without interruption. If Deputy Brady addressed his remarks through the Chair, he might not provoke the Deputy.

Mr. J. Brady: I never do, a Cheann Comhairle. It is the State's responsibility to provide facilities for the electorate to vote. That is what the

electoral arrangements have always done and will continue to do. The electronic voting system makes it easier for a person to vote and easier for a voter to amend his or her preferences in secret if a mistake is made, before pressing the "Cast Vote" button. The electronic system will eliminate all votes spoilt by incorrect marking or non-stamping of ballot papers by polling station staff since that will no longer arise. Typically, at least one in every hundred votes used to be wasted in that way. Under the electronic system, a person may still mark off the register and either refuse to press the "Cast Vote" button or, alternatively, walk away. Activation of the system in such a situation is recorded automatically and anonymously in election statistics without reference to the identity of the voter.

There is an audit trail throughout the process, from the programming of the ballot modules to the end of counting. Statements will be produced by the voting machine before polling commences and at the close of the poll to confirm that the order of the candidates on the ballot paper is the same as that in the module. The voting machine is secured by the returning officer by specific seals and locks and will also be under his or her control and supervision. They will have an audit trail of all votes cast. If a court or a petition hearing orders a recount, the system will print a ballot paper for each vote cast from which it will be possible to recount the votes manually. Like the present position——

An Ceann Comhairle: There are less than ten minutes remaining.

Mr. J. Brady: I will finish in a few minutes. They have been mixed before the first count and will not be disturbed. No change introduced by the Government has ever gone through more independent scrutiny. Independent agencies have reviewed all parts of the machines and software.

Mr. Durkan: Fair play to the Deputy.

An Ceann Comhairle: He has to finish.

Mr. Durkan: I know. He can say that with a straight face, though.

Mr. J. Brady: The Department of the Environment, Heritage and Local Government is making all test reports on various elements of the system publicly available. It is important to note that most countries do not make the source codes publicly available on security grounds. The campaign will consist of television and radio advertisements, notices in national and local print media, roadshows, mailshots and billboard posters. Of all that, the best experience at the 2002 elections was the roadshows, where the machine was available for people to try.

Mr. Durkan: One cannot have an election without a roadshow.

Mr. J. Brady: They have been positively received and popular. The number of elderly people in their 80s who came out to test the machine before going to vote was unbelievable.

Mr. Durkan: A gimmick at the Ard-Fheis.

Mr. J. Brady: I have full confidence in the electorate because of what I have seen in my own constituency. I am sure that the very same will happen across the country.

Mr. Killeen: I too welcome the Bill, particularly the provisions to facilitate electronic voting at non-Dáil elections, to establish an independent commission and to provide for tally data samples to be made available. I confess that I am considerably less enthusiastic about the provisions regarding abstention. I support the Minister's proposal, but I do not accept that citizens have a right to register an abstention in the manner prescribed or provided for. It is clear that well over 90% of spoilt votes arise out of genuine error. We should look very carefully at the role of the citizen regarding the electoral system and process and be proactive in encouraging participation rather than abstention. The provisions for abstention in the Bill go very far and almost seek to glorify those who wish to attend the polling booth without participating in the election. If I get a chance, I will return to that issue; there are one or two specific elements of the Bill with which I would like to deal.

I welcome the provision in section 33, which proposes to amend section 161 of the Local Government Act 2001. I am not so sure that what I read here in section 33 goes as far as I would like. The Minister should take account of some experiences. There are certainly two cases of which I am aware in County Clare, one of which is addressed by the change made here. It is the case of a councillor of 25 years' experience, who is not a Fianna Fáil member. If this change were not made or were not sufficient, the councillor in question would have to give up his seat, despite the fact that he has successfully managed to combine his work as an electrician for the authority and as a public representative during that period. From my reading of the Bill and from talking to the Minister, I am fairly sure that his case is covered.

There is also a candidate in Clare who is an employee under contract to the county council. I am not sure whether he is grade 6 or 7. On the day he hands in his nomination under the present provisions, he will have to step down from his position. I have no difficulty with the Electoral Act 1997 insisting that a person duly elected must give up his or her position. However, it is extremely severe when someone is forced to give up a position with a local authority completely and with no return on the day he or she hands in a nomination. That is grossly unfair and should be examined. If it can be incorporated into this Bill, I urge the Minister to do so. After all, it is in

everyone's interest to ensure that the maximum number of people are able to participate in the process and be candidates. While I understand the provisions regarding those who are employees of local authorities at a very high level and the conflict that might arise were they elected, it is grossly unfair that they have to leave their positions permanently and for ever on the day that they hand in their nominations, with no return in the event that they are not elected.

I will move back to section 32, which has attracted very little attention. It sets out to repeal subparagraph 2(a) of the Schedule to the Electoral Act 1997. As the Minister said in his speech, that dealt mainly with use during an election of property, services and facilities paid for out of public funds. By and large, the facilities in question are in the Oireachtas or Departments and available to Ministers. Clearly, action must be taken following the Kelly judgment. However, it substantially undermines the other provisions of the Electoral Act 1997 and the Electoral (Amendment) Act 2001 regarding limits on election expenditure. It also impinges to some extent on the integrity of the system into which considerable work has gone over the last seven or eight years in terms of declarations of interest and donations, a considerable raft of legislation in the area of ethics and electoral law.

While the outcome of the Kelly case makes it inevitable that this action be taken, another considerable piece of legislation is required to address the difficulties which now arise. That is on the level of accountability. There is also a major potential problem for those of us seeking to be re-elected at the next general election. There is no area that I know of in electoral law and in the area of donations and expenditure which is less clear than this. It needs to be addressed as a matter of absolute urgency. It is an area where there is likely to be considerable agreement across all parties in the House. It is in all our interests that we do not fight the next general election with a major High Court case hanging over us, the outcome of which affects our positions in the final analysis. On the last occasion the judgment was given on the day of the election, by which time one could have already transgressed, depending on how it went.

Of all the elements of this Bill, the changes provided for in section 32 need to be closely scrutinised by Deputies. It is something that needs to be dealt with quickly, rather than letting it run to the six or 12 months prior to an election, the date of which is indeterminate in any event.

Mr. Durkan: That is correct. It should be a separate Bill.

Mr. Killeen: Many Deputies on both sides of the House have spoken about the integrity of the system and the need for public confidence in it. There is agreement on all sides that this is of paramount importance. There is also agreement, although it has not been much emphasised, that

public confidence in the system extends to being able to use it. Deputy Johnny Brady and his colleagues in Meath and the other two constituencies know about that already. For the rest of us it is new territory. However, the measures taken in their cases, which were successful, should be extended. The Minister, the Department and the local authorities throughout the country should make the machines available for people to look at. There is a potential difficulty for people walking into a polling station, particularly if there is a queue, to have to deal with this new machine, and quickly. There is a certain element of fear. It is an important part of the system's integrity that people should have confidence in using it.

The other matter, which received a large amount of media coverage, was how much confidence people have in the integrity of the system. It is difficult to say that any system is entirely error-proof. If I was uncharitable, it might also be difficult to say it was fool-proof. People referred to the large numbers of votes that were disallowed. Whatever else may be said about this system, it is guaranteed to be better than what was there heretofore. We need to have a commitment nonetheless to minimise or eradicate errors.

Mr. Boyle: The former RTE current affairs programme, "Seven Days", once ran an item on monitoring an election in County Donegal, I think, where two activists, one from Fianna Fáil and the other from Fine Gael, were placed on a hill overlooking a polling station in a national school. During the course of the day the activists looked at all the local people going in and out. The Fianna Fáil activist would identify voters for his party and his colleague from Fine Gael did likewise for his. After the tally was completed, it turned that both activists were out by three votes for the entire box.

Mr. Durkan: They should have been fired.

Mr. Killeen: Things have changed.

Mr. B. Lenihan: There was no Green Party in those days.

Mr. Boyle: That type of intuition may be lost these days in Irish politics. Thankfully, Irish voters are much more free thinking. The degree of certainty implicit in a system that has served the country well for 80 years is something that should not be lost sight of. The tally information that came from the election count was a useful snapshot of particular communities as regards voting intentions and was a measure of the country's political pulse.

The Minister has indicated that the tally information will subsequently be made available as a result of the new technology in electronic voting. However, information technology is now so advanced that in doing this he has to introduce

a great deal of safeguards. Not only may it be said that so many people voted for a particular candidate in each ballot box, the gender of each voter will also be available, because the names are registered. It will be possible to tell the time of day someone voted. We are then into dangerous territory as to whether the technology is being used properly or not. Ultimately what the debate on this Bill should be about is proper technology.

I have heard speaker after speaker on the Government side say that the Opposition is engaged in scaremongering and has a lack of faith in the Irish electorate's ability to adapt to a new method of voting. I have not heard anyone on the Opposition side say that. All of us on this side believe the people are eminently adaptable. The problem is the method that has been selected. The Government's insistence that this is the only one that may be pursued is undermining the faith which those of us involved in the political process and ultimately the citizenry should have in the electoral system.

There are alternatives. Just the other week, for instance, in what was termed the Russian "election" — there was only one prominent candidate, who had access to the State media — electronic voting was introduced for the first time. However, their system of electronic voting was to fill in a ballot sheet. The ballot sheet was scanned and the vote was recorded electronically and quickly and the ballot paper was subsequently put into a box. That seems like an ideal marriage of technology, past practice and future opportunities.

In devising the contract for this particular system of voting, the Government and the Department of the Environment, Heritage and Local Government are not for turning. That is unfortunate. Obviously, there would be difficulties in adapting, given our particular system of proportional representation, the single transferable vote. However, that could be done as well. The current law says the vote must express a preference, but it need not necessarily be the "one, two, three, four" model. It could be Roman numerals or letters of the alphabet, ticks or smiley faces. These have all been accepted as votes within the Irish system. In an electronic system, however, the digits must all add up.

The other problem I foresee — and the June elections may be a good example — is multiple ballot papers. There are local and European elections. People may be voting in a European election, for a city or country council and in many towns, a town council, plus — if the Minister, Deputy McDowell, gets his way — a fourth referendum. It may be that the choice of many voters will be to vote in the European and not in the local elections, or *vice versa*. What system is in place for someone who wants to record a vote in one of the elections and abstain in the other or others? I do not believe such a system exists.

We know what the experience was in 1999 when there was a referendum on local

[Mr. Boyle.]

government on the same day as the European and local elections. There were empty ballot papers in one or other of the ballots, in the referendum or the elections. The figures did not tally for the three ballots because people made a choice as to whether or not they wanted to participate in some or all of them. On those grounds I do not believe the Government has made a proper review of the difficulties that could arise from this particular system being put into practice a mere eight to ten weeks from now.

The information about the source code is vital. As we do not know the source code and because it is not being made publicly available as it is in Australia, potential for abuse exists. Fianna Fáil speakers have indicated that this is scaremongering by the Opposition, to the effect that Fianna Fáil is likely to abuse elections, or any electoral process that follows from using this system. We are saying the opposite. If the technology is flawed, if the source code is not openly available, the potential exists for anyone with access to that, and control of it, to abuse a process. That could be an anonymous person, or someone with different political motivations. Although this danger exists, the Government is not providing the safeguards that voters need.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Energy Costs.

1. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources the reason, in the past two years, energy costs here have risen so dramatically; and the action he is taking to bring energy costs back in line with the rest of the EU. [10324/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): As the Deputy will be aware, as Minister I no longer have any function in relation to the pricing of electricity. The CER was given statutory responsibility for regulating ESB tariffs in 2000. Previously, the ESB would, by custom and practice, have sought Government approval before increasing its tariffs. On a positive note, in terms of EU comparisons, according to EUROSTAT July 2003 data, prices for domestic customers were at the European average. However, those for industrial and commercial users were at the higher end of the scale. Large-scale customers and many SMEs are free to purchase electricity from suppliers other than the ESB.

In the interests of competition, I have decided that full market opening will come on stream in February 2005, two years ahead of EU

requirements. From that date, all electricity customers will be free to source their requirements from whomever they choose. In advance of the full opening of the market, the CER is taking action to make all electricity tariffs fully cost-reflective. This is to ensure that the costs of generation and investment in the grid are recovered. This was not the case in the past and acted as a major disincentive to investment in generation, transmission and distribution networks. Such a situation is no longer tenable. Cost-reflective tariffs are required to support funding of the €4 billion project from 2002 to 2007 in investment underway in the network grid. This is essential to avoid blackouts and grid system failures.

When comparing the cost of electricity in Ireland relative to costs in the EU, it is important to make fair comparisons bearing in mind the issue of peripherality. Ireland's geographic position as a small island economy poses structural difficulties which cannot be easily addressed. Networks in mainland Europe are also mature in investment terms and heavily interconnected across land borders. The Irish market is the second smallest market in Europe next to Luxembourg. It is not yet significantly interconnected. This is being addressed by the recent Government decision to develop two East-West 500 MW interconnectors. We also lack relatively cheap indigenous resources and must rely heavily on imported fuel supply sources, all of which contribute to higher costs.

Turning to gas prices, the price charged to consumers for natural gas is made up of two main elements: the cost of transporting the gas and the cost of the quantity of gas being supplied. In October 2003, the Commission for Energy Regulation approved a 6.8% rise in gas transmission tariffs, the fourth rise in such tariffs since 2000. The increase resulted from the cost of BGE's infrastructure investment programme, which included the second Scotland-Ireland interconnector, the IC2, and the pipeline to the west, an investment in the region of €750 million. Additional factors were the closure of Irish Fertiliser Industries and the slower than expected rate of growth in the economy, and in gas demand. For the next four years, increases in the transmission tariffs are expected to be close to the rate of inflation.

From 1 April 2003, Bord Gáis Éireann's supply tariffs for its franchise customers were increased by 9.1 %. The increase affected all domestic, small and medium industrial and commercial customers but not those large gas consumers who can source their gas from other suppliers.

Additional information not given on the floor of the House

Domestic gas prices in Ireland had been subject to a price freeze since the middle 1980s despite steep increases in the market price in recent years, particularly in the UK where Bord Gáis Éireann, BGE, sources most of its gas. BGE had

been able to sustain the price freeze because it held a number of favourable long-term supply contracts. The first of these contracts ended in early 2003 and, as a result, the price rise was unavoidable.

The Deputy will be aware that the regulator has postponed a decision on the price of gas. Current prices for domestic customers are to remain in place until 30 September while the regulator undertakes a review of prices in the franchise market.

Mr. Coveney: I accept many of the points made by the Minister regarding the reasons for the increased costs. Would he agree that many of those factors existed five years ago, when seven countries were more expensive than Ireland in terms of industrial and commercial electricity pricing? We have now moved close to the top of the list, just behind Italy, in terms of the cost of energy. Does the Minister agree that it is not a valid argument to say that the increased costs are as a result of upgrading the grid, since other European countries must also upgrade their networks and grids? Are we so different? Is this the only country which must have to pay for such an upgrade? Apart from the difference of Ireland being an island — the same difference applied five years ago — what is so different now, when the whole of the EU is supposedly moving towards a market liberalisation approach in this area?

Will the Minister comment on the increasingly held view that we now have the worst of all worlds in our energy market, because we have neither the consistency of a state monopoly, with its attendant capacity to increase generation, nor the benefits of competition or liberalisation in the marketplace? There is no reduction in prices nor any significant increase in choice. Does the Minister agree it is time to reconsider the model we have been adopting for the last three to four years, either by taking a more aggressive competitive approach, or else reverting to the previous situation, which at this stage is probably impossible?

Mr. D. Ahern: The Deputy will understand that as a result of EU directives, we were required in effect to depoliticise the pricing issue, so that we now have an independent energy pricing regulator who regulates the price based on the rate of return to which companies should be entitled because of the investments they have made. Significant investment is required in Ireland because as a result of economic growth we have probably one of the highest demands on electricity. It is estimated that in the next couple of years we will demand 3% to 4% year on year increases in electricity capacity because of the economic situation. That is not so in other European countries.

We cannot escape the fact that Ireland is a peripheral island which in relation to gas, and especially electricity, is not interconnected in the

way it otherwise is in Europe. That dictates the position. Our indigenous resource is mainly gas, and there is a possibility that we will become over-reliant on it, unlike other European countries which have other energy sources. Much of this is dictated by the type of policy we have in Ireland, and will continue to have, regarding nuclear energy. It is not a case of comparing like with like. I emphasise again that the domestic consumers are at the EU average regarding electricity prices. For industry, Irish prices are somewhat higher than the EU average, but there is open competition, so companies can choose their providers.

Postal Dispute.

2. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the position in regard to his Department's consideration of the recovery plan from An Post which he ordered the company on 4 September 2003 to produce; the position regarding postal services around the country in view of the suspension of large numbers of workers; the steps he is taking to assist in finding a solution to the dispute, thus allowing the resumption of full services; and if he will make a statement on the matter. [10396/04]

3. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources if he will report on progress made in resolving the lock out of members of the Communications Workers Union by An Post management. [10326/04]

5. **Mr. McHugh** asked the Minister for Communications, Marine and Natural Resources if he will report on the disruptions at An Post; and if he will make a statement on the matter. [10328/04]

Mr. D. Ahern: I propose to take Questions Nos. 2, 3 and 5 together. The Labour Relations Commission has issued a framework document to An Post and the Communications Workers Union. Both sides have considered the document and are prepared to enter talks under the terms of the LRC proposal. I welcome this very significant development as a positive step towards resolving the current difficulties.

Extensive contacts have been undertaken over the course of the past week involving all the major stakeholders, including the Labour Relations Commission, to find a basis on which both sides could commence negotiations. While this latest step represents significant progress, the challenge in finding a basis on which the Labour Relations Commission could get involved is an indication of how complex and deep-seated the issues are, and nobody should underestimate the difficulty of finding a resolution to the current dispute. For my part, I emphasise that the Government is fully committed to the An Post employee share ownership plan, ESOP, in the context of the implementation of a recovery

[Mr. D. Ahern.]

strategy for the company and provided that the terms of the agreement are complied with.

It is clear that An Post customers are suffering serious inconvenience as a result of the dispute and companies which operate in a highly competitive business environment cannot afford any loss in competitiveness arising from an industrial relations situation outside their control. An Post's financial situation is such that a prolonged dispute could cause serious financial damage to the company.

An Post needs to restructure and return to a firm financial footing if it is to be a strong player in the Irish postal market. It must continue to provide quality services to customers and sustainable employment for staff. The recovery strategy approved unanimously by the board of An Post sets out the basis on which the company, in partnership with the trades unions, can do so.

I compliment the management and staff of An Post, the union leaders and their members, the Labour Relations Commission and Mr. Kieran Mulvey and my staff on the discussions that have led to this significant breakthrough. I wish all involved the best.

Mr. Broughan: On behalf of the Labour Party, I commend the leadership of the Communication Workers' Union and the management of An Post on reaching the stage of entering real negotiations, which the House warmly welcomes.

Is it not true that one of the most destructive aspects of this dispute was that the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, as shareholder on behalf of the State, gave the green light to An Post's chief executive to pursue an aggressive and gung-ho industrial relations policy? Last November, these profound issues were being addressed by both sides, but suddenly the chief executive said "no". It is perceived that this could not have happened unless the Minister authorised such a policy. Will he explain his role in the dispute?

Has the Minister any estimate for the cost and damage of this dispute to the economy? As a director of a small business centre, I have received countless e-mails and telephone calls from small businesses and voluntary organisations all of which are disgusted with the loss of the postal service which was a key mode to doing business. Has the Government estimated the damage that has been done in that regard? What has this dispute cost to An Post?

Everyone will welcome that the negotiations will now be on partnership basis in the bid to maintain the postal service. Will the Minister indicate that the negotiations will be in accordance with the ambition of Sustaining Progress to ensure partnership in semi-State companies rather than descending into lock-outs and provocative actions where workers are prevented from carrying out their work by gung-ho management?

Mr. D. Ahern: The Deputy is strange as he compliments the management of An Post and then attacks them in the same breath. An Post's financial situation has been difficult for some years, particularly with unsustainable losses of €17 million in 2002, €43 million in 2003 and an estimated €30 million this year. It is the workers who will ultimately suffer if these continue. An Post's management brought forward a draft strategy towards the end of last year which was approved by all the members of the board, including the five worker directors. I received a presentation of the strategy before management engaged with the unions. Unfortunately, those discussions broke down almost immediately because of the precarious financial position of An Post.

Thankfully, as a result of the intense discussions over recent days, there is now a basis upon which all the issues, including the ESOP and Sustaining Progress, can be examined. It will be a difficult time for all parties involved, not just for management. It will be difficult for the shareholder — the State and taxpayer — because issues will be difficult to grasp. I am optimistic that, within the structure set up by Mr. Kieran Mulvey and his team, discussions will work, leading to a better postal service. The public requires an efficient and effective postal service at a reasonable cost to the taxpayer.

Mr. Broughan: What about the cost?

Mr. Crowe: How much has the dispute cost? Some claim it will cost An Post €14 million. As Deputy Broughan stated, it has caused disruption for charities, credit management groups and the like. Does the Minister not share my unease about the treatment of some of the suspended staff? I understand that the Minister does not wish to inflame the situation, but a number of staff were suspended because they would not operate certain machines. Is the Minister aware that some staff were not trained to operate the machines in question? Is he aware that some have cancer or are pregnant and had medical letters stating that they were not to operate the machines. One staff member received a letter of suspension when he was at his mother-in-law's funeral. Will the Minister agree that management attempted to drive the staff out in what was really a lock-out?

An Ceann Comhairle: The Deputy should confine himself to questions.

Mr. Crowe: As the largest shareholder in An Post, the Minister has an obligation to ensure that workers in the company are treated in a fair and respected way. Is he aware of how some workers have been treated as I have outlined? Does he accept that there is a problem with management? Where has management learnt its industrial relations, as this is not the way to treat workers? I accept the Minister's argument that there is——

An Ceann Comhairle: I again draw to the attention of Deputy Crowe the fact that three Members have submitted questions. He cannot continue making statements and should confine himself to questions.

Mr. Crowe: Is the Minister concerned about these suspensions which have exacerbated this dispute?

Mr. D. Ahern: The Deputy heard from me on this issue when I answered, at some length, a private notice question at the beginning of the dispute. No one wants to see workers suspended and treated unfairly. However, there are issues in this dispute, as in the past, on which both the management and unions cannot agree. I insisted, particularly with the ongoing discussions, that all issues, including the bushfire disputes at Tuam and Drogheda, be on the table at the Labour Relations Commission to be resolved. Ultimately, as I have said all along, our time-honoured industrial relations mechanisms are designed to give each of the parties an opportunity to air their views and grievances, some of which have been articulated here.

Mr. Coveney: Will we have a postal service in the meantime?

Mr. McHugh: It is probably fortunate for the Minister that he is taking Question Time today, after we have heard the news, which I welcome, that both sides have agreed to sit down to do some serious business. I am sometimes amused by the shadow-boxing that takes place before the real issues are faced. It appears that the moving and shaking has finished and the real work is being started. I hope that the issues are sorted out as soon as possible for the sake of the country, the workers and the company. The Minister is aware that I have a specific interest in the disruptions in Tuam and north Galway, as I have raised the matter with him on previous occasions. I thank the Minister for the interest he has taken in the matter.

I have said on many occasions that the core problem relates to unsuitable and unsafe working conditions. I have impressed on the Minister and the management of An Post that the priority should be to solve the central issues. I am glad the management of An Post has moved on the issue of finding new accommodation by signing a lease on new premises. I thank An Post's management for moving on the issue, although it was needlessly dragged out for a considerable period of time. I thank the Minister for showing such interest in the matter. I imagine that his interest has moved the situation forward.

An Ceann Comhairle: The Deputy should ask a question. I have already drawn Deputy Crowe's attention to the fact that three members have submitted questions.

Mr. McHugh: Does the Minister agree that the question of clearing the backlog in north-east Galway still needs to be addressed? I ask him to urge the relevant principals to deal with the backlog. I do not seek a reinvention of the wheel. Agreement was reached on a previous occasion when a similar backlog developed for the same reason. Will the Minister ask the management of An Post to pursue the route that was followed on a previous occasion to clear the backlog? He should side-step the shadow-boxing and go right to the core of the issue because the people of Tuam and north-east Galway have suffered too much for too long.

Mr. D. Ahern: I thank the Deputy for his remarks. It is true I have taken a keen interest in the bushfires, as I call them, in Tuam, Drogheda and elsewhere. There were unofficial strikes in such areas, although I accept there were issues. I concur with what the Deputy said about the manner in which the matter has been handled by management in Tuam in the recent past. I understand that the backlog in Tuam is not huge. The difficulties that existed at the start were worse than those in the recent past. As I said earlier, I insisted that the individual bushfires would be part of the discussions feeding into the LRC. That has been taken care of in the document released by the LRC. I understand that the LRC will employ an additional person to deal specifically with the separate issues. I also understand that the industrial action in the four locations will cease, with the action that has been taking place in Dublin.

Mr. Broughan: I would like to ask the Minister about a number of points he made last week when he answered questions in the House at the start of the dispute. When will the independent financial report on the employee share ownership trust be published? Will the Minister indicate, based on his contacts with the company, when its accounts will be published? We raised queries last week about figures that were in the 2002 company accounts. Does the Minister agree that the Department should examine the universal public service obligation? Perhaps the Minister will set out the way in which the great postal service we have had for 150 years can be retained.

Mr. Crowe: It has been suggested that the dispute will cost An Post €14 million. Based on his figures, does the Minister have any idea how much it will cost? Has he been in touch with management in that regard? Will he urge management to reinstate the suspended workers? There is a huge desire to move beyond the dispute and to get workers back in their jobs. Will the Minister urge management to reinstate the workers?

Mr. D. Ahern: I understand that the suspensions will be lifted, now that the CWU and An Post have agreed to enter talks from Monday,

[Mr. D. Ahern.]

and that people will be able to go back to work. I hope that will happen in the near future and that we will get a postal service up and running.

Mr. Coveney: Hear, hear.

Mr. D. Ahern: I was also asked about the cost to An Post. In a perverse way, An Post's financial position in the last month or two has been better than anticipated, mainly because it has not paid increases under Sustaining Progress. When the increases are paid — it is accepted they will ultimately be paid — An Post's difficulties may come back again.

We received a draft copy of the Ernst & Young report on the employee share ownership plan last week. A number of issues have to be clarified in that regard. The report will have to be given to the parties involved, in the interests of fairness, and a decision on whether to publish it will be taken at that stage. It would like to think that the report will feed into the discussions that are taking place at the LRC. The Government is fully committed to an ESOP, provided the conditions under which it was originally put together are met. That is why I specifically asked for an independent examination by Ernst & Young in that regard. When I was responding to Private Notice Questions last week, I indicated that the draft report suggested that what we already suspected was true, that the ESOP issue could not be finalised at this stage. I hope we can re-examine those issues at the LRC discussions.

Mr. Broughan: When will the company accounts be published?

EU Presidency.

4. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources the targets he has set himself to achieve as Minister during Ireland's Presidency of the EU in his area of responsibility in an EU context. [10325/04]

Mr. D. Ahern: I am responsible for a wide range of European Union Presidency business across the sectoral policy areas of telecommunications, energy, broadcasting, fisheries, maritime transport and maritime safety. I have commensurate chairing responsibilities for the agriculture and fisheries, transport, energy and telecommunications and education, youth and culture Council formations.

The development and take-up of broadband infrastructure and services is a key priority in the area of telecommunications and the information society, in line with the targets of the e-Europe 2005 action plan, which were reinforced by the Council of Ministers on 8 March last. I am giving particular priority in the broadcasting area to progressing a structured debate on the regulation of satellite television broadcasters, as well as advancing the review of the Television Without

Frontiers directive. My priorities in the energy sector include promoting the use of renewable energy sources, increased efficiency and conservation of energy, the ongoing integration of the principle of sustainable development into energy policies and the reliability and security of energy supply for the EU.

My maritime safety priorities are progressing the proposed directive, introducing criminal sanctions for pollution offences, designating certain maritime areas as "particularly sensitive sea areas" to strengthen the protection of vulnerable areas from marine pollution incidents, introducing safeguards for seafarers and their working conditions, and progressing anti-pollution and ship security responsibilities within the remit of the European Maritime Safety Agency. In respect of the Common Fisheries Policy, I am giving priority to establishing regional advisory councils, accelerating the development of environmentally friendly fishing methods in EU fisheries and compiling recovery plans for endangered fish stocks.

I am satisfied with progress to date at Council and working group level in respect of the various dossiers for which I hold responsibility. Developments are highlighted on my Department's website, www.dcmnr.ie, and on the Irish Presidency website, www.eu2004.ie. That is the advertisement.

Mr. Coveney: I thank the Minister for the sales pitch. I read almost exactly the same speech on the Department's website.

Mr. D. Ahern: Why then did the Deputy table the question?

Mr. Coveney: I was hoping the Minister would get to the point about the progress we have made on these issues. In the energy sector, for example, we speak of promoting new renewable resources of energy. What have we done about this in the past three months, apart from in the wind sector, in which there has not even been significant progress? We are half way through the Presidency now. In the area of telecommunications, we promised to promote broadband across the EU. In practical terms, what have we done to fulfil that promise? We promised to host conferences on key issues of e-government and its promotion. How many have we hosted to date and how many will we be hosting before the end of our Presidency?

In the maritime transport sector, we promised to introduce and promote measures to reduce maritime pollution. What have we done in practical terms in this area under the Minister's leadership? We promised to increase the attractiveness of the seafaring profession by promoting high quality shipping within the EU. What have we done in a leadership role to fulfil this? We promised to develop maritime relations with third countries

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outside the EU to improve shipping standards and so on. What have we done to achieve this?

We have spoken about the fisheries sector many times in committee. What have we done in a leadership role to promote new measures that will be effective in conserving fish stocks and keeping our fishing industries intact? I know what the aspirations are, but what have we achieved in practical terms now that we are half way through the Presidency?

Mr. D. Ahern: In the broadcasting sector——

Mr. Coveney: Could the Minister answer the questions I asked?

Mr. D. Ahern: Did the Deputy not refer to broadcasting? I can go through them all.

Mr. Coveney: Perhaps the Minister could concentrate on the area of telecommunications.

Mr. Broughan: The Minister should just tell us what he has achieved.

Mr. D. Ahern: During the Presidency we will obtain political agreement on the proposal from the Commission, which has been approved by the European Parliament and Council, for a framework for eco-design requirements for energy-using products. In the area of fisheries, we recently approved a directive on the protection of citations and of Darwin mounds. In the area of maritime transport, the Minister of State, Deputy Browne, hosted a significant conference in Gorey which will contribute to the next Council meeting. We will also have Council meetings every month during the Presidency period in all five areas under my remit.

I can list for the Deputy the informal meetings taking place which are making a significant input into each area. A broadcasting conference and a fisheries conference took place in March. On 17 March the International Maritime Organisation had a sub-committee meeting on flag-state implementation. A maritime safety forum was held in Gorey last week. Next week there will be a meeting of fisheries directors general in Dublin and Dundalk. There will be a conference on broadband in Dundalk from 21 to 23 April which will also facilitate the request made at a European Council meeting for a round-table meeting between Ministers from the EU and the chief executives of some of the main telecommunications companies, not only in Europe but in the world. This will be held later this month.

There is a meeting of energy directors general, a working group meeting on a recreational craft directive and a Euromed ICT conference. The list is endless. In the area of ICT, we will have major conferences on e-health and e-government. I assure the Deputy there is a significant level of work going on in each of those areas. Work will also be done on the various directives pertaining to the roll-out of broadband across Europe to

ensure that Europe is benchmarked with countries such as Japan and South Korea.

Mr. Coveney: I was at the Forum on Europe this morning and I accept that much is happening and many people are putting a lot of work into ensuring that we have a successful Presidency. However, I am anxious to ensure that Ireland puts its mark on European policy in the Minister's area, which is also my area of responsibility, and that we go into the many conferences that have been organised with set initiatives and agendas which will be pushed by the Minister as the leader of the team. This is particularly important in the key priority areas outlined by the Minister: broadband, fisheries, marine safety and energy. The Minister needs to make clear what he is hoping to achieve by setting out his targets in the media and trying to achieve them.

Mr. D. Ahern: When we have a Presidency for six months, there is an element of carrying on the work that took place in the previous Presidency. We have moved a number of the directives on to finalisation in each of the areas. Similarly, we have the right of initiative in some policy issues. For example, in the area of fisheries, I indicated to the Commission before our Presidency started that I wished to promote the issue of environmentally friendly fishing methods within the Presidency. We had a successful conference in Ireland last month and, as a result, the Commission has agreed to bring forward an action plan which will contribute to the next Council meeting. The issue of the Irish box will be finalised at a subsequent Council meeting. The list is endless. If the Deputy looks at my website he will see the level of activity that is taking place.

Mr. Coveney: I have done so.

Question No. 5 answered with Question No. 2.

Other Questions.

Electricity Generation.

6. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the reason system availability in power generation supplying electricity to the national grid has reduced from 88% in 1997 to 75% in 2004; and if he has discussed the implications with the ESB, the Commission for Electricity Regulation or Eirgrid. [10184/04]

Mr. D. Ahern: A feature of our ongoing economic success is the growth in electricity consumption and pressure on generating plants. All the older and less reliable plants in the system are ESB-owned. The ESB has taken measures to address the availability problem. A special action programme is in place to improve its plant

[Mr. D. Ahern.] availability. Its key target is to increase such availability from 76% in 2003 to 82% this year. To make sure the action programme delivers, the CER will impose penalties on a progressive basis.

One of the larger units at Tarbert, contributing 256 MW., has recently returned to service following an extensive outage, and a further 376 MW. should return to service by the summer resulting in good availability over the following winter months. One of the main factors determining the reliability of the country's electricity supply is the production time availability of the current stock of generating plant. Owing to the need to schedule plant out of service for maintenance and the random breakdown of plant from time to time, availability can never be 100%.

My Department continually monitors the position in conjunction with the CER and the ESB. In the new market arrangements for electricity to be introduced by February 2006, the CER has put in place a mechanism which will reward all power stations for improving their availability.

Mr. Coveney: I am glad to see the Department is monitoring the trends of system availability, forced outage and so on. The graph of the past five years shows a dramatic dip in system availability. In 1997 we had almost 88% availability, but in 2004 we are down to about 73%. It is not as if this was a sudden shock. There has been a steady downward trend. Is that not an issue of concern to the Minister? Is he raising questions with the ESB about the levels of efficiency in its plants?

More seriously, over the same five-year period, the system's outage rate has risen from 5% to over 15%. Those are two indicators of efficiency and how plant is run. Has the Minister discussed this concern either with the ESB, of which he is the major shareholder, or with Eirgrid?

Mr. D. Ahern: It is not so much that there has been a dramatic reduction, it is that in the last number of years there has been a dramatic rise in annual demand for electricity. The indications are that over the next few years we will have an average annual percentage increase in demand of approximately 3% to 4.3%. Even with long-term investment by energy companies in generating plants, the position could still prove to be difficult in the medium-term. The country is well served by the existing plant, however. Even this year, which was forecast to be one of the most difficult ones, we were never seriously concerned by the required peak. Due to the input by the CER, my Department and the ESB, there has been a significant investment not only to obtain the maximum from the North-South interconnector capacity, but also there have been contracts with Northern suppliers for the importation of temporary generation. The situation has been well taken care of.

Mr. Coveney: The existing plants are becoming less efficient, however.

Mr. D. Ahern: There is investment in them.

Mr. Eamon Ryan: The closure of the ISI and ISPAT may have got us through this winter. Will the new "use it or lose it" clause in the emissions trading system force power generation companies to maintain old plant with high CO₂ emissions in operation, even though we have seen dramatic decreases in the efficiency of such plant in providing electricity? Is there a concern that the clause will keep our oldest plant in existence while not helping us to introduce new plant?

Is it not the case that Eirgrid and the ESB have been incredibly remiss in recent months by blaming the introduction of renewables on possible shocks in the system? The reality is that the existence of this ancient clapped-out plant, which involves some of the greatest shocks to the system when it goes out of power very quickly, has been the real cause of lack of stability and problems with the grid. Would the Minister agree that is the issue which provides the greatest threat of power outages, rather than the presence of renewables on the grid? On that basis, will the Minister direct the ESB to lift its moratorium on renewables and start developing them to back up this clapped-out plant?

Mr. D. Ahern: The ESB is undertaking a huge investment, not only in power generation but also in the distribution network. It has a target programme for generation units to improve availability to 82% this year. As a result of benchmarking, the ESB expects to achieve 92% availability at best. The programme of work the ESB has set out in this respect will deliver an improvement in plant availability.

The Deputy should have no worries in respect of the "use it or lose it" clause. The ESB has set out an investment programme and the CER will keep a close eye on it. While there are differing opinions on renewable energy, it is the Government's stated policy to promote it. As the Deputy knows, however, there are technical difficulties that must be overcome due to the amount of renewable energy that we are now proposing to put on the grid.

Mr. Eamon Ryan: Surely the technical difficulties with renewables are nothing compared the massive technical difficulties with old plant that can only produce at 75% capacity.

Mr. Coveney: That is the whole point.

Mr. Eamon Ryan: Would the Minister agree with that?

Mr. D. Ahern: No, I would not. There will always be technical difficulties with power generation. One cannot always expect to have 100% availability.

Mr. Eamon Ryan: That is a problem with wind energy but not with conventional plant.

Mr. D. Ahern: There are always such issues and one of the difficult issues over the last 18 months was the unfortunate incident in Tarbert.

Proposed An Post ESOP.

7. **Mr. E. Ryan** asked the Minister for Communications, Marine and Natural Resources the person he asked to carry out a review of the proposed An Post ESOP; when he expects the report on the matter to be available; if he will make it available to members of the Oireachtas Joint Committee on Communications, Marine and Natural Resources; and the circumstances in which he will consider offering the workers shareholding in this company. [10310/04]

Mr. D. Ahern: The purpose of the ESOP was to facilitate the transformation of An Post into a viable and profitable postal operator in order to deal successfully with the challenges arising from liberalisation and electronic substitution. Having regard to the recent financial situation in An Post and the substantial losses incurred by the company in 2002 and 2003, the board has been asked to review the cost savings verification. As part of this review process, the Department engaged Ernst & Young to undertake a review of the cost savings as stipulated by the ESOP term sheet. It is expected that the final report will be presented to my Department shortly.

As part of the ongoing work on this issue, the Department may decide to make the report available to the stakeholders involved in the ESOP process and will consider, in time, whether to make the report available to a wider audience. The Government is fully committed to an ESOP in An Post if it can be demonstrated that real transformation has occurred resulting in a viable and efficient company, and that the cost savings envisaged in the ESOP term sheet have been achieved. This has been communicated clearly to the CWU and other trade unions.

Mr. Eamon Ryan: Over the past three years, the management accounts in An Post were clouded in uncertainty. Why is the Minister sticking to the cost savings that were set for the ESOP to be delivered, when it has been almost impossible to analyse the accounts and ascertain the cost savings? Is it the case that the company's former management came to the Minister's Department last year and said they believed the cost savings had been made and that, as such, the first phase, or 4.9% section, of the ESOP should be delivered?

Mr. D. Ahern: It is 2%.

Mr. Eamon Ryan: I understood that the first phase was to be 4.9%, based on the cost savings. In his speech last Tuesday, the Minister outlined that the cost savings would lead to the first phase of 4.9%.

Mr. D. Ahern: I will clarify that in my reply.

Mr. Eamon Ryan: We can clarify that later but is it the case that the management told the Minister's Department it considered it was appropriate to issue the ESOP? What was the Department's response at that time to such a request from the management?

Mr. D. Ahern: I would have thought it was well known that in May 2003 the board of An Post verified that cost savings amounting to €7.17 million had been achieved. Under the terms of the agreement, that would trigger a 2% transfer of shares. We were aware that the company's financial position was in severe difficulty. In 2003, the company lost approximately €43 million. In discussions with the board of An Post, we stated that we wished to have this matter examined independently. That is why we asked Ernst & Young to produce a report on this matter in order to verify it. Equally, in 2003, it was forecast that An Post would make a profit of €1 million which turned out to be a loss of €29.5 million. In the context of what was supposed to be a transformation of the company, which is what the ESOP was all about, we indicated that the savings had not been achieved.

As regards the current financial position of An Post, cumulatively over the last two years, and this year, the company will have lost €100 million. To a large extent, the ESOP was a side issue compared to the investment of €100 million by An Post in new automation. At the moment, however, we are not getting the ultimate benefit of that expenditure.

Mr. Coveney: The Minister has partially answered the question I wished to ask. Last summer the union received an indication from management that workers had fulfilled their commitments, thereby permitting the establishment of an ESOP comprising 2% of the company. The Minister keeps saying "we" but he means "I". He intervened to say he was not satisfied that the necessary changes had been made by the workers. He deliberately interfered but I do not criticise him because I only wish to establish the facts. Did he seek an independent audit to ascertain whether the necessary changes had been made?

Mr. D. Ahern: The board of An Post indicated that the cost savings delivered in 2003 were supposed to have been delivered in 2000 and, therefore, were not delivered on time. However, I queried the cost savings indicated and Ernst & Young were asked to examine the figures because it was important to do so independently. Ernst & Young's draft report highlights the cost savings that were supposed to have been achieved and were not achieved.

Mr. Broughan: According to 2002 accounts, the cost savings were between €8.5 million and €9 million. They were audited by KPMG. Does the Minister accept the 2002 accounts? I have continually asked this question of the Minister but he will not provide an answer.

Mr. D. Ahern: In 2002, 2003 and this year——

Mr. Broughan: Those are different figures.

Mr. D. Ahern: One cannot say costs savings were achieved while the company outgoings increased dramatically.

Mr. Broughan: KPMG says one thing and the Minister says another.

Mr. D. Ahern: There was a delay during these years in producing information relating to the ESOP and the company's costs increased dramatically. Costs increased by approximately 9% in 2001 over 2000 and by 13% the following year. One issue cannot be examined in isolation in the context of the ESOP without examining the overall position.

Mr. Coveney: The Minister intervened as a result.

Mr. D. Ahern: Ultimately, I intervened because the board, under the terms of the ESOP, must seek the consent of the Ministers for Communication, Marine and Natural Resources and Finance for the share transfer. I did not intervene, I received a request. The company was in severe difficulty financially and we had a duty to the taxpayer to ensure that if shares were transferred the transformation agreement, which had been requested, had been delivered.

Mr. Coveney: Did the Minister not question the competence of the directors?

Mr. D. Ahern: The transformation agreement was not delivered. Has the company been transformed?

Mr. Coveney: Did the Minister not question the board's ability?

Mr. Sargent: Will the Minister clarify whether the €20 million loss equated to the projected cost of the ESOP? When Mr. John Hynes was chief executive officer he projected the company would be in the black by 2005 but that is far from the reality. Should there be an investigation into the manner in which An Post has arrived at the current impasse? Did the Minister tolerate the action taken by management to bounce the unions into a crisis, which will result in an even more radical clear-out in the company? Should it be pointed out in the negotiations that the Department will investigate how management arrived at the position where the company is making significant losses that were not even mentioned a few years ago?

Mr. D. Ahern: During the Private Notice Question last week, I did not go through the full list of the contacts between my Department and the management of An Post regarding the company's deteriorating finances. Management continually said from May 2002 onwards that there was no need for a recovery strategy. It was only when I refused to bring the 2002 annual

report to Cabinet for approval that management eventually admitted the position was as difficult as it is now.

Mr. Sargent: That should be investigated.

Mr. Coveney: Where were the directors of An Post?

Flags of Convenience.

8. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will investigate the situation at a company (details supplied) where it is alleged that a motor ferry is registered under a flag of convenience and that the crew is paid an average 65% of the minimum wage; his views on the operation of flags of convenience; and if he will make a statement on the matter. [10198/04]

Mr. D. Ahern: All merchant vessels of significant size must be registered. More than 140 ship registers are in operation worldwide. Ship registers impose obligations on ship owners regarding maintenance, crewing standards and certification of those matters by the flag state or inspection bodies duly authorised by the flag state.

The development of flag state performance and standards are important issues for my Department and significant developments are taking place internationally to improve the performance of such states. Foremost among these is the development of the International Maritime Organisation flag state code and the IMO member state audit scheme. My Department is involved in these developments and organised a maritime safety forum in Gorey, County Wexford, last week to discuss ways to enhance the performance of flag states. The forum was attended by world leaders in the field of flag state performance.

As Minister, I have responsibility for the Irish ship register, that is, for Irish registered ships. The operations of other ship registers is governed by applicable national and international law. I cannot direct ship operators or owners to use a particular ship register. Within the European Community, ship operators are free to go on any EU or third country ship register.

I have no statutory function in regard to seafarers' wages. The ship operated by the company referred to by the Deputy is not registered on the Irish ship register. Obligations on the ship's owners regarding maintenance, crewing standards and certification of those matters are appropriate to the flag state operating the ship's register, St Vincent and the Grenadines.

Foreign registered vessels using Irish ports are inspected regularly by the marine survey office of my Department in the exercise of Ireland's port state control obligations. These inspections are aimed at ensuring that such vessels are maintained and operated in compliance with international safety standards laid down by the IMO and, in terms of seafarers' social conditions, by the International Labour Organisation's

maritime conventions, together with relevant EU initiatives in the maritime area. Deficiencies identified are brought to the attention of the owner and flag state administration and may have to be rectified before the ship continues its journey.

The ship operated by the company referred to by the Deputy was given a detailed port state control inspection earlier this year by officials of my Department. The inspection found several deficiencies, which the company was required to rectify prior to the vessel being allowed to re-enter service. Ireland participates in EU, IMO and ILO discussions on seafarers' welfare, supporting proposals aimed at improving their terms and conditions of employment. Ireland will continue to support efforts in all appropriate fora to enhance working conditions for seafarers and will continue to enforce safety and operational standards through the port state control framework.

Mr. Broughan: Does the Minister agree the flags of convenience system is one of the most disgraceful and appalling aspects of world commerce, which this island nation should urgently address? I refer to the *MV Superferry* which operates between Cork and Swansea. Although it is owned locally, it is registered in St. Vincent and the Grenadines, which is regarded as a dangerous and high risk registration because of its track record. The ship's staff is employed by a company called Grey River International.

I have a copy of a shocking report on the ship carried out by Tony Ayton of the International Transport Workers Federation, of which SIPTU is a member. The 65 employees worked extremely long hours — more than 77 hours per week — were not paid overtime and received few holidays. They did not receive sick pay or pension provisions and were often employed on temporary contracts which could be terminated every seven to ten months. Most of the crew was from eastern Europe and many were paid the princely sum of \$2.70 per hour, with pay averaging \$3.50 per hour, which is well below the minimum wage. Is the Minister not responsible for the treatment of staff on a ship in our waters which carries out important business between the south-west and Wales? This report from the ITF shows the staff were not paid or treated properly.

I am aware of the importance of the *MV Superferry* to business and tourism in the Cork region. An agreement that the union tried to make with the company four years ago included an inability to pay clause, but that was never activated and the crews are discouraged from and terrified into not joining a union.

On the wider question of FOCs, the Minister may have seen me on the news bulletin on New Year's Eve asking what has been happening to the Irish register. Is it the case that a worse situation is developing whereby our highly valued register is taking on ships from throughout Europe, one of which was described as a 31 year old banger, and the companies do not have a brass nameplate in Ireland? Is this not a serious matter which the Minister for Communications,

Marine and Natural Resources and the Minister for Enterprise, Trade and Employment should address forthwith?

Mr. D. Ahern: This is supposed to be Question Time. The Leas-Cheann Comhairle should let the Deputy finish getting himself into a lather. I have no responsibility for seafaring——

Mr. Broughan: Make your name, Minister.

Mr. D. Ahern: The Deputy should let me answer. I did not interrupt him and I had to listen to his blather up to now. As the Deputy knows well, I have no responsibility for this area.

On the examination of the specific ship, the Port State Control inspection covered seafarer's accommodation and working environment, which in its opinion was fine. The Deputy has been specific on some of the details regarding this ferry. The ferry company has advised the Department that the union has been trying to get the seafarers on this boat to join but, if they were to join, the union would collect \$299 per man from the ship operators for each seafarer who joined. A SIPTU official was allowed by the ferry to visit the boat to talk to the seafarers who, we are informed, declined to have anything to do with the gentleman.

Mr. Broughan: The Minister has repeatedly said that he can do nothing about it. It is similar to what he said a few weeks ago about An Post. He is great on the sidelines but he does not want to go on to the pitch. He has a serious responsibility. We are a maritime nation. There are 29 micro-states, two of which are on line — Cyprus and Malta. However, Gibraltar, the Cayman Islands, Liberia, Lebanon, Tonga and a list of other states have no controls. Will the Minister not go to the International Maritime Organisation and the various committees to which he referred and put it to them that, as an island nation, we want to take responsibility for seafarers and workers at sea in difficult conditions and when they are in our waters and doing business with Irish companies?

Mr. D. Ahern: I have no responsibility for this area. This is the system set up under the International Labour Organisation, ILO, and the IMO. The Deputy is fooling people, if he is telling them otherwise. The seafarers did not want to join the union and that is their prerogative.

Maritime Safety.

9. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that all necessary requirements for the international ship and port security code will be met by 1 July 2004; and if he will make a statement on the matter. [10204/04]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The maritime safety directorate in my Department is involved in the process of co-ordinating the implementation of the new

[Mr. Browne.]

maritime security measures. The directorate is constantly in touch with the relevant ship owners, ports and port facilities affected by the EU regulation and the international ship and port security code, ISPS, to ensure that they will all be compliant by the 1 July deadline and will, therefore, be in a position to continue to trade normally.

The current position is that all ports have submitted port facility security assessments, PFSAs, which are in the process of being verified and approved. A number of ports have already been approved and it is expected that all the remaining PFSAs will be approved within the next two weeks. The deadline for receipt of port facility security plans is 30 April 2004. These plans set out the procedures to be taken by port facilities during normal working conditions and also in the event of a terrorist threat. There will be no delay by my Department in the examination and approval of these plans where they are found to be compliant with the requirements of the regulation and code.

With regard to vessels, the regulation allows the responsibility for the implementation of the new security measures to be delegated to recognised security organisations, RSOs. Most ships affected by the new requirements have already submitted ship security assessments, and ship security plan verification process is under way. I am hopeful that Irish port facilities and Irish ships will all be in a position to meet the requirements of the EU regulation and ISPS code on maritime security.

Mr. Broughan: I understand that the Commissioner, Loyola de Palacio, has been asking the Minister for a Europe-wide framework given the major security risks which are clearly present throughout Europe and the recent terrible events in Spain. Will the Minister confirm that, in our major ports, Dublin, Rosslare and Cork, a comprehensive security assessment was carried out for each together with the plan which I presume the Minister is getting? Has each port appointed a port security officer, in other words a co-ordinating officer? I am aware of the high level review of the ports and also the report of the port real estate task force. Are we thinking in terms of an overall port security authority or will it come within the responsibility of the Coastguard?

Mr. Browne: The maritime safety directorate in my Department is involved in the process. Two working groups have been established with the Naval Service, the Garda Síochána and the MSC in one group and a cross-departmental implementation committee chaired by an assistant secretary in the Department, Mr. Maurice Mullin, with representation from the Departments of Communications, Marine and Natural Resources, Justice, Equality and Law Reform, Transport and Defence, the Revenue Commissioners, the Naval Service and the Garda. In recent weeks, I have met the chairman and chief executive of Dublin Port, the chairman,

chief executive and members of Cork, Waterford, and New Ross ports and Mr. Ben Gavin, chairman of Waterford Port, who is also chairman of the Irish Ports Association. We met Mr. Monnie Cliffe who is president of the Irish Ship Agents Association. The Deputy may rest assured that every effort and detail is being pursued to ensure we have full implementation by 1 July as required.

Telecommunications Services.

10. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources if, as reported in the media, the contract for the management services entity includes an ex-Eircom subsidiary with reportedly continuing close ties to that organisation; the way in which it is proposed to deal with any potential conflicts of interest issues that might arise; the effect that this might have on the desire to provide competition as opposed to the existing near monopoly position; and if he will make a statement on the matter. [10205/04]

39. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the role of the entry of a company (details supplied) in the management and roll-out of broadband nationally; and when the appointment will be made and the contract agreed. [10188/04]

46. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources if he will list the tender applications for the management services entity competition and announce the winning tender; and if he will make a statement on the proposed operation of the MSE. [10202/04]

52. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the role of the MSE in the management and roll-out of broadband services; and the reason its appointment has been delayed. [10236/04]

Mr. D. Ahern: I propose to take Questions Nos. 10, 39, 46 and 52 together.

The management services entity, MSE, is the independent body which will be engaged to manage, market and maintain the fibre-optic metropolitan area networks, MANs, being constructed under the regional broadband programme, on a basis which is consistent with the Government's strategy of providing broadband infrastructure on an open access and carrier neutral basis.

It is intended that this open-access principle will be enshrined in a code of practice for the use of the metropolitan area networks, thus ensuring that access to the infrastructure is administered on fair, transparent and non-discriminatory terms to all interested parties. Notice of my Department's intention to commence a competitive tender process for the engagement of an MSE was published in the Official Journal of the European Communities on 19 June 2003.

Responses received by the tender deadline of 15 August 2003 have been evaluated and it is anticipated that the MSE procurement process, as outlined in the instructions to tender document

which issued on 19 June 2003, will reach a conclusion shortly. It is not proposed to make any public statement on the identity of participating parties prior to such conclusion. The competition for the appointment of the management services entity is a public procurement process. I have, and have had, no role in the selection process.

Mr. Broughan: The Minister states he cannot confirm when the identity of the operator of the management services entity will be made known. Therefore, he cannot confirm the essence of my question which was reported in the media. The group which has obtained the management contract includes a former subsidiary of Eircom. Does the Minister agree that the concerns which lie behind the question relate to the appalling vista which has opened over the last number of years due to the failure of the Department and COMREG to bring down the price of broadband access and address continuing deficiencies in the 200,000 km national network of the Eircom grid.

Last Wednesday, my colleagues, Deputies Coveney and Eamon Ryan, and I met along with members from the Minister's party including Deputy Brady and the Chairman of the Committee on Communications, Marine and Natural Resources, Deputy O'Flynn. Does the Minister agree that the broadband report prepared by the Oireachtas committee constitutes a severe criticism of the achievements of his Department on broadband? It has left Ireland three to five years behind the leading states.

Mr. D. Ahern: I do not accept that.

Mr. Coveney: I do not accept that the Minister has no role in the process of choosing a management services entity. A management services entity should have been announced last September, but we still do not know who has been chosen. While we have been told that there is, supposedly, a preferred bidder, a cloak over the process means no one can mention who that might be. What is the problem with allocating the contract? All over the country there are MANs which the Minister, in fairness, has pushed. These are the main focus of broadband roll out. We require a management services entity to develop access and manage their use to ensure that we achieve the maximum benefit from MANs. While all of the above is positive, there has been a six month delay in the awarding of the contract. Why has it been delayed? It is a nonsense to suggest that the Minister has nothing to do with the process. He is responsible for the roll out of broadband. The awarding of the contract is a key part of that strategy. What is the delay and why is there so much secrecy involved?

Mr. Eamon Ryan: If we cannot be told which company has been awarded the contract, has the Minister initiated an investigation within his Department to discover why and how it has been leaked to the press that this has happened?

One of the recommendations in the report of the Oireachtas Joint Committee on Communications, Marine and Natural Resources

was that the management services entity should adopt a carrot-and-stick approach to ensure that resources are not duplicated in the development of fibre, particularly in the ground. Can the Minister provide specific directions to the management services entity prior to the awarding of the contract?

Mr. D. Ahern: I am told by my officials that it is expected a decision will be made at the end of April. Deputies are asking why there is so much secrecy and wondering why I am not involved. They need go no further than the Moriarty tribunal for an answer. I will say no more.

Mr. Coveney: We are not asking the Minister to choose the management services entity.

Mr. D. Ahern: The Deputies opposite have obviously been lobbied by people who have been unsuccessful.

Mr. Coveney: We have not.

Mr. D. Ahern: I have received no lobby on this matter.

Mr. Broughan: I ask the Minister to withdraw his outrageous accusation.

Mr. D. Ahern: Deputies should consider the Moriarty tribunal. I am not making the mistakes of the past.

Mr. Coveney: The Minister is three years behind schedule. The secrecy issue arises because the awarding of the contract is six months late, yet the Minister does not appear to have any interest in it. I suppose we will read about it in the newspapers.

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 Shortall — the imminent closure of City Lodge and the serious implications of this for a 17 year old youth (details supplied) and other residents who are currently being successfully cared for in this facility; (2) Deputy Broughan — if the Minister has any proposals to change the policy on executive functions in local authorities with regard to waste management; (3) Deputy Healy — the urgent need for the Minister to approve funding for Newtown Upper national school, Carrick-on-Suir, County Tipperary, for the replacement of outdoor toilets which have been condemned by the Health and Safety Authority; (4) Deputy O'Dowd — that Dáil Éireann discusses the findings of the European Commission to impose binding measures on the UK operator, British Nuclear Fuels plc. (5) Deputy Costello — the Government's proposals to celebrate the accession of ten new member state to the European Union on the 1 May 2004 and the reason the public concert planned for O'Connell Street has been cancelled; (6) Deputy

[An Leas-Cheann Comhairle.]

Gregory — the case of person who had an operation in the Mater Hospital over eight months ago and whom the national treatment purchase fund has not been able to assist.

The matters raised by Deputies Shortall, Gregory, Broughan and O'Dowd have been selected for discussion.

Adjournment Debate.

Children in Care.

Ms Shortall: I am disappointed that the Minister for Health and Children is not in the House. This is a matter for which he has primary responsibility. The Minister of State, Deputy Brian Lenihan, has secondary responsibility. It is unfortunate that neither Minister is in attendance.

I am concerned at the decision of the South Western Area Health Board to close the successful City Lodge facility. The decision has worrying implications for the clients who have been resident there for some time. City Lodge, which has been open for three years, was established originally as an emergency facility for children who were on the streets or exhibited chaotic behaviour. It quickly proved to be very successful and developed into a medium to long term care service. The facility developed what could be described as a reasonably liberal regime to accommodate the chaotic nature of its clients. It had the added advantage of round-the-clock nursing cover which was important given the drug problems of some clients. Last year, the facility was inspected by the health board's inspectorate which recommended its relocation from its unsuitable premises while acknowledging the success of the service. To date, no plans have been brought forward by any health board in the eastern region to relocate the service and provide a similar service elsewhere.

I raise the case of one young person who has been in the care of the State for most of his life. In recent years, this 17 year old boy's difficulties have included a problem with heroin. The child's case has been before the courts on a number of recent occasions and has been covered in the media. The boy in question was doing well in the centre when, for purely administrative reasons, a decision was made somewhere within the health board to close the facility and provide an alternative placement. In reply to a question I submitted to the Minister for Health and Children a couple of weeks ago, I was told that suitable alternative placements had been identified for all clients. I challenge that. In the case of the 17 year old boy in question, a suitable alternative was not found. One must bear in mind that this young person experienced very serious difficulties in trying to cope over an extended period. He has been in care for a long time. He was used to a relatively secure setting which was stable, safe and supportive and which met his needs. He was making considerable progress.

The alternative placement provided was the caretaker hostel which is very much an emergency service. Its intended purpose was to provide respite for children who could not engage with services from life on the streets. It is by no means a suitable place for someone used to being in and progressing in a stable environment. Young people are required to be in the facility by 8.15 p.m. to book a bed on a nightly basis. Nightly booking is hardly the basis of a stable environment for a young person. They must leave the facility by 9.30 a.m. That is completely unsuitable for the young person in question, but it was all that was on offer to him when the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, said last week that a suitable alternative placement had been found. That was rubbish.

Since the question I submitted was answered, the case has been before the courts on a couple of occasions. When Focus Ireland, which originally offered the place, realised it was unsuitable, it withdrew the offer. Focus Ireland has made the alternative offer of a placement in the off-the-streets facility. None of the representatives of the young man in question have had a chance to assess the offer yet.

I am concerned that decisions on care for young people are taken on an *ad hoc* basis. The decisions are being taken on the basis of administrative concerns rather than concern for the young people. The health boards, overseen by the Minister responsible, are getting into a habit of delaying the process of formulating proper care plans for young people until that person gets close to 18 years of age, at which point the board can wash its hands of all responsibility. By standing over such a regime, the Minister of State, Deputy Brian Lenihan, and the Minister, Deputy Martin, are seriously reneging on their statutory responsibility for providing care for these young people. The regime is completely *ad hoc* and inadequate for meeting the statutory needs of the young people concerned.

Minister of State at the Department of Health and Children (Mr. Callely): Neither the Minister, Deputy Martin, nor the Minister of State, Deputy Brian Lenihan, is in the precincts of the House and they are not in a position to come to the Chamber.

Ms Shortall: It is an important issue and they should have made themselves available.

Mr. Callely: They have long-standing commitments and this item only came on the agenda today.

The provision of child care and youth homelessness services in the eastern region is the responsibility of the Eastern Regional Health Authority and the area health boards. The South Western Area Health Board has operational responsibility for City Lodge and has informed me that the facility was established on an interim basis in the context of the development of services for young people out of home. It was never envisaged that the facility would be used

on a long-term basis due to the constraints of the building and its location on the grounds of the former Meath Hospital. I am delighted the former Meath Hospital is in a position to offer facilities. Some €10 million is being invested in the development of services there. I was heavily involved in ensuring that the facility would continue to operate. It was due to be sold and disposed of.

City Lodge was established in December 2000 to fulfil the need, on a temporary basis, for additional emergency accommodation for homeless young people in the Dublin area. It was opened to cater for young homeless people who could not be accommodated elsewhere as they presented with behavioural and management difficulties. It was envisaged that City Lodge would provide a temporary service as the building was considered unsuitable to house the service on a long-term basis.

The social services inspectorate inspected City Lodge in March 2003 under section 69(2) of the Child Care Act 1991. The social services inspectorate report recommended that the purpose and function of City Lodge should be reviewed urgently. The report states:

Inspectors were of the view that since it had functioned beyond half of its potential capacity for only a brief period during 2001, and there was only one young person remaining in the hostel at the time of the inspection, its purpose and function should be reviewed urgently by the board, and decisive action taken about its future.

Following a review of the Eastern Regional Health Authority's youth homelessness strategy, the recommendations of the social service inspectorate report, and a reduction in the number of young homeless people in the Dublin area, the South Western Area Health Board took the decision to close City Lodge.

It is not appropriate for me to comment in detail on individual cases such as that referred to by the Deputy. However, the authority informs me that the unit is due to close early this month and that there are currently three young people accommodated in it. The authority assures me that appropriate alternative arrangements for residential care have been made for these young people that will continue to meet their individual needs, including those of the young person referred to by the Deputy.

Ms Shortall: Will the Minister of State take a question?

Mr. Callely: I will.

An Leas-Cheann Comhairle: There is no provision in Standing Orders for asking a question at this time. We cannot create a precedent on this matter.

Ms Shortall: How does the Minister of State know this is the case? The young person's guardians have not had a chance to consider the

placement. On what basis is the Minister of State saying the accommodation is appropriate?

Mr. Callely: I will abide by the ruling of the Chair. The authority has indicated that City Lodge shall not close until the young people are satisfactorily transferred to new accommodation. If the Deputy is concerned that what I said is not true, I assure her that nothing will happen the person she referred to until he or she is satisfactorily transferred to new accommodation.

Ms Shortall: Does this mean 9 April is not a deadline?

Mr. Callely: That is correct. Current best practice suggests that the needs of homeless young people who cannot return to their own families and require alternative accommodation are best provided for in their own community, family placements or small residential placements. This is echoed in the Youth Homelessness Strategy 2001 whose goal is "to reduce and if possible eliminate youth homelessness through preventative strategies and where a child becomes homeless to ensure that he or she benefits from a comprehensive range of services aimed at reintegrating him or her into his or her community as quickly as possible." Where youth homelessness occurs the strategy stresses the need for a prompt responsive child-focused service. It recognises the importance of co-ordinated interagency work in tackling this complex multi-dimensional issue.

Significant funding has been made available by the Government to tackle youth homelessness. Since 1997, approximately €18.5 million has been invested in youth homelessness and related child care services. As Members are aware, the main difficulty in regard to youth homelessness has been in the Dublin area and approximately €12.4 million has been made available to date to the Eastern Regional Health Authority to address this problem.

A comprehensive package of child care service developments was agreed in 2000 to tackle youth homelessness in the eastern region and I want to mention some of the key provisions.

An Leas Cheann-Comhairle: The Minister of State's five minutes have elapsed.

Mr. Callely: A director of homelessness and an assistant chief executive has been appointed in each of the area boards.

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

Mr. Callely: Outreach services have been restructured and extended and multi-disciplinary teams have been developed. These actions have been taken to ensure there is an appropriate service, including a crisis intervention services, to meet the needs.

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

Ms Shortall: Everything about it is theoretical. It is simply biding time until the young people reach the age of 18.

Mr. Calley: It is not.

National Treatment Purchase Fund.

Mr. Gregory: I thank the Ceann Comhairle for allowing me to raise this important issue. In the Dáil debate on health on 3 March, the Government claimed to be committed to the provision of high quality health care for those most in need. It stated that equity of access was its key objective, underlining its health strategy. In my experience, equity of access to health care does not exist in this State for public patients who must endure the demeaning indignity of waiting lists in our public hospitals. The circumstances I wish to raise seem exceptional, even in the context of the inequity of the two-tier system in this State.

During the debate on 3 March, I referred to the case of a family from my constituency that had contacted me during that week. They asked me to help their son, whom they feared might become suicidal because of his urgent medical need. This young man, who is in his early 20s, had been admitted to the accident and emergency unit of the Mater Hospital in June 2003. Having spent Sunday and part of Monday in casualty, his condition required immediate surgery when he was finally seen and a colostomy operation was performed. This was both psychologically and physically traumatic for the young man. He was assured a reverse procedure would be possible and would be carried out within two to three months.

The young man and his family counted every day until the three months were up. He heard nothing and contacted the hospital only to be told there were no beds as a ward had been closed and that he would have to wait. He waited and waited and heard nothing. Despite repeated calls to the hospital and the traumatic nature of his condition, nine months have now passed and this unfortunate young man is still waiting. The answer he got was always the same — there were no beds available for a patient like him who would require one for seven days or more.

When his family contacted me I checked with the hospital administration and was given the same response. I spoke to his consultant who told me that the chance of dealing with the young man was “remote”. Wards were closed, beds were in short supply and taken up by accident and emergency and urgent cancer patients. Incredibly, although he had been waiting more than the required six months, nobody told him to apply to the national treatment purchase fund, and I then put him in touch with the service. The staff there are doing their best for him. They are most helpful and sympathetic.

They rightly believe that, due to the nature of the patient's condition and the possibility of recurring medical problems, it would be in his

best interest to be treated again in the same hospital, namely, the Mater.

While they have contacted his consultant in the Mater Hospital, apparently the problem now is that the particular consultant is not prepared to co-operate with the national treatment purchase fund for some unknown reason. He has refused to treat his own patient under the auspices of the fund. When I checked today, the young man had still heard nothing and both he and his parents are now desperate. This is why I sought permission to again raise his plight in this House.

This young man's treatment — or lack of treatment — demands immediate action. I expect the Minister of State to intervene today as a matter of urgency in this case. Who would have believed that the Ireland of today, one of the most affluent countries in the world, could treat its citizens in this despicable manner? How could any Minister for Health and Children stand over such a disgraceful situation? While on this occasion I did not want to give the young man's name or other details for obvious reasons, the Minister of State has those details. If he has not already taken action today, I hope he will take action immediately.

Mr. Calley: I am delighted to have the opportunity to respond to the Deputy. I support the principle he has raised regarding an appropriate response for those awaiting a reverse procedure such as he outlined. I concur with his view that there should be no delay. The Deputy will be aware that responsibility for the provision of hospital services to those living in the area in which the person involved resides rests with the Eastern Regional Health Authority, and services at the Mater Hospital are provided under an arrangement with the authority. Since this matter was brought to my attention, my Department has asked the regional chief executive of the authority to investigate the case raised by the Deputy and to reply to him directly.

I am advised that the patient in question presented to the emergency department at the Mater Hospital on 22 June last year and was subsequently admitted. He underwent surgery in June 2003 following which he was discharged with a view to returning in 2004 for closure of stoma. I would be happy to enter into further discussion with the Deputy, should it be of benefit to him, to indicate clearly that, in line with the contracts that are in place regarding physicians, surgeons etc., the timing of re-admission is a clinical decision rather than one of available capacity at the hospital. While the Deputy indicated there may on occasions be pressure on beds in the Mater Hospital arising from those who come in through the accident and emergency department—

Mr. Gregory: I have quoted this man's consultant. I hope the Minister of State is not trying to disturb this issue.

Mr. Calley: Not at all. I am merely outlining the position regarding the timing.

Mr. Gregory: The clinical decision was made nearly nine months ago.

An Leas-Cheann Comhairle: The Deputy has had his five minutes.

Mr. Calley: If that is the case——

Mr. Gregory: It is a disgrace and a scandal and the Minister of State should act on it. I am not interested in prepared scripts.

An Leas-Cheann Comhairle: The Deputy has had his five minutes and is not in order in interrupting the Minister of State.

Mr. Calley: The ultimate decision to admit patients is a clinical one made in the context of available capacity, patient prioritisation and the demands of urgent elective and routine workloads. My understanding from the brief I have received from the chief executive officer is that the hospital will endeavour to admit the patient as soon as possible.

The Deputy referred to the national treatment purchase fund, NTPF. I am advised that the NTPF was approached about a reverse procedure in this case. I am delighted to hear the Deputy's positive comments about its involvement. I understand he has had direct discussion with representatives of the NTPF on this case.

Mr. Gregory: They cannot help because the consultant refuses to co-operate.

An Leas-Cheann Comhairle: The Deputy is not entitled to intervene at this stage.

Mr. Gregory: The Minister of State should respond to the issue. This is no laughing matter. It is a serious issue.

An Leas-Cheann Comhairle: The Deputy took his five minutes and is not entitled to another intervention.

Mr. Calley: This is a serious matter and the Deputy asked me to intervene. I would be happy to intervene. I hear what the Deputy is saying and will repeat it in case I am picking him up incorrectly. The Deputy is saying that the consultant with responsibility for the clinical decision in this case refuses to co-operate with people such as——

Mr. Gregory: He refuses to co-operate with the national treatment purchase fund and not "people such as".

Mr. Calley: Significant progress has been achieved in reducing waiting times for adults and children. The number of adults waiting more than 12 months for in-patient treatment in the nine target surgical specialties has fallen by approximately 42% between September 2002 and September 2003. The number of children waiting

more than six months for in-patient treatment in the nine target surgical specialties has decreased by 39% in the same period. The national treatment purchase fund continues to target adults and children waiting longest for treatment who are prepared to avail of the services of made available via the NTPF.

In most instances now, adults waiting more than six months for an operation and children waiting more than three months will be facilitated by the fund. We should take this opportunity to let those waiting more than six months know——

An Leas-Cheann Comhairle: The time allocated has now expired.

Mr. Gregory: Will the Minister of State do anything about the case?

Mr. Calley: I have said I would be happy to intervene and assist the Deputy and the patient.

Waste Management.

Mr. Broughan: I thank the Minister of State for coming to the House to listen to the Adjournment debate. The matter I wish to raise is the urgent need for the Minister for the Environment, Heritage and Local Government to overrule the Dublin city manager, Mr. John Fitzgerald, in the proposed material contravention of the 1999 development plan affecting St. Anne's Park.

Many people, even those outside Dublin, will know that St. Anne's Park is a famous northside park and is the largest park administered by the Dublin city administration. It is a wonderful area of recreation including many football pitches, a par-three golf course, tennis courts etc., which have used by many citizens of north Dublin for generations. My great predecessor, representing the Labour Party, big Jim Larkin, as chairman of the Dublin Corporation housing committee, succeeded in securing St. Anne's Park for the city.

Seven or eight years ago saw the introduction of a small green waste facility for recycling Christmas trees, which the people in the area accepted. However, about five years ago, this changed dramatically and illegally into a major industrial waste management process with juggernauts and trucks of all kinds arriving not just from the four Dublin counties and neighbouring counties but from all over Ireland with wooden pallets and other items being dragged through the small pleasant estate of St. Anne's in Raheny village and brought into a large section of the park.

The result was ongoing major pollution with wood chippings spewing out all over the neighbourhood, including the par-three golf course and the football pitches, with resulting major health problems. While Standing Orders do not allow me to display pictures, I have several photographs showing plumes of wood dust and other pollution spewing out over Raheny, accompanied by a strong acidic odour and loud

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whining noise every day. As already stated, all of this was carried out without planning permission or an EPA licence.

As the city manager and the local north central area manager should have known, wood spores, particularly the dangerous *Aspergillus* spore, are allowed to drift out over people's houses and cars. As stated earlier, I have in my possession many photographs of houses with the windowsills and the owners' cars covered in dust. Such dust can cause major problems for people coming out of hospital after operations, for children and for vulnerable adults.

St. Anne's residents' association, which has put up a valiant fight on this issue in the past four to five years, has been obliged to bring the matter to the High Court in order to obtain a determination from a judge. The association kept daily logs of what occurred at the site and I presented these to the city council when I was a member. These logs showed exactly what sort of pollution is released by the turning and shredding operations at that location.

Legislators have a grave duty to ensure that the law is respected and enforced and surely the manager of a local authority has a similar job. The city manager, John Fitzgerald, opened and operated this centre without planning permission of any kind, even from his own local authority, and in defiance of Dublin city's Z9 high amenity zoning. The Minister of State, my old colleague from the city council, is aware that red lines are drawn through the green areas on the map of St. Anne's Park to show that it is designated high amenity. However, in a huge area of this high amenity park, such an operation was put in place. The operation commenced in defiance of the Environmental Protection Agency and without a licence. That is an appalling state of affairs. In light of the inactivity of the Minister of State and his senior colleague, I referred this matter to Commissioner Margot Wallström in the past six months and asked her to take action.

In late 2001 and early 2002 I put forward a motion for closure to the north central committee of Dublin City Council. The proposal was unanimously accepted on a vote of ten for and none against. However, when it was referred to the city council, representatives of Fianna Fáil, Sinn Féin, the Green Party and the Independents defeated it on the basis of spurious 'NIMBYism'. Members of the Green Party tied themselves to the trees in O'Connell Street when they had voted to cut them down. Last weekend we heard from them about their concerns for St. Anne's Park when they are responsible for what has happened there.

The Minister of State is familiar with this issue. Like me, he played hurling and football on the pitches in St. Anne's Park. He is aware of what has happened in the park. There are many sites on industrial estates on the north side of the city at which industrial waste could be managed, processed and recycled. We could return to

having a small green bring centre as was previously the case, but there should be no more of this outrageous and illegal nonsense. Is it any wonder that my party has had to propose that city and county managers be abolished and replaced by elected officials?

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I wish to outline the principal legislative provisions relevant to the proposed development referred to by Deputy Broughan. The Waste Management (Amendment) Act 2001 made a number of changes to the legislative powers governing the making and implementation of waste management plans. Deputies may recall the background to this. Essentially, the elected members in a number of local authorities failed to adopt waste management plans, as required under both EU and national legislation.

Faced with legal proceedings against Ireland in this regard in the European Court of Justice and because of the urgency of putting plans in place so that the process of modernising our waste infrastructure could begin, the Government was left with little option but to——

Mr. Broughan: Treat people like adults.

Mr. N. Ahern: ——introduce legislation in 2001 to bring the waste management planning process to a conclusion. Accordingly, the Act provided that, for good or ill, the power to make a waste management plan would transfer from the elected members to the local authority manager.

In addition, the Act addressed certain issues associated with the implementation of waste management plans. In particular, in cases where a local authority proposes to carry out development which is consistent with the waste management plan, and which is required for its implementation but which would materially contravene the development plan, the Act provided power for the manager, following a process of public consultation, to decide whether to proceed with the development.

While I am aware that a waste recovery operation has been in place at St. Anne's Park for a number of years, I do not wish to comment on the facility concerned——

Mr. Broughan: The Minister of State should do so. He is a local and he understands the problem.

Mr. N. Ahern: I am aware of the problem but the Deputy does not really want my personal view.

Mr. Broughan: The Minister of State also played sports in the park when he was younger.

Mr. O'Dowd: Was he any good?

Mr. N. Ahern: As a former member of the city council, I have heard the Deputy and others

speak about this matter in the past and I am well aware of the situation. However, in my official capacity I should not comment on it, particularly as it is the subject of legal proceedings.

I understand that Dublin City Council is pursuing the material contravention procedure outlined above in respect of the new waste facility. However, it must be borne in mind that the 2001 Act requires developments subject to this procedure to comply also with the relevant procedures of section 175 or 179 of the Planning and Development Act 2000. I understand that the development in question is to be subject to the section 175 procedure which means that an environmental impact statement will be prepared in respect of it and the approval of An Bord Pleanála will be required before it can proceed.

The facility will also be subject to approval by the EPA. Following the withdrawal of a previous waste licence application, I understand that a fresh application relating to the proposed facility has been submitted to the agency.

Mr. Broughan: Why was the previous application withdrawn?

Mr. N. Ahern: As the board and the agency are independent in the performance of their functions and the Minister for the Environment, Heritage and Local Government is precluded from any involvement in particular cases of this kind, it would not be appropriate for me to comment further. However, I would point out that the planning approval and waste licensing processes to which I have referred provide for extensive opportunities for public participation before decisions on the relevant applications are made.

The Deputy has accurately reflected the views of local people on this matter. However, they have had ample opportunities through the public consultation process to make their input.

Mr. Broughan: Are not their views reasonable?

Mr. N. Ahern: I will answer that question afterwards and I might agree with the Deputy.

Mr. Broughan: The Minister of State should speak up now.

Mr. N. Ahern: As part of this formal reply, however, I should not say anything further. I am speaking here on behalf of the Department.

People have ample opportunities to make their views known and the residents and the public representatives should use the process that is in place. I am long enough involved in politics to know that the process usually works if people engage properly with it.

Mr. Broughan: It has not done so to date. We have been treated disgracefully.

Case Against BNFL.

Mr. O'Dowd: The operation of the plant at Sellafield in Cumbria has been a source of great discontent to the people of Ireland, particularly

those who live in County Louth and other areas on the east coast. Successive Governments have fought the battle in a non-political way. The parties in Government and Opposition have always worked together to put forward the strongest possible case.

Loyola de Palacio, the vice-president responsible for energy and transport at the European Commission stated that the Commission is responsible for checking that member states comply with the provisions agreed by the members states in the framework of the EURATOM Treaty and that it is essential that checks be carried out on installations. The Commission analysis has found that British Nuclear Fuels has failed to comply with the provisions of the EURATOM Treaty. This problem, which has not been addressed, has been known about for a long period but no concrete initiative has been taken by the operator to rectify it. The situation has, therefore, become untenable for the Commission.

The ultimate aim of the inspections is to ensure that the nuclear material used is not diverted from peaceful uses, namely, the generation of nuclear energy for non-military uses. If Sellafield was situated in Iraq, Iran, Libya or North Korea, President Bush would surely be on the airwaves every day to outline the disgraceful operations of British Nuclear Fuels at the installation. Would what is happening at Sellafield not be a reason for him, in his search for weapons of mass destruction, to go to war? The EURATOM inspectors do not know what is happening to the plutonium, the uranium and the other radioactive material on-site. They do not even know the quantities of such materials kept at the plant. Everyone in the House is concerned about the lackadaisical attitude of British Nuclear Fuels in the operation of Sellafield.

Another issue that arises is the role of the British nuclear inspectorate in its capacity as health and safety inspectors of this installation. We have not heard from them and do not know what, if anything, they are doing in this regard. We cannot trust British Nuclear Fuels and, it now appears, neither can the European Commission inspectors who are deeply unhappy and dissatisfied with what is going on there.

I urge the Minister and the Government to deal with this problem in a manner not yet tried, to seek the introduction of internationally binding protocols operated by the International Atomic Energy Agency or some other such agency in respect of nuclear materials in any part of the world, be they operational, available or in the form of waste storage. Governments and operators would then be mandated to follow through on these directives. The manner in which British Nuclear Fuels has operated Sellafield is unacceptable.

Officials from BNFL had the cheek last week, while attending a meeting of Louth County Council, to tell me as a Deputy that I had no right to raise my concerns at that meeting. I exercised my right to do so, as I will here and in every possible forum. The Irish Government and people will not tolerate the lackadaisical lack of

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interest and concern which British Nuclear Fuels has for the health and safety of its workers and, in particular, the Irish people in the operation of this plant.

I urge the Minister to take all possible action immediately to ensure BNFL acknowledges the strongly held views of the Irish public that Sellafield must be closed or subjected to minute international scrutiny to ensure it complies with the highest possible standards in terms of the disposal, transport and storage of nuclear materials and radioactive waste. The current position is not good enough and the Irish people will not put up with it any more.

Mr. N. Ahern: I welcome Tuesday's European Commission decision on the B30 plant at Sellafield. While I have not yet seen the text of the decision which is being addressed by the Commission to the UK Government, I am aware of its substance from various reports already available to me and I express my support for the Commission's decision.

The Commission has imposed binding measures on the UK for its failure to take adequate measures to comply with the provisions of the EURATOM Treaty concerning nuclear material at Sellafield. The plant in question, known as B30, is a fuel storage pond for spent Magnox fuel and has been in use since the 1950s. Although the Commission has inspected this plant regularly since the 1980s, the physical condition of the plant and high radioactivity in the area has made it impossible for it accurately to verify the quantities of material held in the facility.

Under the safeguards provisions of EURATOM, the Commission has the right to inspect facilities — and their records — which store nuclear fuel cycle material to verify that the material has not been diverted to non-peaceful uses. The UK has until 1 June 2004 to submit a plan to the Commission proposing measures to deal with the problem and must submit progress reports to it every six months thereafter.

As Members will be aware, the Irish Government has adopted a consistent approach, politically, diplomatically, scientifically and legally against operations at Sellafield. It has repeatedly expressed to the UK authorities its concerns regarding the culture of secrecy operated at Sellafield. While BNFL argues it has made major changes to the way Sellafield is run, it is clear from the Commission's decision that it has much more to do.

In a press release on the decision, Commissioner de Palacio said that although the problem has been known for some time, no concrete initiative has been taken by BNFL to rectify it. This is completely unacceptable from the point of view of safety and, more importantly,

the role of the Commission in ensuring safeguards on nuclear material in the EU. Given the climate of enhanced security in which we now live in terms of our concerns about terrorism, it is fundamentally important that international inspectors are allowed to conduct their inspections in as thorough and as rigorous a manner as possible.

My Department has been informed by the UK Ambassador to Ireland that the Commission safeguards inspectors are present at Sellafield virtually all year round and that it has found no evidence that materials subjected to safeguards have been diverted. The Ambassador has also informed my Department that his Government will ensure that remediation works at B30 will be guided first and foremost by safety and environment-related considerations. While this is indeed reassuring, my Department will be seeking his Government's further reassurances on the speedy implementation of the Commission's decision and, when available, the Commission's findings will be closely studied.

The Commission decision reflects the seriousness with which the Irish Government has treated safety at nuclear plants in general and at Sellafield in particular. In an EU context, the Irish Presidency has been focused in its efforts to seek progress on proposals for a package of nuclear safety measures aimed at EU-wide standards in regard to the safety of nuclear installations. This package consists of a directive to establish EU nuclear safety principles in respect of nuclear installations and a directive on the management and disposal of radioactive waste and spent fuel. These are intended to address public concerns regarding nuclear safety.

The Irish Government took the notable step of taking the United Kingdom to court on Sellafield under two separate international environmental conventions. I believe that our concerns are increased in the Commission's decision which also highlights the urgency of tackling the problems at Sellafield. Access to information about Sellafield was one of Ireland's central claims in the two legal challenges at the UN Court of Arbitration. These legal actions have resulted in a much greater appreciation by the UK Government of Irish concerns about Sellafield.

I assure the House that my Department will continue to work towards the cessation of operations at Sellafield. I am aware of the Deputy's concerns and know that his constituents were pleased with the decision. That decision is but one step forward but it is an important one which will boost the confidence of all concerned. It is hoped greater measures of control will be introduced in this area, though ultimately we would all like to see the plant closed.

The Dáil adjourned at 5.30 p.m. until 2.30 p.m. on Tuesday, 6 April 2004.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 10, inclusive, answered orally.

Salmon Management.

11. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the proposed quota allocation for the commercial netting of wild salmon for this summer; and the other tagging and quota arrangements he intends to put in place. [10309/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I rely upon the advice of the National Salmon Commission and the regional fisheries boards' managers in determining the terms of the wild salmon and sea-trout tagging scheme, which *inter alia* sets out district quotas for the commercial catch.

Having recently completed its review of the effectiveness of the scheme for 2003, the National Salmon Commission has proposed, as part of its considered advice, that the total allowable commercial catch of salmon for the 2004 season should not exceed 161,951 fish. This represents an 11% reduction on the commercial catch in 2003.

I am advised that the Salmon Commission tendered its recommendation based on the advice of its own standing scientific committee and that the proposed total allowable commercial catch is consistent with their recommendation of last year that a three-year strategy should be put in place aimed at reaching the scientific advice on precautionary catch limits over the period 2003-2005.

The revised regulations also provide for the allocation of safety days for the snap net sector; the recording of additional information in the commercial logbooks in the case where fish are retained by the fisherman for domestic consumption; and the requirement for anglers to obtain proof of postage when returning tags and logbooks, which is included in an effort to improve the percentage of logbook returns by anglers.

On 5 March 2004, my Department published a draft of the wild salmon and sea trout tagging scheme regulations which incorporate the revised quotas and other proposed changes recommended by the National Salmon Commission and the regional fisheries boards' managers for the operation of the tagging scheme this year.

The draft regulations have been published in accordance with the requirements of the Fisheries Acts, which provide a for 30 day period during which interested parties have an opportunity to submit any objections they may have. This period expires on 4 April 2004. Following consideration of any objections received, I expect to make a

final decision on the scheme as soon as possible after that date.

Decentralisation Programme.

12. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources the position in regard to the decentralisation proposals for his Department announced in the budget; the information available to him on the number of persons who have indicated a willingness to transfer to new locations; and if he will make a statement on the matter. [10217/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Government announcement of 3 December 2003 in relation to decentralisation provides for the relocation of my Department's headquarters and 425 staff to Cavan. In addition, BIM and the Central Fisheries Board are to re-locate to Clonakilty and Carrick-on-Shannon, respectively.

It has subsequently been decided that approximately 90 departmental staff, encompassing the seafood and coastal zone policy, management, technical and regulatory functions, will also be located in Clonakilty.

A preliminary survey of staff preferences regarding decentralisation was conducted in December to establish the initial levels of interest across the Department in relocating to Cavan or to any of the new locations under the decentralisation programme. Under 7% expressed an interest in Cavan, while over 28% expressed an interest in other, unspecified locations. Already at this early stage over one third of my staff have expressed an interest in decentralising.

This was very much an initial information gathering exercise. It was stressed to staff that this was a preliminary non-binding survey. It is envisaged that expressions of preference will shortly be sought centrally from staff across all Departments following approval by Government of the implementation plan prepared by the Flynn committee.

No survey has been undertaken to date in relation to Clonakilty.

There have been a number of initial inquiries in this regard from staff in the Department, while a number of staff in other Departments have expressed an interest in decentralising to either Cavan or Clonakilty.

ESB ESOP.

13. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources if the Government intends to provide for a worker shareholding in the ESB; if workers in all the divisions of the company will be able to avail of such an ESOP; and the likely stake that would be offered. [10302/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Government has already provided for an employee shareholding in ESB. A 5% employee share ownership plan, ESOP, was a feature of the cost and competitiveness review, the CCR,

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agreed between the Government and ESB management and ESB group of unions in 1996. The legislative delay in converting ESB to a public limited company with a share structure hampered the delivery of this commitment.

In 2001, an Electricity Act was passed which allowed ESB create capital stock for ESOP purposes thus enabling the 5% ESOP to be rolled out. Eligibility for participation in the ESOP is established in accordance with the terms of the ESB ESOP trust deeds, the terms of which meet the requirements of the Taxes Consolidation Act 1997.

More recently, the ESB group of unions has indicated an interest in increasing the existing employee shareholding. At the request of the group of unions, bilateral discussions with my Department were held on 30 January and 3 March of this year. During these discussions my Department has clearly iterated the current Government policy on employee share option plans. My Department remains available at all times to continue these discussions.

Electronic Communications Infrastructure.

14. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources the steps that he intends to take to ensure that Ireland's telecommunications and broadband structures are brought up to date, particularly having regard to reports of serious problems and under-investment in the Eircom network; and if he will make a statement on the matter. [10213/04]

23. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources if he will be launching a national broadband strategy as a follow-up to his broadband action plan of December 2003; and if so, when. [10185/04]

31. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the plans he has to address the infrastructural shortfall in the last mile of our telecommunications network; and if he will make a statement on the matter. [10181/04]

38. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources if he will mandate local and regional authorities to include a telecommunications and broadband section in all new development plans to be approved in the future. [10186/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I propose to take Questions Nos. 14, 23, 31 and 38 together.

The provision of and investment in telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised marketplace, regulated by the Commission for Communications Regulation. ComReg Eircom operates in this regulatory environment. However, recognising that the market has been slow to respond to demand for broadband, an indicative €200 million in

Government and ERDF funding was set aside under the NDP 2000-2006 for regional broadband investment.

Since 1999 my Department has invested almost €170 million in regional broadband projects, in partnership with private sector companies, including Eircom. Currently my Department is grant aiding the construction of 19 fibre optic metropolitan area networks, in conjunction with local authorities, in key regional towns and cities. This investment of €65 million will enable the delivery of competitive, open access, broadband services in these towns. On 12 December last I announced a broadband action plan. This plan aims to roll out open access broadband infrastructure to over 90 towns with a population of over 1,500.

In addition, a group broadband scheme will enable smaller communities to pool their broadband demand and secure high-speed connectivity from a range of service providers. This group scheme will be supported by grant-aid of up to 50% from the Government. Furthermore, I have secured a commitment of €35 million each year from now until 2007 for the broadband action plan.

While the inclusion of telecommunications in local and regional authorities' development plans is a matter for my colleague, the Minister for the Environment, Heritage and Local Government, our Departments are in consultation on the matter.

Recent figures released by ComReg show the dramatic increase in the take-up of broadband in Ireland in the past year. Ireland can also boast increased Internet penetration levels, with over 60,000 customers accessing the Internet through flat rate packages offered by Internet service providers.

There are now about 40,000 DSL subscribers nationally, compared with 1,000 in March 2003, and the number is increasing every month. Ireland also has, at 30%, one of the highest digital TV penetration rates in Europe.

Fishing Industry Development.

15. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the difficulties created by him for fishermen in the pelagic fleet because of the restriction imposed by him on landings of fish between midnight and 8 a.m.; and if he accepts that this causes problems for those dealing with perishable product and that it also has negative implications for the fish processing industry. [10179/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The new landing times for pelagic fish have been imposed because of more stringent monitoring controls and weighing procedures recently introduced by the European Commission in 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. The immediate impact of that decision was that some restrictions had to be placed on permitted landing times. While 24-hour coverage would be an ideal situation, there are certain organisational and resource realities and the current rate of coverage is a reasonable response. Current arrangements involve a maximum waiting period in Irish ports of up to eight hours during a weekday and up to 14 hours during a weekend.

These waiting times are in fact substantially less than the time that is often spent by some of these vessels sailing to alternative landing ports outside Ireland. This clearly indicates that even though the product is perishable the current limited waiting times in Irish ports are not a material consideration in the maintenance of catch quality.

My Department officials and I continue to work closely with the industry in the implementation of these new requirements. This dialogue will continue and I am confident that practical problems can be resolved. In this context I am not ruling out a possible extension to the existing permitted hours of landing provided that a clear justification exists and that sufficient resources are available to support any such changes.

Energy Resources.

16. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources the information available to his Department regarding the proposed development of the Corrib gas field; and if he will make a statement on the matter. [10231/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): At the outset I would inform the Deputy that all relevant approvals from my Department have issued in respect of the proposed development of the Corrib gas field since 2002.

These approvals/consents include: a plan of development approval dated 15 April 2002 under the Petroleum and Other Minerals Development Act 1960; consent to construct a pipeline dated 15 April 2002 under the Gas Act 1976 as amended; consent under section 5 of the Continental Shelf Act 1968, as amended, dated 15 April 2002; and Foreshore Licence approval 17 May 2002 under the Foreshore Act 1933, as amended. The proposed project is awaiting planning permission for a gas terminal at Bellanaboy, County Mayo.

In 2003 the developers were refused planning permission from An Bord Pleanála for a gas terminal. This refusal was on the following basis: contours of the area of the repositories; the amount and pattern of rainfall in the area; the characteristics of the disaggregated peat; the method proposed for the moving of material to and within the repositories; and the details of the

system for the retention of the deposited materials.

Having regard to the foregoing, the board considered that the proposed surface drainage system would be ineffective in ensuring the integrity of the peat repositories as permanent structures for the retention of peat and other unsuitable materials proposed. The developers of the Corrib gas field submitted a new application to Mayo County Council on 17 December 2003. The major change in the new application related to the proposals for the removal of the peat surrounding the terminal to a Bord na Móna bog at Srahmore 11 kilometres away. On 17 February 2004 Mayo County Council requested further information from the developers. I understand from the developers that the additional information sought by Mayo County Council was furnished to it on 11 March 2004.

As of now the developers are awaiting a determination from Mayo County Council on their application under the Planning and Development Act 2000. Achieving first gas, originally scheduled for 2005, is now dependant on the outcome of this determination.

Fishing Industry Development.

17. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources if he intends to undertake a similar study to that recently undertaken by the British Prime Minister's strategy unit into the future of the UK fishing industry; if he can confirm whether the UK Government has made any contact with his own Department with regard to their report on the matter; and if their proposals to further restrict UK fishing activity, to try to reverse the decline in fish stocks, may lead to pressure on the Government to adopt similar policies in our shared sea areas. [10306/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): In line with the programme for Government I am committed to setting out a long-term strategy for the sustainable development of the Irish fishing industry. A number of major policy developments are under way which, when completed, will substantially chart the way forward for the sector.

There is clearly an overriding EU dimension to fisheries policy and the development of national strategies in this area must have regard for the policy and strategies set out at EU level within the Common Fisheries Policy. Accordingly, the adoption of any new policies or proposals at national level, such as those advocated in the UK report, do not operate at a bilateral level between member states.

As part of a widespread consultation process undertaken by the report's authors, officials of my Department met representatives of the strategy unit last year. This meeting involved a general discussion on the key themes and challenges facing European fisheries. There has been no other specific contact or communication made by the UK authorities with my Department in relation to the contents of the report, either in

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the course of its preparation or since its publication last week.

The fisheries sector has been the subject of significant change in the past two years at both EU and national level. At national level a number of developments came together over the past year that has resulted in fundamental changes to sea fishing boat licensing. These involve the enactment of legislation to provide for the establishment of a legally independent licensing authority including an independent appeals system. I also introduced a new licensing policy, following intensive consultation with stakeholders, that ensures an open and transparent policy.

As a consequence of the CFP reform completed in December 2002, a number of major policy changes and developments are now being implemented in key areas. These include a longer-term, strategic approach to preservation of fish stocks, strengthened control and enforcement, modified structural aid, new fleet policy constraints and new provisions for stakeholder involvement in decision-making.

When fully in place, these radical changes will transform the policy underpinning the sector and will provide the necessary backdrop to the detailed process of framing a long-term perspective for ensuring a sustainable future for the Irish fishing industry.

Alternative Energy Projects.

18. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the powers of direction he has to direct ESB National Grid or the energy regulator with regard to moratoriums on connection agreements with wind farm operators; his views on whether the recent moratorium on new wind farm connections was necessary and proportional in relation to the issues raised by ESB National Grid; and the targets and obligations outlined in the EU renewables directive. [10308/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I have no statutory authority to direct ESB National Grid or the energy regulator with regard to the moratorium on new connection agreement offers. On 3 December last the Commission for Energy Regulation, CER, exercising its exclusive competence under section 34 of the Electricity Regulation Act 1999, decided as an interim measure that the electricity network operators ESB and ESB networks were not required to offer new binding connection offers for wind farms before the end of 2003. This date was subsequently extended to 31 March this year.

Yesterday, CER advised the wind steering group that it will make a substantive decision before the end of this month on proposals received recently from ESB National Grid regarding new wind connection offer policy. The system operators have agreed that no offer to a wind generator will issue until the CER decision is delivered.

The CER was acting in response to concern on the part of the grid operator about system stability and reliability. It is not my function to judge whether CER decisions are necessary or proportional. I am more concerned to see that the issues which gave rise to the moratorium are tackled by the parties directly concerned. It should be noted that there is no block on new connections where offers are already in place.

Broadcasting Legislation.

19. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the progress made with regard to the proposed charter for RTÉ being prepared by his Department; if proposals on the charter have yet been brought to Government; if the charter will have a statutory basis; and if he will make a statement on the matter. [10220/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): As part of the package of measures agreed in December 2002 in the context of the decision to grant a significant increase in the television licence fee it was agreed that RTÉ would operate under a public service broadcasting charter, the purpose of which is to explain the obligations placed on RTÉ by national and EU legislation and to set out what RTÉ commits to in terms of provision of services and accountability. A draft public service broadcasting charter for RTÉ was prepared and circulated to all Ministers for comments.

Having considered the comments of other Ministers, I brought a draft charter to the attention of Government on 23 July 2003, prior to the launch of a public consultation process on the charter. My Department received a significant number of high quality submissions during the public consultation process. Copies of these submissions are available on my Department's website. Having considered these submissions the charter has now been almost finalised.

It is proposed that the final charter will be brought to the attention of Government for noting and then published. The report on the public consultation process will also be published on my Department's website.

In the context of forthcoming broadcasting legislation I am considering a provision that would require the existence of a charter. I want to be clear, however, that the charter does not impose new statutory obligations on RTÉ.

Telecommunications Services.

20. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if ComReg will update the universal service obligation for telecommunications operators to include a consumers rights to a reasonable quality of functional Internet access in view of the fact that between 20% and 40% of households fail the quality test indicator for broadband; and if he will make a statement on the matter. [10199/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Regulation 3(2)(c) of the universal service regulations

provides for the placing of obligations on designated undertakings to provide connections that shall be capable of allowing end-users make and receive data communications at data rates that are sufficient to permit functional Internet access. Implementation of the aforementioned regulations is a matter for ComReg.

ComReg is currently in discussions with Eircom, the designated universal service provider, about ensuring that the Eircom network is capable of delivering the universal service obligations in regard to functional Internet access.

Internet access at a broadband standard is not currently provided for under the USO. However, as broadband becomes more widely ubiquitous as a consumer technology, the appropriateness of including it within universal service obligations can be reviewed.

Broadcasting Legislation.

21. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources the countries that were supportive of his initiative in the recent Council of Ministers meeting to allow national authorities to regulate the advertising that satellite broadcasters specifically insert into programming that is broadcast to that national country; the Commission's position with regard to such a proposal; and the strategy he believes should now be adopted to ensure it is introduced. [10303/04]

43. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources the position in regard to his discussions with the EU on proposals to regulate foreign television stations broadcasting into Ireland; when he expects that this matter will be concluded; the progress that was made on this issue at the EU Informal Broadcasting Council on 2 March 2004; and if he will make a statement on the matter. [10232/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I propose to take Questions Nos. 21 and 43 together.

The importance of broadcasting in maintaining cultural diversity in an enlarged Europe was among the topics that were considered at the recent Informal meeting of EU broadcasting Ministers that I arranged as part of Ireland's Presidency of the EU.

One of the specific issues which Ministers discussed during the meeting was the regulation of broadcasting services which are specifically targeted at one member state but are actually subject to the national regulations of another member state. This is an issue which Ireland raised last July in its formal submission to the EU Commission as part of the Commission's review of the television without frontiers directive.

The meeting provided an opportunity for Ministers to have a political discussion on some

important matters in an informal setting. In what was a very open, wide-ranging and provocative debate there was a marked divergence of views on the issue of jurisdictional competence. Some member states spoke forcefully against any change to the country of origin principle. Others argued strongly that broadcasting services that specifically target one member state but derive from a broadcaster in another member state should be subject to the regulation of the target country. There were other member states who indicated that while they had not adopted a position on the question that they were in favour of the matter being explored further as part of the Commission's review of the directive.

On the second day of the conference in Drogheda the Commission recognised that quite a few member states had serious concerns regarding the question of jurisdiction and stated that it would engage with member states on this topic in the context of the ongoing review process. Member states will have a further opportunity to discuss the question at the Education, Youth and Culture Council meeting scheduled for 27 and 28 May.

Fisheries Protection.

22. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources his views on the recommendations of the South Western Regional Fisheries Board following a report on the operational efficiency of different methods of draft net fishing in the Cork Harbour area in view of the outrage expressed by salmon, trout and coarse anglers at these recommendations; and if he will make a statement on the matter. [10200/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The report to which the Deputy is referring was published in December 2003 and was commissioned jointly by the Cork and District Draft Net Fishermen's Association and the South Western Regional Fisheries Board. The purpose of the report was to assess the effectiveness and efficiency of alternative methods of draft net fishing, and in particular the use of monofilament netting, for salmon in Cork Harbour.

I understand that the main findings indicated that in principle there was no appreciable difference in most situations in either catch efficiency, quality or in by-catch between the monofilament nets and the traditional nylon nets.

Following publication of the draft report, my colleague and Minister for State, Deputy Browne, asked the South Western Regional Fisheries Board to undertake a consultation process in order to obtain the views of all stakeholders, both locally and nationally, on the report's findings. I understand, however, that this process

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highlighted a wide divergence in the views expressed by anglers and commercial fishermen in the area and that no consensus could be reached in relation to the findings contained in the report. This is despite the fact that the Minister of State recently met both sides to allow them the opportunity to submit their views.

I am advised that the South Western Regional Fisheries Board has now recommended to the Minister of State that there be legislative change to allow the use of monofilament netting by the draftnet fishermen in the Cork Harbour area on a trial basis for three years subject to a number of strict conditions. Given the lack of agreement between the anglers and the commercial fishermen on this particular report, the Minister of State will now be required to consider their respective views in greater detail before making a decision on the board's proposal in time for the commencement of the commercial salmon fishing season in the Cork Harbour area.

Question No. 23 answered with Question No. 14.

Single Billing Policy.

24. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources the position with regard to the implementation of his policy direction on single billing; and if he will make a statement on the matter. [10212/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I recently issued policy directions to the Commission for Communications Regulation, one of which concerned the introduction by Wednesday, 31 March 2004 of a wholesale line rental product for voice and data services.

This policy direction recognises the importance of the single billing product to advancing competition. Single billing will allow operators other than Eircom to offer customers just one bill for both line rental and calls. Eircom has confirmed to ComReg that the wholesale-line

rental product is available to interested operators by the 31 March deadline as required. I am also aware, both from operators and ComReg, that this wholesale product will now be fully tested by operators to their specific commercial requirements as a precursor to the roll-out of retail offerings.

I look forward to the contribution that wholesale line rental can bring to enhancing competition in the sector and ensuring that consumers get a competitive telecommunication service. ComReg will report to me monthly from June on the take up of this product and work with the industry to ensure its smooth introduction.

A review of the overall impact of the introduction of this commercial product on competition and line rental will be undertaken in September. If the progress envisaged is not evident at this time I will direct ComReg subject to the relevant requirements under European and national law to examine taking line rental out of the present price cap and examine setting a specific rental cap no greater than CPI or take whatever other appropriate steps are necessary to ensure its successful introduction.

EU Directives.

25. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources the EU directives for which his Department is responsible which have yet to be implemented, particularly those with deadlines for implementation which have passed; if he will list any legal action initiated or threatened by the Commission for the non implementation of any directive; and if he will make a statement on the matter. [10227/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The following table sets out the position in relation to EU directives due to be transposed for which my Department is responsible. As the Deputy will note, there are currently no directives overdue for transposition. Department of Communications, Marine and Natural Resources — Directives awaiting Transposition

Title of Directive	Deadline for Transposition	Expected date of transposition
Directive 2003/24/EC of the European Parliament and of the Council of 14/04/03 amending Council Directive 98/18/EC of safety rules and standards for Passenger Ships	17.11.04	November 2004
Directive 2003/25/EC of the European Parliament and of the Council of 14/04/03 on specific stability requirements for ro-ro passenger ships (Text with EEA relevance)	17.11.04	November 2004
Directive 2003/30/EC of the European Parliament and of the Council of 08/05/03 on the promotion of the use of biofuels or other renewable fuels for transport.	1.07.04 for report to Commission on indicative targets to be met by Dec 05 and Dec 2010 and 31.12.04 for any legislative measures.	01.07.04 — report to Commission and 31.12.04 — for any legislative measures.

Title of Directive	Deadline for Transposition	Expected date of transposition
Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003 amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft	30.06.04	June 2004
Directive 2003/54/EC of the European Parliament and of the Council of 26 July 2003 concerning common rules for the Internal Market in Electricity and repealing Directive 96/92/EC	30.06.04	June 2004
Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC.	1. 01.07.04 (part) 2. 01.07.04 (part) 3. 01.07.05 (balance)	1. June 2004. 2. June 2004. 3. July 2005.

Oil Refinery Sale.

26. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the total amount paid to the Exchequer in respect of the sale of a refinery (details supplied) and the Bantry storage terminal; the amount of the balance that remains outstanding; when he expects that this will be paid; and if he has satisfied himself the rate of payments. [10229/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I refer the Deputy to Question No. 120 of 24 February 2004 which is identical. There has been no change in the position outlined in that reply.

Container Vessels.

27. **Mr. English** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the danger to commercial and leisure vessels of containers adrift at sea, having fallen off container vessels; and if so, if it is an issue that he will be attempting to address. [10237/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Containers aboard sea-going vessels can be lost overboard for various reasons such as difficult weather conditions, collision of vessels, or sinking of vessels. I am aware that such containers, once lost and adrift at sea, represent a danger to commercial and leisure vessels and also that their contents may be harmful to the environment.

Shipmasters are obliged under the SOLAS Convention to report any direct danger to navigation in Ireland's search and rescue zone of responsibility to the Irish Coast Guard. This would include details of any container lost from their ships. On receipt of such a report the coast guard initiates the procedures of warning other ships in the vicinity, notifying relevant interested parties, such as local authorities where there is a possibility of pollution, and taking any safety and environmental protection measures as required. Decisions made about intervention to remove the danger posed by a container adrift, including searching, marking, recovery and destruction,

would be agreed, where possible, with the ship owner.

Fishing Fleet Protection.

28. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources the response that he has received from his recent call to the EU Commission to examine closely the delivery of incentives to change fishing habits in order to protect stocks; and if he will make a statement on the matter. [10216/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Deputy's question relates to comments made by me in my capacity as chairman at the ministerial and stakeholders conference on fast tracking the development of environmentally-friendly fishing methods which was held on 11 March 2004 under the Irish Presidency.

At the conference, Ministers each put forward a broad range of possible approaches to the development and integration of environmentally-friendly fishing methods in European fisheries management policy. All Ministers agreed that fishermen themselves were central to the successful delivery of environmentally-friendly fishing methods.

The EU Commissioner for Fisheries, Dr. Fischler, addressed this issue directly in his keynote address to the delegates. The comments to which the Deputy refers were, in fact, my positive reaction to the Commissioner's own suggestion that fishermen who adopt a more environmentally-friendly approach to fishing through the use of more selective technologies and methods should be recognised for their efforts. I also supported the Commissioner's suggestion that this could be done either through preferential grant aid under the framework of the fisheries structural funds or through the allocation of increased fishing opportunities.

The provision of incentives to encourage environmentally-friendly fishing methods is one of a number of key issues which arose at the conference and will be considered in detail by the Directors-General of European fisheries at planned informal meetings next week in Dublin and Dundalk. I have also agreed with

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Commissioner Fischler to have a formal communication presented by the Commission on the subject of the conference during the Irish Presidency of the EU. This formal Commission Communication will then form the basis for council's work — planning the development of environmentally-friendly fishing methods within the CFP.

29. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the position in regard to the consideration by the European Commission to the joint application made with the UK for new measures to safeguard the salmon farming industry from recent surges of cheap imports of farmed salmon from non-EU countries; and if he will make a statement on the matter. [10221/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): As previously outlined to the House, the joint Ireland-UK application for an investigation into the circumstances leading to the current situation on the EU salmon market, and the possibility of opening safeguard measures, is being dealt with by the European Commission's safeguards committee.

The application was initially presented to that committee on 12 February 2004 and the Commission expressed the view that the criteria for opening an investigation under the relevant EU Regulations, had been fulfilled. The Commission also sought, by 23 February 2004, the detailed views of other member states. The Commission initiated an investigation as requested by Ireland and the UK on 6 March 2004, which will determine whether the introduction of safeguard measures is justified. Once the investigation is complete, the Commission, following discussions at the safeguards committee, can decide to introduce safeguard measures on a provisional basis for a period of 200 days.

If the Commission decides to introduce longer term safeguard measures, any member state may refer the matter to the Council of Ministers. The Council acting by qualified majority may confirm, amend or revoke the Commission's decision.

Eircom Flotation.

30. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the recent decision of Eircom to float on the Dublin and London Stock Exchanges, with particular reference to the large gains that will accrue to senior executives and the losses incurred by ordinary members of the public who purchased shares in the company on the advice of the Government in 1999. [8002/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Eircom is a

private company and the decision to float on the Stock Exchange and the management of that flotation is a matter for them alone. I have no function in the matter.

Question No. 31 answered with Question No. 14.

Natural Gas Grid.

32. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the person who will finance, own and operate the proposed Mayo gas pipeline extension to connect from the existing national grid to the proposed Bellanaboy gas terminal; and the number of years of current Irish natural gas usage which could be supplied by the projected recovery from the Shell-Enterprise energy, Corrib gas field. [10300/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The proposed Mayo gas pipeline extension to connect from the existing National grid to the proposed Bellanaboy gas terminal would be built, operated and owned by Bord Gáis Éireann under contract with the gas field developer. The finance for the project would be remunerated by the usage tariff to be levied on gas passing through the pipeline over the project lifetime. This pipeline would not be part of the regulated tariff base of Bord Gáis Éireann for the purposes of gas prices.

The 2003 gas capacity statement produced by CER shows the Corrib field contributing from 42% of peak demand from 2005-06. These estimates must of course be revised in the light of project timing and the increasing usage of natural gas in Ireland.

Broadcasting Legislation.

33. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources if he is supportive of the proposals enclosed in the draft children's advertising code that has been published by the Broadcasting Commission of Ireland; if his attention has been drawn to the fact that RTÉ's submission to the commission on the code included a proposal to further strengthen its own voluntary code and allow for the actual restriction of the advertising of certain food products; and if he will make a statement on the matter. [10304/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Section 19(11) of the Broadcasting Act 2001, provides that the Broadcasting Commission of Ireland, which is a statutorily independent body, shall draw up new codes and rules relating to advertising likely to be of direct or indirect interest to children. In November 2002, I formally directed the Broadcasting Commission of Ireland to draw up new codes and rules relating to advertising and in accordance with section 19(2) of the 2001 Act I specified that priority be given

to codes relating to advertising directed at children. The commission subsequently embarked on a public consultation process seeking the views of interested parties. With this phase of the process completed in July last year the commission moved to the next phase. It engaged in a process to raise public awareness of the development of the codes, gathered views on the content of the code using a second public consultation document. The commission consulted widely including consultation with children themselves. I understand that the commission intends to finalise and publish new codes by the middle of this year.

As I have no statutory function in relation to the content of the codes I do not intend to comment on individual submissions. It is open to any broadcaster or to the industry at large, to introduce additional voluntary measures over and above those that might be included in codes to be drawn up by the Broadcasting Commission of Ireland.

34. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources the progress made to date with regard to the specific steps he intends to take during the Irish Presidency to protect minors in the area of broadcasting in regard to his statement of 26 January 2004; and if he will make a statement on the matter. [10222/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I refer the Deputy to my reply to Question No. 169 of 24 February. Publication by the European Commission of its updated recommendation on the protection of minors is now expected in April.

35. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources when he intends to bring proposals to Government to establish TG4 as an independent statutory entity; and if he will make a statement on the matter. [10230/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I refer the Deputy to my reply to Question No. 146 on Tuesday, 24 February 2004.

Broadband Project.

36. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources his views on the report on broadband produced by the Joint Oireachtas Committee on Communications, Marine and Natural Resources; if it is intended to implement the recommendations in the report; and if he will make a statement on the matter. [10211/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The report is a very useful contribution to broadband policy formulation and I welcome it. I am currently examining the detail of the report and its

recommendations. I am pleased to note that many of the recommendations in the report are implicit in various facets of our broadband and information society policies.

Electricity Prices.

37. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources if any study has been carried out or is planned on the possible consequences for electricity prices of recent decisions in regard to the allocation of carbon dioxide allocations, particularly in view of fears expressed that it could lead to a significant increase in prices; and if he will make a statement on the matter. [10208/04]

50. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the discussions he has had with the CER with regard to the windfall gains that electricity generators will receive following the introduction of emissions trading; and if he intends to introduce a system whereby such windfall gains would be recycled to reduce the cost to the consumer. [10305/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I propose to take Questions Nos. 37 and 50 together.

The Commission for Energy Regulation, CER, in its advisory statutory function, has advised me that under the EU emissions trading scheme, electricity generators are likely to benefit financially from windfall gains arising from the impact of the allocation of greenhouse gas allowances on the wholesale market price of electricity. In its opinion, in order to give the correct price signal to final customers, they should see in their retail price, the full costs of allowances, that is allowances which are freely allocated under the scheme together with those required to be purchased by generators.

Reflecting the true costs of conventional generation, including emissions costs in wholesale electricity prices, will introduce transparency into the process of correctly valuing renewable energy insofar as its environmental benefits are concerned. This will mean that generators using cleaner, less carbon intensive fuel will have a comparative advantage in the wholesale electricity market with higher relative increases, as is the intention of the scheme. If prices were to reflect only the cost of allowances which had to be purchased by existing generators, then it would be a disincentive to attract the required new generation capacity with serious implications for national security of supply.

The CER commissioned a study carried out by ILEX on the impact of the EU emissions trading scheme on the Irish electricity market. This study, which was published in December 2003, is available on the Commission's website at www.cer.ie. The study found that emissions trading may lead to a 12.8% increase in the wholesale price of electricity by 2006 based on a

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70% allocation of historical emissions, a €10 per tonne price of carbon and 100% pass through of the cost of carbon. Assuming only the additional cost of carbon is incorporated, the study indicated a 2.6% increase in the wholesale electricity price.

I am advised that, based on the proposed allocations, where there is full cost pass through, the impact on the wholesale electricity price could be in the region of 14% which might result in an average retail tariff increase of 7%. Tariff increases resulting from this full cost pass through would adversely affect competitiveness and would lead to windfall profits for existing generators who received allowances for free.

Bearing in mind the need to keep electricity prices at the lowest sustainable level, I have considered the CER's suggestion that the windfall gains to the generators could be recycled in the electricity sector to mitigate the effect of the introduction of emissions trading on retail electricity prices. In this regard, I have brought legislative proposals to the Government which it has just approved. I propose to empower the CER to make regulations, subject to my consent, to claw back from generators any such windfall gains arising. It is intended that the bulk of the gains will be recycled back into reducing tariffs and the remainder possibly used in other areas which could include fuel poverty, energy efficiency and R& D focused on renewables. It is expected that, due to the moderation of tariff increases through recycling, customers will only see tariff increases of 1% to 2% which reflects the rise in wholesale prices due to the actual cost of purchasing the balance of allowances required.

Question No. 38 answered with Question No. 14.

Question No. 39 answered with Question No. 10.

Energy Resources.

40. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the outcome of the all-Ireland energy forum which he jointly hosted with the Northern Ireland Minister for Enterprise, Trade and Investment, Mr. Ian Pearson MP, in Drogheda on 12 March 2004. [10210/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): As the Deputy will probably know, the recent energy forum was organised on foot of a joint decision taken by the Minister for Enterprise, Trade and Investment, Mr. Pearson, and myself at our bilateral meeting in December 2003. At that time we agreed that the electricity, gas and renewable energy industries and other interested parties should be informed about the work of the all-island energy market joint steering group, which we had established in 2003 to develop the all-

island energy market. We were also anxious to engage key stakeholders in discussions on the development of a strategy to achieve that objective.

The forum itself consisted of a series of presentations on current key issues for the energy sector. Presentations were made by members of the joint steering group, the Commission for Energy Regulation, the Northern Ireland Authority for Energy Regulation, Sustainable Energy Ireland, the two grid operators and the IBEC-CBI Joint Business Council. The presentations were followed by a wide-ranging discussion on strategic issues concerning the development of an all-island energy market.

A key conclusion of the forum was that a high-level strategy paper should be prepared by the joint steering group. The strategy paper is expected to set out a shared understanding of what is meant by an "all-island energy market". The real challenge for the joint steering group is to translate that shared understanding into a realistic and achievable strategic work programme. The aim of the work programme would be to provide a framework for collaborative action by industry, regulatory authorities and the two Governments in working towards the goal of an all-island energy market. The strategy paper will also take account of ongoing exploratory work on issues such as electricity interconnection and the views expressed at the forum. There was general consensus that a repeat of the forum after an appropriate interval would be welcomed.

Aquaculture Report.

41. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources if he has received the final report of the investigation into the massive fish kill at Inver Bay, County Donegal during July 2003; the findings of the report; and if he will make a statement on the matter. [10224/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The report of the investigation carried out by the Marine Institute into the fish mortalities that occurred at salmon farms in Donegal Bay last year was published earlier this month. I understand that the Marine Institute has furnished copies to the operators of the fish farms concerned, and that the document has also been made available on the institute's website.

The report presents a comprehensive evaluation of possible causes of the fish mortalities, and rules out many of them. The factors excluded as possible causes as a result of the investigation include a primary fish pathogen, farm management, harmful algal bloom, a pollution incident, sediment disturbance and the dumping of dredge spoil material. The report concludes that, when the mortality incident is reviewed in detail, it appears most likely that the initial insult to the fish may have been caused by

a biological event such as a siphonophore bloom, which may have occurred in both Inver and McSwyne's Bays and which probably coincided with an intrusion of offshore water such as occurred in early July.

The report points out that the initial insult to the fish occurred when water temperatures were very high in relation to the optimal temperature for the cultivation of salmonids and that, subsequent to the initial event, secondary bacterial and parasitic infections were noted. It indicates that these infections would have added considerably to the stress of the fish, which were already severely debilitated. The overall finding is that the cause of the mortalities was multi-factorial in nature, where the net cumulative result was much greater than it would have been should the initial event have occurred at lower water temperatures or in the absence of secondary infection of the gill tissue of the fish. The Marine Institute is also, at my request, looking at the overall position in relation to mortalities at fish farms along the western seaboard last year.

Water Sports Vehicles.

42. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources the progress made in discussions with the Department on the Environment, Heritage and Local Government on the legal issues regarding control of jet-skis in waters not under the control of local authorities; and if he will make a statement on the matter. [10223/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): A draft maritime safety Bill to provide the necessary powers to assist local authorities in adopting regulations relating to the operation of jet-skis in waters within their jurisdiction is at an advanced stage of preparation. Discussions are continuing between officials from my Department and officials from the office of the Attorney General and the Department of the Environment, Heritage and Local Government. I expect that all remaining matters will be addressed very shortly.

Question No. 43 answered with Question No. 21.

Mobile Telephony.

44. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to reports that mobile phone users are being enticed into spending up to €100 million in vain attempts to win cash prizes through text messages; the steps he intends to take to prevent the exploitation of mobile phone users in this way; and if he will make a statement on the matter. [10214/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I have no function in this matter. The onus lies with mobile

phone users to exercise due care before entering any such competitions. However, some such enterprises are covered by EU Directive 2002/58/EC, the directive on privacy and electronic communications, transposed into Irish law on 6 November 2003 via the Electronic Communications (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003 — S.I. No. 535 of 2003. The aforementioned regulations provide for restrictions on unsolicited direct marketing by telephone, fax, automated calling systems, e-mail, SMS and MMS.

It is now illegal within the EU to target individuals or natural persons by unsolicited SMS. Spam — unsolicited e-mail and SMS marketing — sent to individuals, with a limited exception, covering existing customer relationships, is only allowed with prior consent. Monitoring compliance with and enforcement of the provisions of the regulations is a function of the Data Protection Commissioner's office.

Harbours and Piers.

45. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the position in relation to the harbour development at Castletownbere for which funding was committed in January 2004; the progress made in the meantime; and the proposed timetable for the completion of dredging, pier extension and auction hall. [10178/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The project at Castletownbere was announced on 23 January 2004. The consultants engaged on the project and officials from my Department have presented their findings to harbour users. User observations and internal review considerations are now being incorporated into the design stage of the project.

The project will require dredging work to be carried out in the vicinity of the harbour. It is intended that this work will be let as a sub-contract to the main contract. The contractor will have responsibility for design, procurement of the statutory permits for dredging and disposal, and execution of the works. The current programme will see the main contract being awarded in October 2004. It is intended that the dredging contractor will commence his design and preparation work in August 2004.

It is envisaged that the programme will run sequentially, with dredging operations being completed in six months from award of the contract. Subsequently, the quay construction is expected to last approximately 11 months. Construction of the auction hall building will commence immediately thereafter. It has a 12 month construction period.

Question No. 46 answered with Question No. 10.

Aquaculture Development.

47. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources the progress made in regard to his Department's comprehensive review of the existing procedures for the monitoring and control of aquaculture generally which he had indicated would be completed by the end of January 2004; and if he will make a statement on the matter. [10225/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): A comprehensive review of the procedures for monitoring, control and enforcement in respect of aquaculture has been undertaken in my Department. The work involved is substantially completed, but its finalisation was held over pending the availability of the Marine Institute's report on mortalities at fish farms in Donegal Bay, which was published this month. The review will now be completed as soon as possible.

The review has considered, in particular, how existing systems and processes may need to be refined or reinforced to ensure the optimal operation of monitoring and control programmes for aquaculture. If changes are required to legislation or procedures or practices on foot of the review, the necessary action will be taken as a priority.

Industrial Disputes.

48. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to resolve the postal dispute; if he will enter into the necessary negotiations to prevent a recurrence; and if he will make a statement on the matter. [10276/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Labour Relations Commission has issued a framework document to An Post and the Communications Workers Union with a view to finding a resolution to the current difficulties. I understand that this document has been accepted by An Post and it is still being considered by the CWU. Extensive contacts have been undertaken over the course of the last week involving all the major stakeholders, including the LRC, to find a basis on which both sides could commence negotiations. While this latest step represents significant progress, the challenge in finding a basis on which the LRC could get involved is an indication of how complex and deep seated the issues are and nobody should underestimate the difficulty of finding a resolution to the current dispute. I emphasise that the Government and I are fully committed to the An Post ESOP in the context of the implementation of a recovery strategy for the company and provided that the terms of the agreement are complied with.

It is clear that An Post customers are suffering serious inconvenience as a result of the dispute and companies which operate in a highly competitive business environment cannot afford

any loss in competitiveness arising from an IR situation outside their control. Furthermore, the An Post financial situation is such that a prolonged dispute could cause serious financial damage to the company.

Fundamentally, An Post needs to restructure and needs to return to a firm financial footing if it is to be a strong player in the Irish postal market and to continue to provide quality services to customers and sustainable employment for staff. The recovery strategy approved by the board of An Post sets out the basis on which the company, in partnership with the trades unions, can move forward.

Grant Payments.

49. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he has received legal advice on the status of the money paid out and the status of the outstanding grants in relation to the construction of a marine centre at Dereenacallaha, Kenmare, County Kerry, despite reservations expressed by senior officials, and part of which has now been demolished due to the fact that it did not comply with planning requirements; the action he intends to take as a result of the legal advice; and if he will make a statement on the matter. [10218/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): As the Deputy is aware, my Department sought legal advice from the Chief State Solicitor's office on the status of the moneys paid and the status of the outstanding grant in relation to the construction of a marine centre at Dereenacallaha, Kenmare, County Kerry. My Department has not yet received the advice requested and, accordingly, I must await this advice before I make any further move on this matter.

Question No. 50 answered with Question No. 37.

Broadcasting Regulation.

51. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources if he will publish a green paper regarding recent windfall profits for holders of radio spectrum licences; and if he will make a statement on the matter. [10201/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I have no plans to publish a green paper on the matter. I am undertaking a fundamental review of the radio licensing regime in Ireland. Among the many complex issues being considered in that review is the value of radio licences and how the public interest is best served in the licensing process. My Department has engaged external advisers to assist in the review. The independent advisers will submit their final report to me

shortly and I intend to then hold a public consultation on the matter.

Question No. 52 answered with Question No. 10.

Food Safety Standards.

53. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the monitoring carried out of fish both caught and sold on the Irish market to measure the level of mercury that consumers may become exposed to. [10307/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): In order to protect consumers, the European Union has set, in EU Regulation 466/2001, maximum limits for total mercury content in fishery products. In accordance with the monitoring requirements of EU food safety legislation, analysis is carried out of a range of fin-fish both landed into, and farmed in, Ireland. A similar monitoring programme is in place for shellfish. These programmes are carried out by the Marine Institute, under service contract to the Food Safety Authority of Ireland. Similar programmes are in place in other member states.

Over the past number of years, the concentration of mercury in the edible portion of the fish analysed, in Ireland, is well within the European Union human consumption tolerance level. The catch element of the monitoring programme concentrates on the most commonly landed species and does not normally include the top predatory species fish such as shark, swordfish, marlin and tuna. The FSAI has provided important precautionary advice in relation to the consumption of these fish species. The FSAI is advising certain groups to continue consuming fish, from a wide range of species, as part of a balanced diet but not to eat swordfish, marlin and shark, and to limit consumption of tuna.

Official Appointments.

54. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources when the independent experts to undertake the promised review of RTE's pricing policy in the advertising market will be appointed; the way in which they will be appointed; and if he will make a statement on the matter. [10219/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I refer the Deputy to my reply to Parliamentary Question No. 111 of Tuesday, 24 February 2004. The independent experts will be appointed in accordance with normal procedures for the procurement of such services.

Marine Safety.

55. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources

the level of consultation that has taken place with the interested stakeholders or that will take place before the introduction of a new leisure boat registration scheme is introduced later in 2004. [10187/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The maritime safety directorate of my Department is developing a registration system to enhance the safety of recreational craft. A consultation paper for the small vessels register is currently being drafted by the maritime safety directorate of my Department. Once this has been completed, the paper will be issued to interested bodies and will also be made available on the Department's website. The small vessels register, along with the safety code for recreational craft, will place maritime safety at the centre of the Department's policies on recreational craft.

Common Fisheries Policy.

56. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources the proposals for reform of the Common Fisheries Policy he intends to bring forward during the period of the Irish EU Presidency; and if he will make a statement on the matter. [10215/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): As I have previously advised the House, under the institutional framework governing the European Union the sole responsibility for initiating proposals rests with the European Commission. Proposals for changes to the Common Fisheries Policy, CFP, are not matters on which the Presidency of the Council can seek to progress unilaterally. In any event, the CFP has only recently been reviewed. A new basic regulation was agreed at the Agriculture and Fisheries Council in December 2002, following protracted and difficult negotiations.

The process leading to that reform of the CFP was a lengthy and comprehensive one. It embraced such key areas as access to resources, conservation, control and enforcement, structures and fleet policy. The reform process spanned a number of years and involved detailed consultation with stakeholders across the European Union. The new basic regulation will govern EU fisheries policy over the next decade and accordingly the question of embarking on a new review of the CFP so soon after it has been comprehensively reviewed is not a realistic prospect.

Ireland, with the benefit of detailed input from Irish fishermen, participated in the reform process in a progressive manner and the reform package finally agreed contains many of the recommendations of Ireland's national strategy review group. In that regard, I would draw the Deputy's particular attention to an action plan to address the problem of the discarding of juvenile

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fish catches, stronger control and enforcement, continued recognition of Ireland's entitlements for additional quotas under the so-called "Hague preferences" and new regional advisory councils giving fishermen a strong voice in shaping future fisheries policy at EU level. The regional advisory councils are considered a particular priority and we hope to have agreement on this issue during the course of Ireland's EU Presidency.

EU Presidency.

57. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the progress he has made on the priorities that the Government has set itself in his area of responsibility during Ireland's Presidency of the EU. [10238/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): As I have previously advised the House, I am responsible for a wide range of EU Presidency business across the sectoral policy areas of telecommunications, energy, broadcasting, fisheries, maritime transport and maritime safety. I also hold commensurate chairing responsibilities for the agriculture and fisheries, transport, energy and telecommunications and education, youth and culture council formations.

Together with my officials, I am working on delivering on policy priorities at EU level during the Presidency within the Government's overall strategic approach to the EU. I outlined these priorities in detail to the House on 27 January in my reply to Parliamentary Question No. 589. I am satisfied with progress, at both Council and working group level, in relation to the various dossiers for which I hold responsibility.

On telecommunications, work to date has focused on the preparation of issues for discussion at the telecom Council held on 8 March. The Council recognised that the targets of the e-Europe 2005 action plan remain valid and that significant progress has been made, particularly in the areas of broadband and e-Government. The Council highlighted the importance of the electronic communications sector for growth, productivity and social cohesion in the EU, while recognising that challenges remain for its future development. These include broadband coverage for under-served areas and stimulation of demand for content and services.

The Council responded to the communication by the Commission, which identified the scale of the problem of spam and highlighted the importance of close and sustained co-operation among key players. The Council has also produced a preliminary response to the Commission's assessment of the outcomes of phase 1 and the proposed EU priorities and working method for phase 2 of the world summit on information society. Key issues arising are those of financing and Internet governance.

I am also satisfied that the priority areas identified in the energy sector are progressing satisfactorily. I am working towards achieving at least a political agreement at the energy Council in June on the proposal for establishing a framework for the setting of eco-design requirements for energy using products and the gas transmission proposal. The Irish Presidency continues to play an active role in working towards the establishment of a common energy position for the EU on renewable energies and in progressing the proposals relating to security of electricity supply, trans-European networks and demand-side management.

On broadcasting, I hosted a meeting of Ministers in Dublin and Drogheda from 1 to 3 March. One of the specific issues that Ministers discussed at some length was the regulation of broadcasting services that are specifically targeted at one member state but are actually subject to the national regulations of another member state. I intend to give member states a further opportunity to consider this topic at the May meeting of the education, youth and culture council.

On maritime safety, examination of the proposed directive on sanctions for pollution offenders and implementation of new maritime security measures for Irish ports and ships are being progressed. On 26 March, representatives from EU member states, accession states and other European countries, along with representatives of the European Commission, European maritime safety agency and the key interests in the maritime sector participated in a forum in Gorey, County Wexford, as part of the Irish Presidency contribution to the promotion of safer and more secure shipping, and cleaner seas in European waters.

In the area of fisheries, the Council adopted proposals relating to the protection of small cetaceans; protection of the Darwin Mounds fishing area; aid for fishing fleet in the outermost regions; and measures on autonomous Community tariff quotas on certain fisheries products. The Presidency has also achieved agreement on a number of third country fisheries agreements, including between the Community and Tanzania and the Community and the Solomon Islands. The Presidency has also progressed the development of conservation and management strategies in various regional fisheries organisations including the north west and north east Atlantic, together with the Baltic Sea. The Deputy will find details of developments as they arise on my Department's website, www.dcmnr.ie and on the Irish Presidency website, www.eu2004.ie.

Energy Resources.

58. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources the reason the cost of electricity here has increased dramatically relative to other EU

member states; and the cost factors related to Ireland that do not relate to other EU states that can explain the fact that energy costs here are now the second highest in the EU. [10183/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I wish to point out that I do not have a function in relation to the pricing of electricity. The Commission for Energy Regulation was given the responsibility for regulating ESB's tariffs to its franchise customers under the European Communities (Internal Market in Electricity) Regulations 2000. Previously, ESB would, by custom and practice, have sought Government approval before increasing its tariffs.

According to Eurostat July 2003 data, prices for domestic customers were at the European average while those for industrial and commercial users were second highest. It should be remembered that large scale customers and many SMEs are free to purchase electricity from suppliers other than ESB.

The CER set about a process of rebalancing tariffs ahead of full market opening in 2005, which is required to ensure that all tariffs fully reflect the cost of supplying different categories of customers. This action is set against a backdrop where tariffs had risen by a total of only 3.5% in nominal terms between 1986 and 2001, compared to 52.5% inflation in the same period, leading to a situation where eventually generation costs were being under-recovered and grid investment was postponed. The increases approved by the CER to date have brought tariffs more into line with costs, thereby helping to prevent under-recovery and improving the investment climate; neither private investors nor the ESB could justify investment in new plant in the absence of cost reflective pricing.

Measures would have been needed in any event to make the tariffs more cost reflective in light of the need to undertake a major infrastructural investment programme on the electricity transmission and distribution systems and to install additional generation capacity to meet increasing demand. In that regard, it is worth noting that energy infrastructure is paid for by the users and not the State as is the case, for example, of roads and water.

Given the substantial infrastructural investment requirements in Ireland and the fact that networks in mainland Europe are mature in investment terms and heavily interconnected, a direct comparison with our European counterparts of unit costs for use of the transmission and distribution systems is not meaningful. These costs are being driven by major infrastructural investment of approximately €4 billion between 2002-07, of which €1 billion approximately relates to transmission development and €3 billion approximately relates to distribution. However, because the networks are regulated monopoly activities, it is an imperative of regulation to seek

to incentivise a downward pressure on the cost of providing these services.

When comparing the cost of electricity in Ireland relative to other EU member states, it is important to bear in mind the issue of peripherality. Ireland's geographic position as a small island economy poses structural difficulties which cannot be easily addressed. Generation costs must be seen from the perspective of these inherent characteristics of the Irish electricity market, that is, small in comparison to other EU member states, not significantly interconnected and hence, limited access to other competitive markets and a lack of relatively cheap indigenous resources.

Natural gas now accounts for more than 40% of fuel used for electricity generation in Ireland and this proportion is increasing. As the Deputy may be aware, indigenous gas supplies are limited here leading to a strong reliance on imports and the transportation costs *via* the interconnector place a significant premium on prices. Landed prices for natural gas in Ireland are between 20 % and 25 % higher than those paid by our mainland European counterparts. This fact contributes to placing Irish electricity prices at a considerable disadvantage relative to the European average benchmark.

Fisheries Protection.

59. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if he has received the first phase of the report of the consultants appointed to undertake the review of the inland fisheries sector, which he indicated would be completed by the end of March 2004; if it is intended to publish the document; and if he will make a statement on the matter. [10226/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I am advised by the steering group which I established to oversee the high level review referred to by the Deputy that the complex review will require some more time yet before they are in a position to forward their report on the first stage of the review.

While I appreciate that earlier indications were that I expected to receive this report by the end of March, I am sure that the Deputy will nevertheless agree that, given the size and complexity of the task assigned to them, the consultants should be allowed the necessary time to deliver a report which fully and comprehensively addresses the issues put before them. I have asked the steering group to ensure, however, that there is no undue delay in the process and informed them that I remain anxious to receive this report as soon as possible.

Energy Resources.

60. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources

[Mr. Naughten.]
the plans he has to introduce measures which would reduce the demand on energy in the home; and if he will make a statement on the matter. [10182/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I refer to my reply to an identical question, No. 41, asked on 17 December 2003.

Mining Leases.

61. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources the matters discussed and conclusions reached at the meeting between his Minister of State and other interested groups in Nenagh on 23 March 2004 regarding remedial works required to be completed at the former site of a company (details supplied) in County Tipperary; and if he will make a statement on the matter. [10228/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): A meeting was held on 22 March 2004 in Nenagh between officials of my Department, the Environmental Protection Agency, EPA, North Tipperary County Council and Mogul of Ireland Limited in relation to the remediation works required to be completed by Mogul under clause K of its State mining lease at Silvermines, County Tipperary.

The meeting discussed Mogul's submission of 5 March 2004 to the exploration and mining division of the Department, which sets out in detail its proposals for addressing its clause K remediation responsibilities and requirements. Mogul's proposals are conceptually acceptable, subject to provision of greater detail. A copy of the press release setting out the outcomes of the meeting is attached for information.

A copy of Mogul's proposals was given to representatives of the local community on 22 March and they delivered a copy of their own proposals to departmental representatives. A meeting with the local community will be held shortly. North Tipperary County Council has sought further information in respect of an application for a waste permit for Gortmore sought on behalf of Mogul.

Fisheries Protection.

62. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the reported recent use of nets in the Brandon Bay and in other Kerry estuaries, supposedly for the purpose of catching sea bass; if such fishing is permitted; the actions the fisheries board use to monitor such activity and enforce the relevant regulations; and the actions which have been taken by the South Western Fisheries board in relation to the breaches of both the sea bass and wild salmon fishing regulations in each of the past three years. [10299/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Irish sea bass fishery is one of the most rigidly regulated fisheries within our jurisdiction with extensive by-laws and regulations governing: size limit on the fish caught, 40 cm; bag limit — two fish in any 24 hour period; prohibition on the commercial fishing of bass; prohibition on the sale of bass in Ireland unless from an imported source; and prohibition on fishing during bass spawning season.

Officers of the sea food control division of my Department, the Naval Service and the relevant regional fisheries boards constantly monitor fishing operations and landings at sea and in our sea fishing ports and have reported no evidence of targeted sea bass fisheries or landings from trawling or netting operations in any area of the country.

In the Brandon Bay and other Kerry estuaries, I am advised that the South Western Regional Fisheries Board visits these areas regularly to ensure that prohibited fishing methods are not used. These visits occur under the board's programme for protection of salmon. It also has a programme for the protection of bass which takes place in the late autumn period. During this period, the board's staff undertake up to 12 visits of the relevant bass areas. Over the past five years the board has seized many nets in the area. There have also been approximately five prosecutions relating to bass in the same period. I understand that further surveillance was carried out in recent weeks where one person was apprehended with a prosecution pending. Bass fishing has recovered significantly since the introduction of the by-laws on bass fishing and the quality of bass fishing in this area is equivalent to the best available at present.

My Department is fully aware of the commercial value of recreational sea angling, particularly to our coastal communities, and I assure the Deputy that through the constant vigilance of our enforcement staff any opportunist exploitation of this valuable natural resource is kept to an absolute minimum.

County Enterprise Boards.

63. **Cecilia Keaveney** asked the Tánaiste and Minister for Enterprise, Trade and Employment if funding is available for a person towards the setting up of a school of hairdressing; and if she will make a statement on the matter. [10440/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): While there is funding available from the county enterprise boards which operate under the aegis of my Department for micro-enterprises, i.e., firms employing up to ten persons, the funding is targeted primarily at manufacturing and internationally traded services. Funding would not normally be available towards the costs of setting up a hairdressing school. Nevertheless, the relevant county enterprise board may be in a

position to provide some business advice and management development support programmes to a person setting up such a business. These programmes are designed to help new and existing enterprises to operate effectively and efficiently to ensure survival and growth.

Defence Expenditure.

64. **Aengus Ó Snodaigh** asked the Minister for Defence the implications for defence spending here of the 2010 EU military harmonisation deadline agreed in October 2003; if the cost projections have been done; if so, if he will report on the results; if not, when that will be done; and if they will be published. [10421/04]

Minister for Defence (Mr. M. Smith): Defence and defence policy is a fundamental expression of national sovereignty. In that context, defence spending is a matter for the Government and has to be undertaken in a prudent and balanced fashion having due regard to the prevailing national socio-economic environment.

The Government's White Paper on Defence, published in February 2000, set out a medium term strategy for defence covering the period up to 2010. A major objective of the strategy is to ensure that Ireland has a world class military organisation capable of carrying out the roles assigned to it by the Government, both at home and abroad. This objective requires an ongoing modernisation process, including an investment programme to ensure that the Defence Forces are properly equipped for these roles. It would be wrong to suggest that this investment programme, which is necessary regardless of Ireland's participation in the European Security and Defence Policy, arises from our commitments to the Helsinki Headline Goal.

Participation in ESDP will have the minimum possible implications for the Exchequer. In seeking to modernise the Defence Forces, I have been fully conscious of the need to obtain the best possible efficiencies from existing resources. For example, the disposal of assets has been used as a method of financing our re-equipment programme, while the planning and review process of Partnership for Peace has been used as the forum for enhancing the ability of the Defence Forces to operate effectively with contingents from other countries on Petersberg Tasks type operations. In this way the Defence Forces have been able to make a valuable contribution to peace support operations from within existing resources. In relation to financing of Petersberg type operations, Ireland favours maximising a system of financing operations on the basis of costs lie where they fall. This is the basis on which Ireland successfully participates in KFOR and SFOR, and I would envisage that our participation in similar Petersberg Tasks type operations in the future will be similarly financed.

In addition, I am supportive of measures which may emerge within the European Security and Defence Policy which could lead to future

efficiencies in defence spending, for example following the creation of an agency in the field of defence capabilities development, research, acquisition and armaments as agreed by the Thessaloniki European Council in June 2003. In its mandate on European Security and Defence Policy, the Irish Presidency was given the task "to set goals for the further development of European military capabilities for crisis management with a horizon of 2010, with a view to the June 2004 European Council". Discussions have been ongoing at EU level in relation to defining a headline goal 2010 and these issues will be further progressed at the informal meeting of Defence Ministers, which I will chair, in Brussels on 5 and 6 April next.

The setting of a new goal of 2010 will include further examination of ways of improving capabilities. In particular, I welcome measures which may improve efficiencies, including appropriate qualitative aspects of member states contributions to the headline goal. It will be important also that lessons learned from the first EU operations are included in this process.

National sovereignty and voluntarism are the fundamental underlying principles of participation in the European Security and Defence Policy, ESDP. Participation in any specific operation by member states is decided on a case-by-case basis and in accordance with respective national decision making procedures. The White Paper process has illustrated how efficiencies can be achieved from within existing resources. I am not planning increases in defence expenditure nor do I propose to advocate that other countries increase their military spending. This remains a national decision.

Farm Retirement Scheme.

65. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food if there are inhibitions on a person in the farm retirement scheme giving up the farm retirement pension in a situation in which the social welfare contributory pension and adult qualified dependant allowance for their spouse is greater than the amount payable under the farm retirement scheme. [10433/04]

Minister for Agriculture and Food (Mr. Walsh): My Department will consider such cases sympathetically provided five years participation has been completed in the scheme and there is no outstanding debt owing to the Department. The retired farmer remains bound in all cases by his or her undertaking to cease commercial farming definitively; this undertaking can be waived only if all pension payments are refunded.

Wood Processing Industry.

66. **Mr. J. Brady** asked the Minister for Agriculture and Food the value and volume of wood products in 2003; and if he will make a statement on the degree to which timber and

[Mr. J. Brady.]
wood processing industries here are dependent on imports. [10434/04]

Minister for Agriculture and Food (Mr. Walsh): The volume produced by the sawmill sector in 2003 was approximately 1.15 million cubic metres with a value of €230 million. The volume produced by the boardmills was approximately 900,000 cubic metres with a value of €240 million. The total value of exports in 2003 was €230 million, with 2,000 employed. The boardmilling sector is self-sufficient in the raw materials it requires and is not dependent on imports; 3% of the sawmilling sector's requirements are met from imports.

Farm Retirement Scheme.

67. **Mr. Penrose** asked the Minister for Agriculture and Food the steps he will take to ensure that an application by a person (details supplied) under the retirements scheme from farming will be processed as quickly as possible; and if he will make a statement on the matter. [10437/04]

Minister for Agriculture and Food (Mr. Walsh): The application by the person named for the early retirement pension was received in my Department on 19 December 2003 and was rejected on 19 February 2004. The application was re-submitted on 9 March 2004 and, following clarification of a number of issues, is now being further processed. The person named will be notified of the outcome when processing is complete.

Tax Code.

68. **Mr. Cregan** asked the Minister for Finance if immediate payment of income tax rebate will be arranged for a person (details supplied) in County Kilkenny. [10353/04]

Minister for Finance (Mr. McCreevy): I am advised by the Revenue Commissioners that an income tax refund to the taxpayer for 2002 has been processed and should issue by post within the next few days.

69. **Mr. Haughey** asked the Minister for Finance if the Revenue Commissioners will grant a tax rebate arising out of medical expenses and college fees to a person (details supplied); and if he will make a statement on the matter. [10388/04]

Minister for Finance (Mr. McCreevy): The Revenue Commissioners have informed me that they have now processed a refund in respect of medical expenses and college fees for the year ended 31 December 2003. The combined repayment amounts to €1,123.96 and the cheques will issue shortly. In view of the current postal dispute the cheques 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 confirm when the cheques will be available for collection and to arrange collection. When contacting Revenue, the taxpayer should have her personal public service number to hand. In order to collect the cheques, the taxpayer will be required to present two forms of identification, including one form of photo ID, for example, passport, drivers licence, utility bill, etc.

EU Presidency.

70. **Mr. Durkan** asked the Minister for Finance, further to Parliamentary Question No. 188 of 23 March 2004, the number and status of those invited to the function held in Portlaoise; the methodology used to extend the invitations (details supplied); and if he will make a statement on the matter. [10412/04]

Minister for Finance (Mr. McCreevy): The total number of delegates who attended the EU regional Ministers' meeting in Portlaoise on 26-28 February 2004 was approximately 170.

The national delegations were from the administrations of the 15 existing member states, the ten new member states and the three candidate states of Bulgaria, Romania and Turkey. They were led by Ministers in the majority of cases. There were also delegations from a number of EU institutions, most notably the Commission, whose delegation was led by Commissioner Michel Barnier.

The meeting was chaired by the Minister of State at the Department of Finance, Deputy Tom Parlon, as part of the Irish Presidency of the EU. The main functions held in connection with the meeting were two gala dinners to which all the delegates were invited. The Minister of State also invited just over 20 personal guests to each of the dinners. Invitations to the delegates were issued by hand and invitations to the personal guests were issued by post.

The meeting was regarded by the participants as being highly successful both on the policy and the organisational aspects. The development of regional policy in the EU is of obvious interest to the EU and to Ireland. It was therefore important both from the EU Presidency and from the national point of view that the meeting was so successful.

Middle East Peace Process.

71. **Mr. F. McGrath** asked the Minister for Foreign Affairs his views on the assassination of the Hamas leader, Sheikh Ahmed Yassin; and if he will make a statement on recent developments in the Middle East. [10354/04]

Minister for Foreign Affairs (Mr. Cowen): I refer the Deputy to my replies to oral Questions Nos. 16, 50, 54, 58, 75 and 103 of 31 March 2004.

Institutes of Technology.

72. **Mr. Costello** asked the Minister for Education and Science the reason for the delay in publishing the Grangegorman Development Agency Bill which will provide for the development of the lands at Grangegorman by the Dublin Institute of Technology; when he proposes to publish the Bill; and if he will make a statement on the matter. [10346/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is currently engaged in the preparation of a Bill for the establishment of an agency for the development of an area in Grangegorman, Dublin as a location for education, health and other facilities. The agency will be known as the Grangegorman Development Agency. Officials of my Department are working with officials in the Department of the Environment, Heritage and Local Government, the Department of Health and Children and the Office of the Attorney General, with a view to completing the proposed legislation as soon as possible. I am confident that I will be in a position to bring this matter to Government shortly.

Vocational Education Committees.

73. **Mr. O'Shea** asked the Minister for Education and Science his proposals to meet the concerns of County Waterford VEC regarding the capping of places on PLC courses (details supplied); and if he will make a statement on the matter. [10347/04]

Minister for Education and Science (Mr. N. Dempsey): Funding for VEC colleges offering PLC courses 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.

School Transport.

74. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the reason his Department has not replied to ongoing correspondence, with regard to a request by persons in Annascaul, County Kerry, regarding the provision of school transport for their

children to attend an English speaking school in Tralee, County Kerry; if he will meet with these persons to discuss the matter; and if he will make a statement on the matter. [10348/04]

Minister for Education and Science (Mr. N. Dempsey): My Department will arrange to have a reply issued without delay if the Deputy provides the names and addresses of the persons and schools concerned.

Special Educational Needs.

75. **Dr. Cowley** asked the Minister for Education and Science the reason a person (details supplied) has not been granted resource teaching hours. [10349/04]

Minister for Education and Science (Mr. N. Dempsey): 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 one for the pupil referred to by the Deputy, are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all of these cases were responded to before or soon after the commencement of the current school year.

The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year or so. Account is also being taken of the data submitted by schools as part of the recent nationwide census of SER provision.

The processing of the applications is a complex and time consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03, which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school.

The arrangements for processing applications received after the 31 August 2003 will be considered in the context of the outcome of discussions on a weighted system of allocation of resource teaching support. A further communication will be sent to schools in this regard.

Educational Disadvantage.

76. **Mr. F. McGrath** asked the Minister for Education and Science the position regarding the schemes to tackle educational disadvantage. [10350/04]

Minister for Education and Science (Mr. N. Dempsey): Since my appointment as Minister for Education and Science, I have made it clear that addressing educational disadvantage is my top priority. It is my intention to ensure that available educational resources are targeted at the most disadvantaged people in the education system at all levels.

My Department operates a number of programmes specifically designed to tackle educational disadvantage in accordance with the strategies outlined in the national action plan against poverty and social exclusion 2003-05, and the latest social partnership agreement, Sustaining Progress, which contains a special initiative focused on tackling educational disadvantage, literacy, numeracy and early school leavers.

One of my key concerns is to improve the level of synergy between these programmes. My Department is engaged in a review of all initiatives to tackle educational disadvantage and I anticipate that the review process will be completed shortly.

Schools Building Projects.

77. **Mr. Stagg** asked the Minister for Education and Science when he expects the architectural planning for the new school for Scoil Uí Riada in Kilcock, County Kildare to be completed; if it is his intention to sanction the invitation of tenders for the building project in 2005; and if he will make a statement on the matter. [10366/04]

Minister for Education and Science (Mr. N. Dempsey): A large-scale building project for Scoil Uí Riada, Kilcock, County Kildare, is listed in section 9 of the 2004 school building programme which is published on my Department's website at]. 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. It is planned to progress this project to the next stage of architectural planning during 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. I will make a further announcement in that regard during the year.

School Accommodation.

78. **Mr. Stagg** asked the Minister for Education and Science if he will sanction the request from St Joseph's School, Kilcock, County Kildare for the provision of temporary accommodation for two full time resource teachers and three part time resource teachers; and if he will make a statement on the matter. [10367/04]

Minister for Education and Science (Mr. N. Dempsey): Officials in the school planning section of my Department are assessing and prioritising all applications for temporary accommodation. I will publish details of all temporary accommodation projects that will proceed in 2004 shortly.

Schools Building Projects.

79. **Mr. Stagg** asked the Minister for Education and Science the primary schools whose building projects are advancing through architectural planning in 2004, which have been given firm commitments that their project will be allowed to proceed to tender in 2005; and if he will make a statement on the matter. [10369/04]

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 and I expect to be in a position to make further announcements on this matter in the course of the year.

School Enrolment.

80. **Mr. Durkan** asked the Minister for Education and Science if a person (details supplied) in County Kildare can repeat second and third year to enable them to re-sit their junior certificate examinations at Scoil Mhuire, Clane, County Kildare; and if he will make a statement on the matter. [10370/04]

Minister for Education and Science (Mr. N. Dempsey): The guidelines with regard to the repeat of a year at post-primary level are outlined in circular M2/95. The standard maximum period of second level education is six years. Except in very exceptional circumstances, a pupil will not be permitted to repeat more than one year of the post-primary cycle prior to first sitting the leaving certificate examination. In certain instances, delegated authority within defined limits has been given to schools to permit students to repeat a year. An official from my Department has been in contact with the school authority and has been informed that the person referred to by the Deputy successfully completed the junior certificate in 2003 and is no longer enrolled in Scoil Mhuire. Should the person need to repeat a year, he must first apply to the school to re-enrol.

Exceptional cases are examined on an individual basis, whereby the school authorities submit a written request in relation to the particular pupil, together with supporting documentation. The case is then referred to my Department's inspectorate for its advice and recommendation. The school authority is informed of this decision.

State Examinations.

81. **Mr. Durkan** asked the Minister for Education and Science if provision can be made for a person (details supplied) in County Kildare to sit their leaving certificate examinations at St. Mary's College, Naas, County Kildare; and if he will make a statement on the matter. [10374/04]

Minister for Education and Science (Mr. N. Dempsey): On foot of a Government decision of 6 March 2003, the State Examinations Commission has been established with statutory responsibility for operational matters relating to the national certificate examinations. Accordingly, I have passed the Deputy's query to the chief executive officer of the commission for direct reply.

Youth Work Act.

82. **Mr. Stanton** asked the Minister for Education and Science the funding which has been made available in 2003 to the respective vocational education committees for costs relating to the implementation of the Youth Work Act 2001; the amount that is available in 2004; and if he will make a statement on the matter. [10389/04]

84. **Mr. Stanton** asked the Minister for Education and Science, further to Parliamentary Question No. 200 dated 25 November 2003, the further discussions his Department has had with the IVEA-CEO's Association and the National Youth Council of Ireland on various aspects of the Youth Work Act 2001; the dates on which these discussions have occurred; the persons involved at each meeting or discussion; the issues discussed; the decisions reached and timescale for actions agreed; and if he will make a statement on the matter. [10391/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 82 and 84 together.

A significant amount of necessary preparatory work for the enactment of the Youth Work Act 2001 has been undertaken by the national youth work advisory committee in recent years. While it has not been found possible to make funding available for this purpose in the 2004 Estimates, it is my intention that further discussions will take place between my Department and the IVEA-CEOs Association and the National Youth Council of Ireland in the context of the Estimates for 2005. These discussions will take place as necessary and appropriate.

In addition to a 4% increase in the financial provision for youth work generally in 2004, I secured an additional amount of €500,000 towards the implementation of the national youth work development plan in 2004.

Child Protection Programme.

83. **Mr. Stanton** asked the Minister for Education and Science, further to Parliamentary

Question No. 198 dated 2 October 2003, the progress that has been made on the implementation of the child protection training programme; the funding expended on this issue in 2003; if the project manager has been appointed and, if not, to indicate when he expects the appointment to be made; and if he will make a statement on the matter. [10390/04]

Minister for Education and Science (Mr. N. Dempsey): One of the first priorities of the national youth work development plan 2003-07, identified for immediate attention, is the implementation of a child protection training programme for the youth work sector. An amount of €80,000 was made available in 2003 for this purpose. The recruitment and appointment of a project manager to oversee and implement a comprehensive training programme for the sector is in progress by the National Youth Council of Ireland. The position has been advertised and a selection process is under way. It is intended to appoint a suitable person to the post as soon as possible.

Question No. 84 answered with Question No. 82.

Youth Services.

85. **Mr. Stanton** asked the Minister for Education and Science if he has received a report from the national youth work advisory committee on the future requirements in relation to youth information provided and services as mentioned in Parliamentary Question No. 280 dated 7 October 2003; the recommendations in the report; and if he will make a statement on the matter. [10392/04]

Minister for Education and Science (Mr. N. Dempsey): The national youth work advisory committee, NYWAC, has set up a youth information sub-committee to report to the NYWAC regarding the development of, and improvements to, the network of youth information centres funded by the Department of Education and Science. The sub-committee is also to advise the NYWAC on the registration process for youth information centres. The work of the sub-committee is ongoing and it is hoped it will report to the NYWAC in July 2004.

Ministerial Conference.

86. **Mr. Stanton** asked the Minister for Education and Science if he will report on the ministerial youth conference held in County Clare recently; the number of delegates; the overall cost of the event; issues discussed; the decisions reached and actions to be taken to include timescales as a result of the conference; and if he will make a statement on the matter. [10393/04]

Minister for Education and Science (Mr. N. Dempsey): The EU youth Ministers conference

[Mr. N. Dempsey.] held in County Clare in March 2004 had a total delegation of 170 and comprised Ministers, senior officials, non-governmental organisations' representatives, young people and invited guests. The estimated cost is €235,000, which will be funded in part by the European Commission.

The main aims of the conference were to permit a debate on the topic of young people and politics between all delegates, and to give an opportunity, in particular to young people, to express their views and expectations on the latter two priorities of the European Commission's White Paper on youth, voluntary activity and a greater understanding of youth. It is anticipated that the common objectives for these two priority areas will be presented to the Council of Education and Youth Ministers' November 2004 meeting. A report on the conference is being prepared and will be circulated when available.

Schools Building Projects.

87. **Mr. Durkan** asked the Minister for Education and Science if he will sanction the purchase of a new site to facilitate a school (details supplied) in Dublin 9 having particular regard to the fact that the school is located in temporary accommodation for some considerable time and parents and teachers are anxious to put the school's future on a firm footing; and if he will make a statement on the matter. [10410/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is considering options for the long-term accommodation needs of Gaelscoil Cholmcille, including the possible purchase of a site. However, due to the commercial sensitivities surrounding site acquisitions the Deputy will appreciate that I am unable to comment on specific site purchase issues.

School Curriculum.

88. **Mr. Durkan** asked the Minister for Education and Science if technology can be included in the leaving certificate syllabus to facilitate a person (details supplied) who proposes to pursue a career in the sciences, expects to be able to do so in the junior certificate, but has been informed that her needs cannot be accommodated in the leaving certificate syllabus; and if he will make a statement on the matter. [10411/04]

Minister for Education and Science (Mr. N. Dempsey): There is no follow-on subject in the senior cycle curriculum for the subject, technology, which is currently available to junior cycle students in some schools. The National Council for Curriculum and Assessment, NCCA, has devised a syllabus for a subject at leaving certificate level which will act as a direct follow-on for technology at junior cycle level, and this is being examined in my Department. No decision

has been made at this stage on implementation in schools.

In the school concerned in this case, the three science subjects, physics, chemistry and biology, are available to the senior cycle students in the current academic year. A computer studies course is also available. Therefore, any student wishing to pursue a career in the sciences is well provided for by the school in terms of subjects that will give the breadth and depth that will act as an appropriate basis for study in this area at third level.

My advice to the student concerned is that she should consult the guidance counsellor and other relevant teachers in her school, regarding her career aspirations and, in particular, her choice of subjects for senior cycle. There is also a range of educational and awareness initiatives currently operating in the science-engineering careers area, which are supported by my Department, and which students, parents and teachers can contact for advice and information with regard to careers in the fields of engineering and science. These include the Institution of Engineers of Ireland and the science, technology and engineering programme for schools, STEPS.

Schools Amalgamation.

89. **Mr. Crowe** asked the Minister for Education and Science if his attention has been drawn to the situation facing St. Kevin's boys and girls school, Kilnamanagh, Tallaght, Dublin 24, at which school buildings are on land owned by the Catholic Church which the church now intends to sell, putting at risk classrooms, the school library and resource teacher classrooms; if his attention has further been drawn to the fact that the school is used by a range of groups, including children with disabilities, and is an essential part of the local community; if his Department has been in contact with the school or the church authorities with a view to possible purchase of the site to allow the school to stay in place; and if he will make a statement on the matter. [10428/04]

Minister for Education and Science (Mr. N. Dempsey): The chairperson of the boards of management of St. Kevin's boys and St. Kevin's girls national schools has written to the school planning section of my Department stating that the boards of management and staffs of the schools are considering the matter of amalgamating these schools. He has further stated that it is intended to consult with parents on this issue. Enrolments at both schools have been steadily declining in recent years. However, to date, no firm decision to actually amalgamate has been communicated to my Department.

If, after consultation with the relevant parties, a decision is taken to amalgamate the two schools, the level of accommodation required to facilitate the proposed amalgamated school will determine the future use of the school properties in question.

School Staffing.

90. **Mr. O'Shea** asked the Minister for Education and Science, further to Parliamentary Question No. 94 of 25 March 2004, when sanction was granted by his Department for a permanent whole-time class III teacher post for the person involved; if the requirements of paragraphs two and five of circular 10/98 were satisfied; and if he will make a statement on the matter. [10429/04]

Minister for Education and Science (Mr. N. Dempsey): Sanction for appointment to a permanent whole-time teacher post in respect of the person named by the Deputy was conveyed by my Department to County Waterford VEC on 23 February 2000. The decision to offer a person a permanent whole-time teaching position following sanction is an operational matter to be dealt with by the particular VEC.

The criteria and conditions relating to permanent whole time appointments in respect of VTOS are set out in circular letter 10/98. This circular was issued to VECs in March 1998 and it is a matter for the VEC to implement the conditions outlined, including paragraphs 2 and 5, when making appointments.

Youth Services.

91. **Mr. Stanton** asked the Minister for Education and Science the progress in the appointment of the assessor of youth work; and if he will make a statement on the matter. [10430/04]

Minister for Education and Science (Mr. N. Dempsey): Section 16 of the Youth Work Act 2001 provides for the appointment of an assessor of youth work, whose functions will include the assessment, monitoring and review of youth work programmes and services. A job description for the position, as drafted by the national youth work advisory committee, is with my Department which is considering the further arrangements necessary for an appropriate recruitment and selection process for the position.

Postal Dispute.

92. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources if he will report on the steps he has taken to end the dispute at An Post. [10327/04]

Minister for Education and Science (Mr. N. Dempsey): The Labour Relations Commission has issued a framework document to An Post and the Communications Workers Union with a view to finding a resolution to the current difficulties. I understand that this document has been accepted by An Post and is still being considered by the CWU. Extensive contacts have been undertaken over the course of the last week involving all the major stakeholders, including the LRC, to find a basis on which both sides could commence negotiations. While this latest step represents significant progress, the challenge in

finding a basis on which the LRC could get involved is an indication of how complex and deep seated the issues are and nobody should underestimate the difficulty of finding a resolution to the current dispute.

For my part, I emphasise that the Government and I are fully committed to the An Post ESOP in the context of the implementation of a recovery strategy for the company and provided that the terms of the agreement are complied with. It is clear that An Post customers are suffering serious inconvenience as a result of the dispute and companies which operate in a highly competitive business environment cannot afford any loss in competitiveness arising from an industrial relations issue outside their control.

Furthermore, the An Post financial position is such that a prolonged dispute could cause serious financial damage to the company. Fundamentally, An Post needs to restructure and needs to return to a firm financial footing if it is to be a strong player in the Irish postal market and to continue to provide quality services to customers and sustainable employment for staff. The recovery strategy approved by the board of An Post sets out the basis on which the company, in partnership with the trade unions, can move forward.

Electronic Communications Infrastructure.

93. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if ComReg will update the universal service obligation for telecommunications operators to include a consumers' right to a reasonable quality of functional Internet access in view of the fact that between 20% and 40% of households fail the quality test indicator for broadband; and if he will make a statement on the matter. [10397/04]

Minister for Education and Science (Mr. N. Dempsey): Regulation 3(2)(c) of the universal service regulations provides for the placing of obligations on designated undertakings to provide connections that shall be capable of allowing end users make and receive data communications at data rates that are sufficient to permit functional Internet access. Implementation of the aforementioned regulations is a matter for ComReg.

ComReg is currently in discussions with Eircom, the designated universal service provider, about ensuring that the Eircom network is capable of delivering the universal service obligations in regard to functional Internet access. Internet access at a broadband standard is not currently provided for under the USO. However, as broadband becomes more widely ubiquitous as a consumer technology, the appropriateness of including it within universal service obligations can be reviewed.

Search and Rescue Service.

94. **Mr. Durkan** asked the Minister for

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Communications, Marine and Natural Resources if he has satisfied himself that the air and sea rescue service is sufficiently equipped and staffed to meet all likely possible requirements or emergencies; and if he will make a statement on the matter. [9338/04]

Minister for Education and Science (Mr. N. Dempsey): The Irish Coast Guard of my Department has the responsibility for the provision of the air and sea search and rescue service in the Ireland search and rescue region, SRR. Search and rescue, SAR, services in Ireland are provided through a combination of Irish Coast Guard emergency services and services provided by the Air Corps and a number of charitable and voluntary organisations dedicated to SAR.

The principal air and sea rescue resources in Ireland are Coast Guard and Air Corps 24-hour all-weather helicopters based at Dublin, Waterford, Shannon and Sligo airports, the coast-wide Coast Guard units, RNLI lifeboats and the community inshore rescue service. The Coast Guard co-ordinates search and rescue operations, including those services provided by charitable and voluntary bodies. It also ensures that appropriate equipment, facilities, personnel and training are in place among its many declared resources. Coast Guard rescue co-ordination centres at Dublin, Malin Head and Valentia and a nation-wide communications network are positioned and equipped to receive distress calls and co-ordinate response to incidents on land, around the coastline and sea areas within its areas of responsibility for search and rescue and casualty and pollution response.

While the challenges facing the Coast Guard continue to change and recognising the fact that the Coast Guard undertakes ongoing training and re-equipping, I am satisfied that the Coast Guard has adequate resources available to it to deal with its expected challenges.

Mobile Telephony.

95. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the steps he can take to bring about an improvement in the quality and coverage of the mobile telephone service; and if he will make a statement on the matter. [10398/04]

Minister for Education and Science (Mr. N. Dempsey): I have no function in the matter raised by the Deputy. The Communications (Regulation) Act 2002, outlines ComReg's role in protecting and promoting consumer interests. Under this Act, ComReg is mandated to ensure a high level of protection for consumers in their dealings with suppliers and to investigate complaints from consumers regarding the supply of and access to electronic communications services, networks and associated facilities.

96. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received an indication from the communications regulator with reference to a possible improvement in the quality and scale of the mobile telephone service; and if he will make a statement on the matter. [10399/04]

97. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received information from the communications regulator with a view to the upgrading of the mobile telephone service; and if he will make a statement on the matter. [10400/04]

98. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has given instructions to the communications regulator with a view to a reduction in mobile telephone costs; and if he will make a statement on the matter. [10401/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 96 to 98, inclusive, together.

The Commission for Communications Regulation, ComReg, is responsible for the regulation of mobile phone operators in Ireland. Operators must meet the regulatory requirements of ComReg in running their network. Any upgrading of mobile phone networks to meet regulatory requirements would be planned, carried out and financed by the operators.

As a measure to increase competition in the mobile sector, I issued policy directions to ComReg under section 13 of the Communications (Regulation) Act 2002 last week. Included is a direction on national roaming that instructs ComReg, subject to the requirements of European and national law, to make use of its powers under existing legislation to examine mandating national roaming on existing GSM networks of mobile network operators who have significant market power in favour of other mobile network and virtual network operators on fair commercial terms.

As the Deputy will be aware, ComReg recently held a public consultation on its market analysis of wholesale mobile access and call origination. ComReg is currently studying the results of this public consultation and expects to be in a position to notify the European Commission of the results of this market analysis by the third quarter of 2004 and the remedies ComReg would propose to implement in the event of a finding of significant market power.

Fish Stocks.

99. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the steps he proposes to take along with his EU colleagues to protect fish stocks and the incomes of those involved in the fishing industry; and if he will make a statement on the matter. [10402/04]

101. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if, unilaterally or under the aegis of the EU, he has devised means to protect the income of fishing families in view of the need to restrict fishing for certain species; and if he will make a statement on the matter. [10404/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I propose to take Questions Nos. 99 and 101 together.

Against a backdrop of declining whitefish stocks in particular and consequent restrictions on catch levels, the primary challenge facing fishermen and their families at the present time concerns the need for effective conservation measures to provide for the sustainable exploitation of these stocks into the future.

Ireland has been at the forefront at EU level in pushing for enhanced technical conservation measures to protect fish stocks. This issue was addressed in detail at a ministerial and stakeholders' conference on fast tracking the development of environmentally friendly fishing methods which I hosted in early March. The overriding consensus at this conference was that better and smarter fishing and the development of environmentally friendly fishing methods has a critical role to play in the fishing industry going forward. I intend, as President of the Council of Fisheries Ministers, to make significant progress on this issue during Ireland's Presidency of the EU.

This emphasis in ensuring sustainability of fish stocks will help to safeguard the future income of Irish fishermen. I would also highlight the fishing assist scheme which was introduced for the purpose of protecting the livelihoods of fishermen during periods when they are unable to fish and have very low incomes. This scheme represents an important element of support for fishermen and their families.

100. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the species of fish deemed to be most threatened due to over-fishing; the steps taken or likely to be taken to address the issue; and if he will make a statement on the matter. [10403/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Marine Institute carries out Irish stock monitoring programmes which feed into the work of other scientific bodies to determine the current status of EU fish stocks. Recent scientific advice indicated that many stocks appeared to be outside safe biological limits. In so far as the areas and species most affected are concerned, there is particular concern about a number of key whitefish stocks of importance to Irish fishermen, in particular cod in the Irish Sea, cod to the west of Scotland and northern hake. Accordingly, stock recovery measures have been introduced for Irish Sea cod, Northern hake and cod in the North Sea and west of Scotland.

Ireland has been at the forefront at EU level in pushing for enhanced technical conservation measures to protect fish stocks. This issue was addressed in detail at a ministerial and stakeholders' conference on fast tracking the development of environmentally friendly fishing methods which I hosted in early March. The overriding consensus at this conference was that better and smarter fishing and the development of environmentally friendly fishing methods have a critical role to play in the conservation of fish stocks going forward. As President of the Council of Fisheries Ministers, I intend to make significant progress on this issue during Ireland's Presidency of the EU.

Question No. 101 answered with Question No. 99.

Common Fisheries Policy.

102. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he and his EU colleagues have identified the countries which are contributing most the over-fishing; and if he will make a statement on the matter. [10405/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Commission has drawn up a "scoreboard" which details instances of infringements by member states in a number of areas, including over-fishing of quotas. I have arranged for a copy of the "scoreboard" to be forwarded to the Deputy directly.

The Common Fisheries Policy, CFP, contains provisions for member states to take the inspection and enforcement measures necessary to ensure compliance with its rules, including those relating to fishing within the quotas allocated to member states. It also provides for member states to follow up on infringements and to impose sanctions where appropriate. While the precise penalties to be taken are a matter for national legal jurisdiction, it is prescribed that these must act as a deterrent in respect of the offence in question.

Effective enforcement of conservation rules is a priority for all member states and each member state has a clear responsibility to monitor and control fishing activity within their respective jurisdictions. This component of the Common Fisheries Policy is receiving increasing attention and emphasis within the EU and I am pleased to say that the level of co-operation between member states is also increasing. The challenge of achieving effective control and enforcement of fisheries' rules is ongoing and requires close collaboration and co-operation between member states.

Marine Safety.

103. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources

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the extent to which all seagoing vessels are inspected for health and safety purposes; and if he will make a statement on the matter. [10406/04]

104. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which all tankers carrying oil, waste or hazardous substances are inspected to ensure compliance with crewing levels and health and safety procedures; and if he will make a statement on the matter. [10407/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I propose to take Questions Nos. 103 and 104 together.

As I have previously informed the House, standards for all seagoing vessels including tankers carrying oil, waste or hazardous substances are developed and adopted at international level, principally by way of international and EU Safety Conventions and regulations. These standards cover issues which include health and safety and crewing levels on board vessels.

Under Irish and international law all vessels trading into and out of Irish ports are required to carry the appropriate certification to demonstrate compliance with International Maritime Organisation — IMO — and International Labour Organisation — ILO — requirements.

All vessels are subject to surveys and inspections by their flag states and, under the European Union's port state control system, all foreign-flagged vessels using community ports are liable to inspections by any of the EU states they are visiting.

Port state control verifies that the condition of the ship and its equipment comply with the requirements of international regulations and that the ship is manned and operated in compliance with these safety rules. The international conventions covered by these inspections include the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, the STCW Convention. All crew on board a vessel must have proper certification to ensure that they are suitably trained and can adequately and safely discharge the duties of the positions they hold. On the basis of an EC directive, all EU member states are obliged to inspect at least 25% of all foreign ships entering their ports. The application of port state control ensures that at any given time a large number of ships operating within community waters has undergone an inspection by an EU Port State Control authority.

The surveying staff attached to the maritime safety directorate of my Department carry out the enforcement of all such regulations. The surveyors assign priority to foreign registered vessels that have had adverse inspection reports elsewhere or which fall into certain targeted categories. During 2003 my Department's surveyors inspected 430 foreign vessels under the

port state control system, which represented an inspection rate of over 30%. Ireland therefore exceeded its goal of 25% inspection rate for foreign ships entering Irish ports during 2003.

The surveyors also inspect Irish registered vessels at least annually. When such vessels are found to be deficient, they are detained until the necessary repairs have been carried out. I believe that the monitoring of vessels by regular inspections is proving to be an effective measure in encouraging full compliance with crewing levels and health and safety procedures and is an effective method in ensuring that the vessels operating into and out of Irish ports and waters are complying with international convention requirements.

Offshore Exploration.

105. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the most recent results of exploration for oil, gas or other minerals; and if he will make a statement on the matter. [10408/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The Dooish exploration well, which was drilled in 2002 by Enterprise Energy Ireland — now Shell E&P Ireland — off the Donegal coast and which discovered a hydrocarbon accumulation, was re-entered and deepened in 2003. Drilling commenced on 11 May 2003 and the well was plugged having confirmed the existence of a substantial gas condensate column, and the rig moved off-site on 30 July 2003. Both my Department and Shell E&P are continuing to analyse the well results and integrate them with other data from the area. Further technical work on the prospect will be required before the size of the gas condensate accumulation and the possibility for any commercial development can be accurately assessed.

Drilling commenced on Statoil's Cong exploration well in the Erris Basin on 5th August 2003 and the well was plugged and abandoned as a dry hole on 16 December 2003. With regard to non-petroleum minerals, I refer the Deputy to my reply to a similar question, Question No. 333 on 24 February 2004. The position has not changed since then.

Fisheries Protection.

106. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself with the adequacy of fisheries protection; and if he will make a statement on the matter. [10409/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): My first priority remains to ensure compliance with the conservation rules by all fishing vessels operating in Irish waters. To this end fisheries protection patrols are carried out by vessels of the Naval Service and aerial patrols by the Air Corps. In

addition, the sea fisheries control division of my Department carries out port-based controls on landings into Ireland.

At EU level, I am continuing to press for the effective enforcement of fisheries regulations in an even-handed manner by all member states. The viability of the resource and the interests of fishermen depend on the compliance with the rules of all vessels fishing irrespective of origin. As a consequence of the reform of the Common Fisheries Policy completed in December 2002, a strengthened control and enforcement framework was agreed. Within this framework, I will continue to work to push for and support control measures that deliver the necessary protection against over fishing and that support conservation measures generally.

Sports Capital Programme.

107. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if a sports capital grant 2004 will be awarded to the Father Sammon Centre, Monivea, County Galway; and if he will make a statement on the matter. [10387/04]

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.

Child Abuse.

108. **Ms O'Sullivan** asked the Minister for Health and Children the support available for the medical, including psychiatric, costs of survivors of child abuse; and if he will make a statement on the matter. [10341/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Following the Taoiseach's apology in May 1999 a strategy was put in place to assist those who, as children, suffered abuse in residential institutions. Part of this strategy included the provision of counselling free of charge through the National Counselling Service. The National Counselling Service was established in 2000 because of the fact that no such national service existed prior to this and it is open to all victims of child abuse with priority

being given to those who were resident in institutions as children.

It is recognised that not all survivors of institutional abuse would be willing or in a position to attend a State run counselling service. As a result my Department provides funding for private counselling for survivors of institutional abuse who are resident in Ireland and who do not wish to avail of this service. A counselling service, provided by Immigrant Counselling and Psychotherapy, ICAP, is also funded in the UK for those survivors who are resident there. Funding for private counselling is available to residents in the UK who were abused as children in institutions here but who do not wish to attend ICAP services and for those who are now residing in countries other than Ireland and the UK.

In relation to other services, survivors access the existing health services. From time to time an exceptional case arises where a service is not available, and the question of providing financial support is examined on a case by case basis in my Department.

Mental Health Services.

109. **Mr. F. McGrath** asked the Minister for Health and Children the number of psychiatric patients living in the wider community; the services available to them; and if he is aware of the many patients that do not have proper back-up community service. [10342/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department does not record the number of people within the community who avail of mental health services during the course of their lives. The World Health Organisation indicated that one in four people will suffer a mental disorder at some time in their lives. Five of the ten most disabling disorders are psychiatric in nature. Unipolar depression, alcohol misuse, bipolar affective disorder or manic depression, schizophrenia and obsessive compulsive disorder are among the ten leading causes of disability worldwide.

In recent years substantial progress has been made in ensuring that those in need of mental health services receive care and treatment in the most appropriate setting. Health boards have developed, and will continue to develop, a modern comprehensive community based mental health service. This has resulted in a continuing decline in the number of inpatients from 5,192 in 1997 to 3,966 in 2002. There was a corresponding increase in the provision of a range of care facilities based in the community. There are approximately 410 community psychiatric residences here providing over 3,100 places. Statistics compiled by the Health Research Board indicate that there were 239 out-patient clinics held throughout Ireland in 2002, with 245,239 attendances. There were 63 day hospitals with a total of 982 places and 174,893 attendances and there were 116 day centres with 2,458 places and 432,460 attendances.

Smoking Regulations.

110. **Mr. F. McGrath** asked the Minister for Health and Children the reason hospitals can provide beautiful designated smoking areas, yet citizens are prevented from having a drink and a cigarette, pipe or cigar in their local pub. [10343/04]

Minister for Health and Children (Mr. Martin): A decision to provide an outdoor smoking shelter for staff, customers or patients is a matter for the management of the premises concerned. The specifications of such a shelter are provided for in the Public Health (Tobacco) Acts 2002 and 2004.

111. **Mr. F. McGrath** asked the Minister for Health and Children the safety measures he will put in place to protect herbal cigarette smokers from abuse in their local pubs. [10344/04]

Minister for Health and Children (Mr. Martin): Herbal cigarettes are not classified as tobacco products. Smoking them is not prohibited under the smoke free workplaces measures. A decision to allow their consumption in premises where the smoking of tobacco products is prohibited is a matter for the management of the premises concerned.

Hospital Waiting Lists.

112. **Mr. F. McGrath** asked the Minister for Health and Children the position regarding waiting lists for patients nationally; and if he will make a statement on the matter. [10345/04]

Minister for Health and Children (Mr. Martin): Waiting times have been reduced. The number of adults waiting more than 12 months for inpatient treatment in the nine target surgical specialties has fallen by approximately 42% from 6,273 to 3,658 between September 2002 and September 2003. The number of children waiting more than six months for in-patient treatment for the same target surgical specialties has decreased by 39%, from 1,201 to 734 in the same period.

The national treatment purchase fund is continuing to target those adults and children waiting longest for treatment. In most instances the fund will facilitate adults waiting more than six months and children waiting more than three months. Patients can be treated a lot quicker, in many instances, if patients are prepared to travel to where there is capacity. To date the fund has arranged treatment for approximately 12,000 patients.

I have decided to give a significant lead role to the NTPF in targeting waiting times for patients. I increased its funding in 2004 and raised the overall allocation to €44 million.

Housing Aid for the Elderly.

113. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be assessed for grant aid under

the special housing aid for the elderly scheme. [10363/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services in the Mayo area is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Grant Payments.

114. **Mr. Ring** asked the Minister for Health and Children if lottery funding will be allocated for a club (details supplied) in County Mayo. [10364/04]

Minister for Health and Children (Mr. Martin): The organisation sought €19,000 from the 2004 allocation of national lottery funds. It wants to provide a heating system for a centre.

There is a protocol in my Department for processing applications for such grants. Completed application forms are registered in my Department's finance unit and forwarded to the relevant services division for assessment, evaluation and recommendation. All applications are then considered in the context of the recommendation and the overall level of funds available. The application is one of many under consideration. The organisation will be informed as soon as a decision is made. Grants are paid to organisations within the year of approval except where an application is funded over more than one year.

Medical Cards.

115. **Mr. Durkan** asked the Minister for Health and Children when medical cards will be awarded to persons (details supplied) in County Kildare; and if he will make a statement on the matter. [10365/04]

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 asked the CEO of the Eastern Regional Health Authority to investigate the matter and to reply to the Deputy directly.

Home Help Services.

116. **Mr. O'Dowd** asked the Minister for Health and Children if, further to Question No. 118 of 24 March, the way in which the increased budget allocation in 2004 of €0.313 for home help in the North Eastern Health Board will be allocated; the amount given to each county in the health board area; and the number of persons who will benefit in each county. [10377/04]

Minister of State at the Department of Health and Children (Mr. Callely): My Department does not routinely collate such information. It asked

the board to forward the information to the Deputy, as a matter of urgency.

117. **Mr. O'Dowd** asked the Minister for Health and Children the number of home helps employed by the NEHB in each county in the health board region from 1997 to date. [10378/04]

Minister of State at the Department of Health and Children (Mr. Callely): My Department does not routinely collate such information. It asked the board to forward the data to the Deputy, as a matter of urgency.

118. **Mr. O'Dowd** asked the Minister for Health and Children if, further to Question No. 118 of 24 March, the home help budget for each of the counties in the NEHB's area for each year since 1997; and the overspend in each county for each year to date. [10379/04]

Minister of State at the Department of Health and Children (Mr. Callely): My Department does not routinely collate such information. It asked the board to forward the information to the Deputy, as a matter of urgency.

Community Care.

119. **Mr. O'Dowd** asked the Minister for Health and Children the number of home helps in County Louth who have been laid off without notice or redundancies in the past year; and if he will make a statement on the matter. [10380/04]

Minister of State at the Department of Health and Children (Mr. Callely): The information requested by the Deputy is not routinely collated in my Department. My Department has, therefore, asked the North Eastern Health Board to provide the information, which will be forwarded to the Deputy as a matter of urgency.

Hospitals Building Programme.

120. **Mr. O'Dowd** asked the Minister for Health and Children if the North Eastern Health Board is proposing to build a new regional hospital with a bed complement of approximately 500; and if he will make a statement on the matter. [10381/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of acute hospital services in the north eastern region rests with the North Eastern Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the matter raised by the Deputy and to reply to him directly.

Hospital Accommodation.

121. **Mr. O'Dowd** asked the Minister for Health and Children his views on the bed crisis at Louth County Hospital, Dundalk. [10382/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at

Louth County Hospital, Dundalk rests with the North Eastern Health Board. My Department has, therefore, asked the CEO of the board to investigate the matter raised by the Deputy and to reply to him directly.

Under the bed capacity initiative, an additional 14 beds have been funded and commissioned at the hospital in order to alleviate service pressures.

Services for People with Disabilities.

122. **Mr. Durkan** asked the Minister for Health and Children if and when a disabled person's grant will be approved or issued in the case of a person (details supplied) in County Kildare who is attempting to facilitate two family members with special needs; and if he will make a statement on the matter. [10413/04]

Minister for Health and Children (Mr. Martin): The provision of health related services 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 CEO 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.

Drugs Treatment Programme.

123. **Mr. Durkan** asked the Minister for Health and Children when a drugs treatment programme is likely to be offered to a person (details supplied) in County Dublin; and if he will make a statement on the matter. [10415/04]

Minister for Health and Children (Mr. Martin): The provision of drug treatment services is the statutory responsibility of the health boards in the first instance. In this case, the responsibility rests with the South Western Area Health Board of the Eastern Regional Health Authority. My Department has requested the regional chief executive of the Eastern Regional Health Authority to look into the matter and to reply direct to the Deputy.

Child Care Services.

124. **Ms Shortall** asked the Minister for Health and Children, further to Question No. 392 of 23 March 2004, if the onward placement for this person to a centre (details supplied) on the impending closure of City Lodge was withdrawn on 24 March 2004; if his attention has been drawn to the fact that this withdrawal was due to serious concerns as previously highlighted by the person's court appointed guardian ad litem; if his attention has further been drawn to the fact that good practice in relation to care planning for individual children and young persons, including the Statutory Child Care Regulations 1995, requires sufficient time for this person's care plan to be revised with clinical input by their consultant psychiatrist and for the proposed

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alternative referral to be properly considered by the person and their court appointed guardian *ad litem*; if this vital care planning stage will not be pre-empted by moving this person prematurely from their present placement; if, therefore, in accordance with the undertaking given by him on 23 March 2004 that City Lodge will not be closed down until the person's have been moved to their new accommodation, he will reverse the instructions to the manager of City Lodge to close same on the 5 April 2004 and allow City Lodge to remain open until a date yet to be determined. [10424/04]

Minister for Health and Children (Mr. Martin):

As stated in a previous response to the Deputy in this regard, City Lodge Hostel was opened by the South Western Area Health Board in December 2000 to fulfil the need, on a temporary basis, for additional emergency accommodation for young people out of home. It was initially envisaged that this would be a temporary service for a short period of time, as the building was not considered ideal on a long-term basis. Consequently, while City Lodge has served a very useful purpose over the last three years the board has decided to wind it down in the light of the broader development of services, which have been taking place as part of the regional youth homeless action plan.

Hospice Services.

125. **Mr. Naughten** asked the Minister for Health and Children if he will approve the appointment of three nurses to the hospice unit at the Plunkett Home, Boyle, County Roscommon; the reason for the delay in opening this unit; and if he will make a statement on the matter. [10425/04]

Minister of State at the Department of Health and Children (Mr. Callely):

As the Deputy will be aware, responsibility for the provision of health services in the Roscommon area rests with the Western Health Board in the first instance. The board has advised my Department that a sum of €0.7 million has been allocated in the board's 2004 service plan for the opening of the palliative care facility in the Plunkett Home in Boyle. The board has also conducted a review of staffing levels and patient ratios at the Plunkett Home and as a result of this review, ongoing discussions are being held with staff and the unions in relation to the numbers and skill mix of staff that will be required for the service in the long term, inclusive of the palliative care facility. The board is committed to opening the palliative care facility as planned but, in doing so, it must ensure that there is adequate staffing to provide a safe and quality service.

126. **Mr. Naughten** asked the Minister for Health and Children the plans there are to reduce the number of long stay beds at the Plunkett Home, Boyle, County Roscommon by 25; the

future plans for this facility; and if he will make a statement on the matter. [10426/04]

Minister of State at the Department of Health and Children (Mr. Callely):

As the Deputy will be aware, responsibility for the provision of health services in the Roscommon area rests with the Western Health Board in the first instance. The board has advised my Department that they have invested significantly over the last two years in upgrading the Plunkett Home in Boyle and staffing levels have also been increased. The board has undertaken a review of the staffing levels and patient ratios at the Plunkett Home and ongoing discussions are being held with staff and the unions regarding the numbers and skill mix of staff that will be required for the service in the long term. No decision has been made in relation to a reduction in bed numbers or staffing at the Plunkett Home in Boyle.

Hospital Services.

127. **Mr. Penrose** asked the Minister for Health and Children if a person (details supplied) in County Westmeath will be given an ENT appointment as soon as possible; and if he will make a statement on the matter. [10436/04]

Minister for Health and Children (Mr. Martin):

Responsibility for the provision of hospital services to residents of County Westmeath rests with the Midland Health Board. My Department has, therefore, asked the CEO of the board to investigate the position on this case and to reply to the Deputy directly.

Driving Tests.

128. **Mr. O'Shea** asked the Minister for Transport, further to Question No. 122 of 25 March 2004, the reason Dungarvan has the longest waiting time for a driving test in Europe; and if he will make a statement on the matter. [10371/04]

129. **Mr. O'Shea** asked the Minister for Transport if, further to Question No. 122 of 25 March 2004, the reason Waterford has the second longest waiting time for a driving test in Europe; and if he will make a statement on the matter. [10372/04]

130. **Mr. O'Shea** asked the Minister for Transport the reason the average waiting time for a driving test here is 40 weeks while the waiting time in Northern Ireland is a month to six weeks; and if he will make a statement on the matter. [10373/04]

Minister for Transport (Mr. Brennan): I propose to take Question Nos. 128 to 130, inclusive, together.

I refer the Deputy to my reply to Question No. 122 on 25 March 2004 which set out the background to the increase in waiting times for driving tests and the measures being taken to reduce the numbers waiting. The allocation of

driver testers to test centres is kept under review having regard to the demand for tests and the waiting times at the Waterford and Dungarvan test centres will be addressed in this context.

131. **Mr. Penrose** asked the Minister for Transport if an application for a driving competency test made by a person (details supplied) in County Westmeath will be expedited; and if he will make a statement on the matter. [10438/04]

Minister for Transport (Mr. Brennan): The person concerned had an appointment for a driving test on 29 January 2004. The test was not conducted as the applicant's provisional driving licence had expired. There is no record of any further application having been received in my Department from the person concerned.

Asylum Applications.

132. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of asylum seekers who have been issued with deportation orders in each month since January 2002; the number who have Irish born children issued with deportation orders in each month since January 2002; the number of persons affected by the issue of deportation orders in each month since January 2002; and if he will make a statement on the matter. [10336/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I should say at the outset that asylum seekers have a right of temporary residence in the State while their applications are being processed and are not considered for deportation unless their applications are refused or they are transferred to another EU State

pursuant to the Dublin Convention to have their asylum applications processed there.

Section 3(2) of the Immigration Act 1999, as amended, allows the Minister to make deportation orders in respect of nine categories of person. These include asylum seekers who have failed in their applications or asylum seekers whose applications are being transferred under the Dublin Convention. Separate statistics in relation to the different categories are not maintained by my Department but the vast majority of deportations are in respect of failed asylum seekers.

Irish born children are not deported from the State but usually accompany their parents, who themselves are the subject of deportation orders, back to their countries of origin. The statistics requested are as follows:

Month	Year	Number of parents of Irish born children deported
July	2002	2
February	2003	2
April	2003	1
May	2003	4
July	2003	4
August	2003	4
September	2003	1
October	2003	1
February	2004	2
March	2004	4

The number of deportation orders made together with the number of deportation orders effected by the Garda National Immigration Bureau in 2002, 2003 and to date in 2004 is as follows:

Orders made and effected during 2002

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec
Orders made	317	249	280	166	172	249	242	209	133	62	186	50
Orders effected	29	58	74	35	42	44	68	39	52	27	26	27

Orders made and effected during 2003

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec
Orders made	204	102	69	106	203	50	231	81	210	360	374	46
Orders effected	53	51	43	26	49	38	51	47	40	66	77	49

Orders made and effected from 1 Jan 2004 — 31 March 2004

	Jan 2004	Feb 2004	to 31 March 2004
Orders made	348	166	69
Orders effected	38	108	72

Child Care Services.

133. **Mr. McHugh** asked the Minister for Justice, Equality and Law Reform if his Department has carried out an appraisal of the application for a child care facility received from Tuam resource centre; if the appraisal has been positive; if a grant will be made available to the resource centre to enable the project to proceed; the reasons for the delay in processing this application; and if he will make a statement on the matter. [10338/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The day to day administration of the Equal Opportunities Childcare Programme 2000 — 2006 is undertaken by Area Development Management Limited, which has been engaged by my Department to carry out thorough assessments of all applications for grant assistance under the programme, on my behalf. All large scale capital projects are referred by ADM Limited to an independent external building specialist to assess the suitability of the proposal and its value for money.

I am aware that there has been significant ongoing dialogue between the group and ADM Limited with regard to this application. On completion of the assessment process this application will be considered by the programme appraisal committee, chaired by my Department, which will make a funding recommendation to me before I make a final decision on the matter.

Disability Legislation.

134. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the proposed Disability Bill; and when it will be introduced. [10339/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is my intention to circulate a disability Bill as soon as possible in the coming weeks. Given the complex and cross cutting issues involved, the preparation of the Bill is being overseen by the Cabinet Committee on Social Inclusion. The committee and the Government are finalising their deliberations about the Bill with a view to its publication at the earliest possible date.

The disability Bill is a key part of the framework being put in place by the Government to underpin the equal participation by people with disabilities in Irish society and includes: the Education for Persons with Disabilities Bill 2003, which is on Report Stage in the Dáil; the Comhairle (Amendment) Bill which is being prepared in the Department of Social and Family Affairs in relation to the provision of advocacy services; sectoral plans for key public services; and equality legislation to be updated by the Equality Bill 2004, which is currently on Second Stage in the Dáil.

Public Order Offences.

135. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform his plans to deal with anti-social behaviour and binge drinking on streets; and if he will make a statement on the matter. [10340/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that a range of initiatives are ongoing in Dublin to prevent anti-social behaviour and other breaches of the law, including Operation Encounter, Operation Boulevard and the city centre policing initiative. The main thoroughfares in Dublin city centre, and its environs, are covered by a comprehensive system of CCTV cameras which are monitored from city centre Garda stations.

I have been further informed that mobile units, both uniform and plain clothes, carry out regular patrols in areas targeted by gardaí as susceptible to anti-social behaviour. Gardaí are aware of the problems associated with anti-social behaviour which can be experienced by some communities. Local communities have dedicated community gardaí assigned to their area who meet regularly with the local residents to offer advice and to try and address any difficulties being experienced by the local residents. The mountain bike unit also provide high visibility in areas of high density population. Patrols are further augmented by the divisional crime task force, detective units, special resource units and, in particular, traffic units. Garda management in the Dublin metropolitan region is satisfied that the personnel and resources currently in place in the region are adequate to meet the present policing needs.

The Intoxicating Liquor Act 2000 provides for considerable strengthening of those provisions which already existed in the Intoxicating Liquor Act 1988 on to the supply or sale of intoxicating liquor to underage persons, including increases in fines for breaches of the law on underage drinking. Serious penalties, including the temporary closure of a licensed premises, can result where a licensee is convicted of the offence of selling intoxicating liquor to an under-age person.

Reductions in violence and public order offences followed the enactment of the Criminal Justice (Public Order) Act 2003 and the Intoxicating Liquor Act which give significant additional powers to the gardaí to deal with public order and street crime,

Finally, it must be said that while legislative measures, together with initiatives such as an age card scheme, can help to curtail the problem of underage drinking, they cannot be viewed as the only solution. Dealing with the demand side of the underage drinking problem should not be seen as the province of the State agencies alone. In reality, it falls on all parties with an interest in

this area, the drinks industry, the media, politicians, teachers and in particular, parents, to play their part in helping to address the problem of alcohol abuse, with special regard to young people.

Residency Permits.

136. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the position regarding the application by a person (details supplied) for residential status on humanitarian grounds. [10355/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State on 24 August 2001 and made an asylum application. Her asylum claim was refused on 8 November 2002 and again on appeal on 12 May 2003. On 18 September 2002 she gave birth to a child in the State and made an application for residency on the basis of parentage of that child.

Following the decision of the Supreme Court in the cases of L & O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases which were outstanding on that date. There are a large number of such cases outstanding at present, including the case to which the Deputy refers. Since the person in question does not have an alternative legal basis for remaining in this jurisdiction the issue of permission to remain will be considered, but only in the context of a ministerial proposal to deport her. In that context she has already been notified of such a proposal on 12 May 2003 and was given an opportunity to make representations in relation to it. If, in the light of those representations and the range of factors set out in section 3(6) of the Immigration Act, 1999, the Minister decides not to make a deportation order she will be given leave to remain on a humanitarian basis. Because of the large number of such cases on hand I am unable to say at this stage when the file will be further examined.

Prison Transfer.

137. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Kildare can be transferred to the Midland Prison, Portlaoise, to help their family visit and overcome the problems in regard to visiting at present; if there is training available for this person; and if he will make a statement on the matter. [10356/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to by the Deputy is serving an 18 month sentence in St.

Patrick's Institution and is scheduled for release on 11 March 2005. I am informed that there is no record that this person has applied for a transfer to the Midlands Prison. Should he wish to be transferred from St. Patrick's Institution, it is open to him to apply through the Governor of the institution.

The Deputy will be aware of the attempts to address the unsustainable overtime costs associated with the prison service in recent times. Neither I nor the Minister for Finance could, in all good conscience, allow the tax payer to continue to fund these payments without making real efforts to address this situation. As a result, each prison governor is now required to operate within a weekly budget and overtime hours are only sanctioned for essential services. There has, unfortunately, been a necessary curtailment to some of the services provided in our prisons as the staff normally deployed there have had to be reassigned elsewhere to cover emergency situations such as unplanned court or hospital escorts. The workshops in St. Patrick's Institution are among the services which have been affected temporarily and accordingly there is limited work training available there at this moment in time. It is anticipated that these services will be restored if agreement is reached with the Prison Officers' Association on revised manning levels, rostering arrangements and other associated issues.

Garda Stations.

138. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform if the accommodation requirements of the gardaí for the new station in Leixlip, County Kildare have been finalised; if so, the details of same; if the OPW has been requested to provide a revised design sketch scheme for the project; and if he will make a statement on the matter. [10368/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that the finalised brief of Garda requirements for Leixlip, recently received in my Department, has been passed to the Office of Public Works with a request that they provide a revised sketch scheme for further consideration. The brief is comprehensive and includes all the facilities considered necessary by the Garda authorities.

Garda Strength.

139. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the number of gardaí on duty in County Louth on St. Patrick's Day 2004 in the towns of Drogheda, Dundalk and Ardee; and if he will make a statement on the matter. [10385/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the

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detailed allocation of resources, including personnel, that the personnel strength at all ranks of Drogheda, Dundalk and Ardee Garda stations and the Louth-Meath division on 17 March 2004 is as follows: Drogheda, 85; Dundalk, 94; Ardee, 10; Louth/Meath Division, 524. For operational reasons it is not proposed to disclose the numbers of gardaí on duty in these areas on the date in question.

Crime Levels.

140. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that there has been an increase in vandalism in the Pudding Row area of Dublin South East and that residents are not just concerned with damage to cars and homes but also have been subjected to intimidation ; and if he will make a statement on the matter. [10394/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the area in question is regularly patrolled by uniform and plain clothes gardaí from Pearse Street Garda station with a view to ensuring a concentrated and visible Garda presence in the area. These patrols are backed up by gardaí from the divisional crime task force, special resource unit, drugs unit, Garda mountain bike unit and the community policing unit.

I am assured that the policing strategies in place are adequate to meet the requirements of the local and business communities and are kept under constant review by senior Garda management to ensure that resources can be targeted to specific areas as required.

Garda Security.

141. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the estimated cost to the State of security associated with the visit of Charles Windsor to Lismore, County Waterford on the weekend of 20-21 March 2004. [10422/04]

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 estimated cost of Garda security in the instance referred to by the Deputy was €65,561.

Residency Permits.

142. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of the residency application of a person (details supplied); and when this person can expect a decision in the case. [10423/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The person in question 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. There is no record that such application has been received to date.

Garda Investigations.

143. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if he has made a decision on the request for a new inquiry into the Grangegorman murders; and if he will make a statement on the matter. [10431/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): As I have previously outlined to the House, I am in the process of consulting with the Garda authorities and the Office of the Attorney General in order to assist me in making a decision on the request for a new inquiry into the Grangegorman murders. I will make a decision on the request as soon as all relevant advice is received and considered.

Crime Levels.

144. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will take the necessary measures to deal with the alarming increase in drug pushing in the environs of Our Lady of Lourdes Church, Sean MacDermott Street, which has become the worst such location in Dublin city; and if he will make a statement on the matter. [10432/04]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I am informed by the Garda authorities that local Garda management are aware of the drug problem in the environs of Our Lady of Lourdes Church, Sean MacDermott Street.

One of the main suppliers has been arrested on two occasions. I understand that he has subsequently fled this jurisdiction. There have been a number of arrests this year leading to seizures and charges. I am assured by the Garda authorities that the area will continue to receive ongoing attention.

Site Remediation.

145. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the action the Government is taking to ensure that a site (details supplied) in County Cork is cleaned up; the estimated cost of such a clean-up;

the way in which it will be financed; the timescale involved; and if he will make a statement on the matter. [10375/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): My Department has been assigned the operational responsibilities associated with the former Irish Ispat site, including the advancement of the site investigation and remediation processes.

Cork County Council has agreed to take a front-line role on my Department's behalf in advancing the site investigation exercise which is designed to determine more precisely the nature and extent of contamination of the site and identify an appropriate remediation programme. The council is about to commence the process of engaging professional expertise which it requires in order to manage these processes. Following this, tenders for the site investigation exercise will be sought with the intention of commencing the process in autumn 2004.

Arrangements have also been made for the identification of potentially hazardous materials which can readily be removed from the site; removal of some materials has already taken place and the removal of further materials is currently under consideration.

The intrusive site investigation will facilitate the development of more reliable cost estimates for the required remediation. Pending the outcome of this, it is difficult to quantify the costs involved. However, a desk study carried out previously on behalf of the State estimated remediation costs to be of the order of €30 million. The ultimate financing of the remediation process will be dependent on a number of factors, including the outcome of ongoing legal proceedings.

Local Authority Housing.

146. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government if consideration will be given to an application for funding (details supplied). [10384/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): No such application for funding has been received by my Department from Dublin City Council. It is the case, however, that central heating and replacement windows have already been installed, in addition to roof improvement works, in Dolphin House under the Dublin City Council's area regeneration programme.

Community Development.

147. **Mr. O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs if moneys can be allocated under the CLÁR programme for road repair programmes in areas

east of Cooley in County Louth, that is, Kilcurry and Shelagh. [10383/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The two areas mentioned by the Deputy are not in CLÁR regions and cannot therefore be considered for inclusion in the roads, or any other measure, of the CLÁR programme.

Social Welfare Code.

148. **Mr. F. McGrath** asked the Minister for Social and Family Affairs the reason she enacted an amendment to the social welfare code which will actively discriminate against gay and lesbian couples; and if she will make a statement on the matter. [10333/04]

Minister for Social and Family Affairs (Mary Coughlan): In the context of a recent case relating to free travel entitlement it emerged that, under the Equal Status Act 2000, a same sex couple must be treated in the same way as an opposite sex couple for the purpose of entitlement to non-statutory schemes such as free travel, electricity allowance and telephone allowance. These allowances are generally granted as an addition to a basic social welfare payment.

In the case of statutory schemes on the other hand, including the main social welfare payment schemes, the same rules do not apply. Under these schemes each of an opposite sex couple has a separate entitlement and they are not subject to the provisions relating to either increases or limitations in requests which apply to same sex couples.

The application of different rules in relation to statutory and non-statutory schemes would not be sustainable in practice. The amendment in question represents an interim solution which maintains the position in relation to the schemes in question.

I have, however, given a commitment to a fundamental review of the overall social welfare code being undertaken in relation to the requirements of the Equal Status Act. This review will be done in consultation with all interested parties. It will examine any differences of treatment on any of the grounds set out in the Equal Status Act 2000, and identify where such differences need to be removed and the wider implications of doing so.

The review will address a number of complex issues, with possible knock on effects to areas outside the social welfare area, and will involve a number of Departments. It will take some time to have the review completed but the necessary arrangements for undertaking the review are now being put in place.

Social Welfare Benefits.

149. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if she will reconsider the €5.8 million cut to the widows and widowers benefit; and if she will report on her meeting with the National Widows Association. [10334/04]

Minister for Social and Family Affairs (Mary Coughlan): I met with representatives of the National Widows Association last week in the light of their concerns in relation to the discontinuance of the concurrent additional payment of certain social insurance benefits at half-rate together with widows and widowers pensions. Our meeting discussed the background to the measures taken in the context of the Estimates and the reasons this particular measure was put in place.

I indicated to the association that, as with other measures introduced in the social welfare code, I am keeping the implementation of these measures under review. My objective is to ensure that the total social welfare budget is applied to the best effect in tackling disadvantage and continuing the Government's policy of significant improvement in basic payments to social welfare recipients, particularly widows and widowers.

150. **Mr. Durkan** asked the Minister for Social and Family Affairs if rent allowance payments will be reviewed in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [10361/04]

Minister for Social and Family Affairs (Mary Coughlan): The South Western Area Health Board is aware of the medical circumstances of the person concerned and these circumstances have been taken into account in setting the level of payment to her. She is in receipt of a rent supplement which is in excess of the maximum level for this category of household.

The person concerned contributes €13 per week towards her rent from her own resources. This is the minimum contribution required from

all rent supplement recipients. The balance of the rent is met entirely by rent supplement.

151. **Mr. Durkan** asked the Minister for Social and Family Affairs if and when one parent family allowance will be restored to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [10418/04]

Minister for Social and Family Affairs (Mary Coughlan): As indicated in previous replies to the Deputy on this case, one parent family payment was terminated following a review, on the grounds that the person concerned had failed to fully disclose her means despite requests to do so.

The person concerned was afforded the right of appeal to the Social Welfare Appeals Office. She has not done so to date, nor has she re-applied to the Department for one parent family payment.

Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

152. **Mr. Durkan** asked the Minister for Social and Family Affairs if and when rent support can be restored to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [10420/04]

Minister for Social and Family Affairs (Mary Coughlan): The South Western Area Health Board was contacted in regard to this case and has advised that the person concerned had been in receipt of a mortgage interest supplement. Payment of the supplement ceased following an increase in the level of her household income which meant that she had sufficient means to provide for the interest portion of her mortgage repayments.

If she wishes to re-apply for a mortgage interest supplement she should contact the community welfare officer at her local health centre so that a review of her circumstances can be carried out.