



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 29 April 2004.

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DÁIL ÉIREANN

*Déardaoin, 29 Aibreán 2004.
Thursday, 29 April 2004.*

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

*Paidir.
Prayer.*

Requests to move Adjournment of Dáil under Standing Order 31.

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

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to debate the following specific and important matter of public interest requiring urgent consideration, namely, reports that preparation for this weekend's May Day EU enlargement celebration include the following: the deployment of armed Garda patrols on Dublin's streets throughout this week; deployment of more than half the Garda force on the day itself; the unprecedented equipping of the Garda with water cannons borrowed from the PSNI; the transfer of prisoners from one full wing of Cloverhill Prison to Wheatfield Prison where they will sleep double-bunked on the floor in order to accommodate the anticipated mass arrests; the need for the Minister for Justice, Equality and Law Reform to account to this House for these decisions and to reassure the Dáil that he has taken appropriate steps to ensure that there will be no repeat of Garda over-reaction, including the unprovoked assaults on peaceful protesters that we witnessed on May Day 2002.

Caoimhghnín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter, namely, the need for the Minister for Foreign Affairs to act immediately to ensure the safe release from incarceration in Colombia of Niall Connolly, Martin McCauley and James Monaghan, to provide for their security upon release and that of their lawyers and members of the Bring them Home Campaign present in Colombia, especially in light of the grave danger to their lives which is widely acknowledged, given the current volatile situation in that country, and to make certain of

their immediate return home to their families in Ireland.

Mr. Sargent: Go gcuirfí ar athló gnó na Dála faoi Bhuan-Ordú 31 chun scéal práinneach agus tábhachtach a phlé, namely, the need for the Minister for Education and Science to meet with Mr. Tom Sweeney, who is on hunger strike, who raises many pertinent questions in the area of accountability and organisation of the Residential Institutions Redress Board and who is now facing into his third week on hunger strike outside Leinster House; and the need to prevent any further suffering to Mr. Sweeney and the many people affected by this issue.

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

Mr. J. Higgins: A Cheann Comhairle, I submitted a request to your office on time.

An Ceann Comhairle: A notice arrived in my office with no name on it. My private secretary made numerous efforts to find out whom it was from, including contacting the fax number from which it came. It was not signed.

Mr. J. Higgins: That may be the case. I am sorry. Would the Chair allow me to make the request as it was on time?

An Ceann Comhairle: That would create a dangerous precedent.

Order of Business.

The Tánaiste: It is proposed to take No. 23, the Twenty-seventh Amendment of the Constitution Bill 2004 — Order for Report, Report and Final Stages; No. 22a, motion re Statement for the Information of Voters in relation to the Twenty-seventh Amendment of the Constitution Bill 2004; No. 5, Health (Amendment) Bill 2004 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that: (1) the Report and Final Stages of No. 23 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 1 p.m. today by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform; (2) No. 22a shall be taken immediately upon the conclusion of No. 23, and shall be decided without debate.

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal for dealing with No. 23, conclusion of Report and Final Stages of the Twenty-seventh Amendment of the Constitution Bill 2004, agreed?

Mr. R. Bruton: It is not agreed. Fine Gael believes guillotining motions in this House is a bad precedent at the best of times. When dealing with an issue involving citizens' rights, the amendment of the Constitution and putting an issue to the people for decision, it is crucially important that this House has the time to fully debate the issues. Yesterday time was extremely restricted. Ministers acted as if they were in a game of musical chairs, with one Minister and then another in, rotating all the time. That is not the right environment for the kind of debate we need. We need extra time.

I understand the justice committee is disposed to have hearings to hear from, for example, the Human Rights Commission regarding its concerns. It is important that the Oireachtas deal with these issues so that when this matter goes to the people they make a decision based on the fullest debate and the fullest knowledge. We, therefore, oppose the imposition of a guillotine. It is the wrong way to deal with a very important issue involving citizens' rights.

Mr. Rabbitte: My party will also oppose this proposal. We had the spectacle yesterday of the Minister for Justice, Equality and Law Reform deliberately scheduling this Bill for Committee Stage when he knew he would be absent for most of the day. So contemptuous was he of the House and the Opposition that he did not even say why he was leaving. In a kind of parliamentary relay, two junior Ministers took over from him. The Minister never engaged. Despite the fine words he uttered on radio programmes on stations throughout Ireland to the effect that he would hear what the Opposition had to say and advance amendments if necessary, the Minister did not engage.

The debate is a farce, and that the Tánaiste is presiding over it and the Minister is a member of her party is such a contrast with the days when she sat where I now, co-incidentally, sit, although I hope the politics are different. It really is contemptuous of this House that a Bill proposing an amendment to the Constitution on an issue as sensitive and as important as citizenship is being handled in this fashion. The Minister walked out and handed over to his Ministers of State, none of whom engaged with the Opposition.

The Government now proposes to guillotine Report Stage, in contravention of its own best practice and the recommendations of the All-Party Committee on the Constitution, when it was chaired by Deputy Brian Lenihan in the last Dáil. The only purpose of the guillotine is to help the Government to meet the deadline to hold the referendum contemporaneous with the local and European elections. I greatly regret this disgraceful episode in parliamentary politics. Like Deputy Richard Bruton, I oppose this proposal.

Mr. Sargent: I oppose this proposal on the basis that this issue should be dealt with seriously. The Government, which is demonstrating an

unseemly haste in its attempts to amend the Constitution, claims that it is closing off a minor loophole. A major flaw in its approach was exposed when major concerns were expressed by parties in the North that feel aggrieved because they were not consulted in advance. The parties have pointed out that the All-Party Agreement requires that such consultation should take place. This failure to consult will do far more damage than the closing of a loophole, which may be the Government's intention. Not only is the Government dealing with this matter with unseemly haste, but it is doing so in a destructive manner in the wider context of the peace process.

Caoimhghín Ó Caoláin: I record my opposition to the proposal to guillotine the Report and Final Stages of the Twenty-seventh Amendment of the Constitution Bill 2004. Deputy Richard Bruton indicated that various Ministers of State were present for yesterday's debate on the Bill, but the reality is that the Minister for Justice, Equality and Law Reform was absent. It is apparent that he will not be present for most, if not all, of today's debate on this most important issue. The Minister's disgraceful remarks about the Human Rights Commission continue to echo throughout the land and people are greatly incensed by them. He has demonstrated arrogance and gross insensitivity in dealing with the matters at the heart of this proposition. It is wrong to take away from the people the right to determine citizenship and to vest it instead in any Government. The right to decide on many critical and important issues, such as this one, should remain with the people.

Mr. N. Ahern: Is this a Second Stage speech?

Caoimhghín Ó Caoláin: I strongly urge that the proposed guillotine be rejected, as it is an outrageous proposition. If the Bill is passed, I strongly urge the electorate to reject the proposed amendment in the referendum. The people should keep their hands on the reins in respect of the determination of citizenship.

The Tánaiste: As I understand it, the Minister made clear to Opposition spokespersons the reasons he could not be here. He is absent because he is chairing a meeting of the Justice and Home Affairs Council in Luxembourg. Unfortunately, it is not possible to facilitate more time today.

Ms McManus: Why not?

The Tánaiste: As the Deputy is aware, the Government has decided to hold a referendum on 11 June.

Mr. Connaughton: It is the jackboot again.

The Tánaiste: The Bill, which needs to be passed and enacted by 12 May, has to be considered by the Seanad in advance of that date.

Ms McManus: The Tánaiste should be ashamed of herself.

The Tánaiste: Can I say to Deputy Ó Caoláin that we are not vesting power in the Government? We are vesting power in the Oireachtas. The committee chaired by Dr. T.K. Whitaker which reviewed the Constitution

suggested that legislation, rather than the Constitution, is the most appropriate way of dealing with citizenship.

Caoimhghín Ó Caoláin: That is academic, as the vote will demonstrate.

Question put: "That the proposal for dealing with No. 23 be agreed to."

The Dáil divided: Tá, 58; Níl, 38.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cregan, John.
Curran, John.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fleming, Seán.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Jacob, Joe.
Kelleher, Billy.

Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Treacy, Noel.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.

Níl

Broughan, Thomas P.
Bruton, Richard.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Cuffe, Ciarán.
Deasy, John.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Higgins, Joe.
Hogan, Phil.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pdraic.
McGrath, Finian.
McManus, Liz.

Mitchell, Olivia.
Morgan, Arthur.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Sullivan, Jan.
Penrose, Willie.
Perry, John.
Rabbitte, Pat.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.

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

Question declared carried.

Mr. R. Bruton: No. 22a is a motion on a notice to voters on how they should proceed with electronic voting in the constitutional amendment. In the past, the Tánaiste indicated

to the House that no legislation was required for electronic voting. When she was subsequently challenged on this, she claimed that when she gave that information, it was prior to a court ruling on the matter. However, when the record

[Mr. R. Bruton.]

was checked, it was discovered that the court ruling was before the day on which she claimed legislation would not be needed for electronic voting. The Tánaiste must correct the record on this matter.

More importantly, I wish to raise the timing of this motion. Tomorrow, the Ceann Comhairle will receive a report on the robustness of electronic voting and whether we should proceed with such a system. Why is a motion being tabled today prior to the Ceann Comhairle's receipt of that report? It is premature to table this motion, particularly without debate. This should be postponed until the views are known of the independent experts appointed by the Government to review electronic voting.

Mr. Rabbitte: When I asked the Tánaiste before if the independent panel would have access to the source code, she indicated it would. I do not know if we were *ad idem* but, subsequently, access to the source code became a difficult matter for the panel.

I am bemused as to how this motion is on the Order Paper today. On Tuesday I was told in answer to a question that the report would be received on Friday and circulated immediately to all Members of the House. Why are we anticipating the outcome in taking this motion this morning? We do not know the conclusions of the independent panel. We have not had an opportunity to study its report. Earlier this week we had a farce in which we voted on whether to have a Second Stage debate on the citizenship Bill, having had the debate last week.

Ms Hanafin: We did not.

Mr. Rabbitte: It is no wonder we receive the sort of press we do. The Government has been the worst offender in a crime of which all Governments are guilty. I concede that, while all parties in Opposition are interested in Dáil reform, when they get into Government, they are not so interested. The Government, however, has been the most contemptuous of Parliament and the procedures of the House. I do not understand the reasoning behind the Order of Business.

Mr. Sargent: This proposal, as Deputies Rabbitte and Richard Bruton pointed out, effectively makes a mockery not only of logic in terms of the order in which we are taking our business, but also of parliamentary procedure and the independent panel which is expected to advise us retrospectively on what we should or should not have done. If we are to have any respect for the integrity and professionalism of those on the panel, we should leave the decisions until after its deliberations.

There has been a smoke and mirrors approach to the issue. Developments have been reported in the newspapers before we were informed of

them. Examples of this include the indemnification of the Government against the source code falling into the wrong hands and the indemnification of the independent panel if it makes a ruling not having full possession of the facts. The Government needs to hold off on this. It is not a matter of life and death. There are many other issues of Government spending that need to take priority. Electronic voting is not urgent. It needs to be dealt with properly. We all support the principle of electronic voting generally, but we do not want it done in a manner that will cause more problems than it solves.

Caoimhghín Ó Caoláin: In the Tánaiste's earlier response to our objection to No. 23 she referred to Dr. Whitaker's recommendation about vesting the power of determining citizenship in the Houses of the Oireachtas.

An Ceann Comhairle: That does not arise on this proposal.

Caoimhghín Ó Caoláin: I knew the Ceann Comhairle would not be able to resist the temptation. The Houses of the Oireachtas, and specifically the Dáil, have yet to make a determination on Report and Final Stages of the Twenty-seventh Amendment of the Constitution Bill 2004, yet we are being asked to agree the formulation to be put before the electorate. This is pre-empting a decision that the House has yet to take. It is wrong that it should be taken in this order. In my view No. 22a should be scrapped, but it should at least be deferred until the Government has had its way and forced the Bill through by weight of numbers. It is wrong to anticipate a decision on Report and Final Stages of the Bill by offering the formula that should be put before the electorate. I object to No. 22a proceeding at this time.

The Tánaiste: There is some misunderstanding. The motion will take place after Final Stage is completed. As I read out in the Order of Business, "No. 22a shall be taken immediately upon the conclusion of No. 23." There is no way it will be taken before Report and Final Stages have been agreed. In response to Deputy Rabbitte, on Tuesday we voted for the passing of Second Stage, not whether the debate should be taken.

In response to Deputy Richard Bruton, when I informed the Dáil that legislation was not necessary for electronic voting I did so in good faith. I accept I was wrong when I suggested the court had not ruled. It had in fact ruled the day before but the Attorney General only brought his legal interpretation to the Government on 15 February. That is where the difficulty arose. I apologise for any impression that I was consciously misleading the Dáil — I was not. It was genuinely my view at that stage, notwithstanding the court decision of the day

before, that we did not need legislation. This did not become clear for some time.

The motion provides for either electronic or paper-based voting. Even if we were to move totally to electronic voting, postal and special voters would still vote on paper. Both options are provided for in the motion. We have not yet had the report of the independent commission. I understand they were given a deadline of 1 May so we will have that report today or tomorrow and the Government will take it into account.

Mr. R. Bruton: On a point of order, the options to be presented to the electorate are not——

An Ceann Comhairle: That is not a point of order.

Mr. Rabbitte: It is a point of order.

Mr. R. Bruton: It is related to the order in which business should be taken in the House. The Tánaiste is contending——

An Ceann Comhairle: We have already discussed that.

Mr. R. Bruton: The Tánaiste contends that there are two options and no matter which way the commission of experts rules——

An Ceann Comhairle: That is not a point of order. The Deputy can debate the issue when the report is discussed.

Mr. R. Bruton: ——she will have covered it. That is not accurate. Will the Government allow it back in?

Caoimhghín Ó Caoláin: On a point of order, the Tánaiste's response is inaccurate. The Order of Business states that No. 22a shall be taken upon the conclusion of No. 23.

An Ceann Comhairle: That is not a point of order.

Caoimhghín Ó Caoláin: It is pre-empting——

(Interruptions).

Mr. R. Bruton: The Ceann Comhairle is using his office to add to the unsatisfactory way in which business is done in the House.

Question put: "That the proposal for taking No. 22a without debate be agreed to."

The Dáil divided: Tá, 58; Níl, 37.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Aylward, Liam.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cregan, John.
Curran, John.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fleming, Seán.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Kelleher, Billy.

Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Treacy, Noel.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.

Níl

Broughan, Thomas P.
Bruton, Richard.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.

Deasy, John
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Healy, Seamus.
Higgins, Joe.
Hogan, Phil.

Níl—*continued*

Kehoe, Paul.
Lynch, Kathleen.
McCormack, Padraic.
McGrath, Finian.
McManus, Liz.
Mitchell, Gay.
Mitchell, Olivia.
Morgan, Arthur.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.

Ó Snodaigh, Aengus.
O'Sullivan, Jan.
Penrose, Willie.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.

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

Question declared carried.

Mr. R. Bruton: Before I ask a question on promised legislation, will the Tánaiste inform the House whether the NIB investigation report, which is a substantive issue of concern, will be available soon? Has she information on the progress of the report? It is of great interest because—

An Ceann Comhairle: The Deputy has made his point and should move on to legislation.

Mr. R. Bruton: The Chair will appreciate the public is greatly concerned about how these issues are handled by banks.

The Tánaiste has indicated she intends to pull out of Government if there is a delay in the implementation of transport policy and legislation. The former Minister with responsibility for transport, Senator O'Rourke, reported on transport policy in 2000 and indicated legislation providing for a transitional bus regulator in Dublin would be enacted by 2001, legislation providing for a strategic transport authority would be enacted by autumn 2001 and legislation to break up CIE into independent companies would be enacted by the end of 2002. What extent of delay will trigger the Progressive Democrats to withdraw from Government if insufficient progress is made on transport policy reform?

An Ceann Comhairle: The questions on legislation are appropriate.

Mr. Durkan: As is the question on the delay.

The Tánaiste: The NIB report was expected some time ago. As the Deputy will be aware, it is being conducted by a High Court inspectorate and I do not have direct control over the report. I do not like creating hostages to fortune and I hope I will not be accused of misleading the Dáil but it is expected in the next couple of weeks, certainly by the summer of this year.

With regard to transport legislation, I understand the Minister for Transport will bring the legislation relating to the break up of Aer Rianta to the Cabinet in the next two weeks or so and it will be published thereafter. He will also

publish soon a road traffic Bill, which has been approved by the Cabinet. Other Bills, which are central to the programme for Government, will be brought to Cabinet over the coming months.

Mr. Rabbitte: I see no sign of the Progressive Democrats heading for the port tunnel in that answer. The Aer Rianta Bill was first promised for last November. It was a simple matter, according to the Minister for Transport, but it has not turned out that way.

Has the Tánaiste taken time to brief herself on the circumstances outside the gates of the Houses in respect of Mr. Tom Sweeney and the efforts being made by a number of people to prevent this man doing himself irreparable damage? The hope was held out on behalf of the Taoiseach that something was being done to put a formula in place that would permit the man to come off his hunger strike while his case was dealt with. A number of people, including his solicitor and the new Archbishop of Dublin, Dr. Diarmuid Martin, are concerned at the latest position outlined in a formal answer given to my colleague, Deputy Costello, last night, which is that, contrary to what the man believes, the Government is saying it can do nothing and the issue has to be handled within the system that has been put in place. Surely some creative formula can be put in place to enable the man to avoid doing himself further and irreparable damage. Will the Tánaiste indicate whether anything is happening which can give reason for hope that the hunger strike will be terminated?

An Ceann Comhairle: That matter was dealt with on the Adjournment last night.

The Tánaiste: I am familiar with the case. It is a very sad case and we all hope that no tragedy occurs. I understand there was a meeting in the House last night with Mr. Sweeney and other parties. Every effort is being made by Government representatives and church leaders, as the Deputy has acknowledged, and indeed by representatives of the Opposition parties, to intervene in this case in a humanitarian way with a view to having Mr. Sweeney end his hunger strike. I hope those efforts can be successful. I do not wish to say any more for the moment as the efforts are ongoing this morning.

Mr. Rabbitte: I welcome that, if it is the case. I hope the Tánaiste is well grounded in what she has just said because we are heading into a holiday weekend.

An Ceann Comhairle: I would prefer if the Deputy would not pursue the matter. It is not appropriate to the Order of Business. The Chair has allowed the Deputy a certain latitude. The Deputy might care to submit the matter for debate on the Adjournment.

Mr. Rabbitte: May I put a question that is in order under the rules? Mr. Sweeney believes amending legislation has been promised.

An Ceann Comhairle: Sorry, Deputy, that is not appropriate. If the Deputy wants to ask about amending legislation he may do so, but he may not continue speaking of this case.

Mr. Rabbitte: Is amending legislation contemplated by the Government that might provide the basis for a settlement in this case?

The Tánaiste: I do not want to mislead anyone regarding this very sad situation. As I understand it, Archbishop Dermot Martin was in the House last night with Mr. Sweeney and others, and they are making a collective effort to persuade Mr. Sweeney to take an alternative course of action. I am not aware that any legislation is promised. If it is, I will inform Deputy Rabbitte, but I have not been briefed to that effect.

Mr. Sargent: I have spoken to Mr. Sweeney and unfortunately he is not the only person on hunger strike outside the House. It is important that we are not in here discussing the aftermath of the situation which could be avoided if we were to take creative and appropriate measures, even through meeting the man and talking about his grievance. I know efforts have been made but we should make additional efforts before any further deterioration occurs.

I hope the Tánaiste might be able to say whether the Government has any plans for revision of the code of conduct for officeholders, or whether it is to be extended to Government backbenchers. The code is not yet a year old, and with the recent revelations regarding the Minister for Education and Science, Deputy Noel Dempsey, and the Minister of State, Deputy Fahey, there might be a need to revise the code. Has the Government any such plans?

The Tánaiste: There are no plans to revise the code of conduct.

Mr. Neville: I congratulate the Tánaiste on poaching from her partners in Government my neighbour and former schoolmate Senator Brennan. I wish him well, but not a lot of success.

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

Mr. Neville: Will the Tánaiste tell us when the nurses and midwives Bill will be introduced?

The Tánaiste: Let me reassure Deputy Neville that I am not in the poaching business.

Mr. Rabbitte: Deputy Dermot Ahern does not look too convinced.

The Tánaiste: Regarding the nurses and midwives Bill, I understand it is not possible to say when it will be introduced.

Mr. J. Higgins: The Tánaiste has turned gamekeeper.

Ms O'Sullivan: My party leader raised the issue of Mr. Tom Sweeney this morning and I do not wish to repeat anything that has been said. We all share the hope that he will be off his hunger strike before the weekend. When I spoke to him this morning, he told me —

An Ceann Comhairle: We are not having a debate on the matter.

Mr. Stagg: The Ceann Comhairle should wait for the question.

An Ceann Comhairle: The Tánaiste answered that question this morning in response to Deputy Rabbitte.

Ms O'Sullivan: I am asking about related legislation, because Mr. Sweeney said he was expecting the Act to be amended. I am asking if there is an intention to amend that Act. The Commission to Inquire into Child Abuse (Amendment) Bill was on the list in the last session, and is now gone off the list. It was on the list as a result of the resignation of Ms Justice Laffoy and the recommendations of Mr. Justice Ryan. It was considered to be urgent. It seems people will be waiting 11 years to have their cases heard. Is there any urgency in this Government with regard to child abuse? What was that taken off the list?

The Tánaiste: The Government has done a lot of work in the child abuse area. As I understand it, the Minister and his Department are in consultation with the Attorney General in light of the Ryan report, and the legislation will not be available until after the summer.

Ms O'Sullivan: That is unsatisfactory. It is outrageous.

An Ceann Comhairle: The Deputy will have to find another way of raising the matter.

Caoimhghín Ó Caoláin: In the context of Mr. Sweeney's hunger strike, I note that with reference to the Department of Education and Science, the Commission to Inquire into Child Abuse (Amendment) Bill is designed to make

[Caoimhghín Ó Caoláin.]

largely technical amendments to the principal Act. Will the Tánaiste indicate whether this amending legislation has the potential to improve the process of inquiry?

An Ceann Comhairle: The Deputy may not discuss the content of legislation that might come before the House.

Caoimhghín Ó Caoláin: Will it impact on the concerns of Mr. Sweeney and his colleagues, and can publication be brought forward from late this year?

The Tánaiste: I understand it cannot be brought forward before the summer. It is very complex legislation and the Government and the Attorney General must take on board the recommendations of the Ryan inquiry which came to hand earlier this year.

Mr. R. Bruton: Will the Tánaiste clarify the Government's legislative proposals regarding the carbon tax? It does not appear specifically on the list of Government proposals which could indicate it will be dealt with in the Finance Act. Could the Tánaiste clarify the issue because it has not been debated in any form in the House. There has been no clear indication of how this will be handled.

The Tánaiste: There is no legislation promised in this area.

Mr. R. Bruton: Is the Tánaiste indicating the Government is not proceeding with the measure?

The Tánaiste: As I understand it, if a carbon tax is to be introduced, the current legislative framework will facilitate it either by means of the Finance Act or the budget.

Mr. R. Bruton: Has the Government made any decisions on the heads of the Bill?

The Tánaiste: No.

Mr. Sherlock: In order to update and modernise existing legislation, is it proposed to bring in the co-operative Bill? Judging from what I have heard and seen lately, this legislation is urgently needed.

The Tánaiste: It is intended that legislation will be brought in. Much of the change needed in this area related to the threshold for mergers and we brought that forward in different legislation. The Bill is not expected until next year.

Mr. J. Higgins: Under a number of criminal justice Bills, is it appropriate that the Taoiseach and senior Garda figures should be attempting to provoke a violent backlash on 1 May?

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

Mr. J. Higgins: There are three criminal justice Bills.

An Ceann Comhairle: The Deputy did not mention any of them.

Mr. J. Higgins: The matter is number 14 on the list. The Ceann Comhairle can check that. I have raised a very serious issue.

An Ceann Comhairle: There are ways of raising it, but not on the Order of Business.

Mr. J. Higgins: I raised it by means of a suspension of Standing Orders on the day before yesterday, and the Ceann Comhairle would not accede to that. It is a very serious matter when this State is setting out to provoke violence.

The Tánaiste: The legislation is expected during this session.

Mr. Broughan: I understand the Minister for Communications, Marine and Natural Resources met the independent film makers of Ireland yesterday and heard of the job losses and problems in the industry. When can we expect the broadcasting authority Bill?

The Tánaiste: The Minister did meet the group yesterday. The Deputy is well informed. He hopes to submit the legislation to the Government before the summer recess.

Mr. Durkan: Will the Tánaiste indicate when the Abbotstown sports centre authority Bill will emerge into the public arena? When will the disability Bill be published? Also, publication of the electoral (amendment) (No. 2) Bill was promised for 2004. Is it intended to bring that Bill before the House in 2004 or await the result of the next census?

The Tánaiste: No. I understand it is intended to bring it before the House this year, although I do not remember it being approved by the Government. I am aware this is something everybody in the House is interested in but that is the intention, as I understand it. The Abbotstown Bill will be published this session and it is hoped the disability Bill will be published this session also.

Aengus Ó Snodaigh: The summer 2003 programme described the proceeds of corruption Bill as intended to further target white collar crime and corruption in the public and private sectors. In the last session the Taoiseach advised me that a separate Bill was no longer planned but would instead be introduced in the form of amendments to the Proceeds of Crime (Amendment) Bill 1999, which is currently awaiting Committee Stage. If that is the case,

when will the Government publish its amendments to allow the Bill proceed to Committee Stage?

The Tánaiste: The Minister for Justice, Equality and Law Reform is working on that Bill to proceed with it as quickly as possible. I cannot give the Deputy a precise date.

Mr. Costello: He is a busy man.

The Tánaiste: He is very busy, yes.

Mr. Costello: I wish he could come in here now and again.

Ms Lynch: Following the publication of the Ombudsman's report on planning matters on Tuesday, and in regard to the promised building controls legislation, has the Tánaiste any intention of removing what has been decreed illegal by the European Commission in respect of planning fees, local planning and An Bord Pleanála?

An Ceann Comhairle: We cannot discuss the content of the legislation.

The Tánaiste: The heads of the building controls Bill were approved by the Government some time ago. The Bill is expected to be published later this year.

An Bille um an Seachtú Leasú is Fiche ar na mBunreacht 2004: An Tuarascáil agus an Chéim Dheiridh.

**Twenty-seventh Amendment of the Constitution
Bill 2004: Report and Final Stages.**

An Ceann Comhairle: Amendment No. 1 is in the names of Deputies Ó Snodaigh and Costello.

Aengus Ó Snodaigh: Tairgim leasú a 1:

I leathanach 5, líne 5 a scriosadh.

I move amendment No. 1:

In page 4, to delete line 5.

This amendment would have the effect of deleting the first line of the Bill, An Act to Amend the Constitution. This amendment, along with the other amendments in my name, including the two which have been ruled out of order, would have the effect of negating the Bill in its entirety. That is the only way we can properly address the matter at this stage. If it were the Government's wish we could start the process again, have proper consultation and invite organisations which have a right, under international legislation, to make comments to do so. According to the Good Friday Agreement and under section 8(a) of the Human Rights Act, the Human Rights Commission is charged with keeping under review the advocacy and effectiveness of law and practice in the State

relating to the protection of human rights. In addition, section 8(b) provides that, if requested by a Minister of the Government, it can examine any legislative proposal and report its views on any implications of such proposals for human rights. That did not happen. The Irish Council for Civil Liberties made a submission in writing; that is all it could do. Barristers, legal people or the social partners did not have the time to address this issue fully because the Bill is being rushed through the House. Proof of that, if proof is required, is the fact that the Minister whose Department has responsibility for the Bill is absent. If the legislation was so important, could the Minister not have scheduled it for next week, the week after or whenever he could make himself available to answer the questions raised?

My amendment is simple. It would rule out this amendment of the Constitution. We should not insert into the Constitution any wording which is contrary to existing wording. We had a debate here last night towards the end of which we were getting to the crux of the issue on nationality and citizenship. If we amend the Constitution in line with what the Government is proposing, according to the legal advice sought by many of us to try to get to the bottom of this issue, that would be contrary to Article 2 which states that everybody born on this island would be part of the Irish nation. They are Irish nationals, yet the Government wishes to remove Irish nationality from a class of people born on this island. The new Article 9 would be contrary to Article 2.

The Constitution is an important document which one should be able to read with ease. It should not contain any contradictions and one Article should not be negated by another but towards the end of the debate last night one of the Ministers — I cannot remember which of the three it was — said that nationality and citizenship were synonymous. The wording in the Bill refers to Irish citizenship or nationality but throughout the Constitution there is reference to Irish nationality and citizenship. One need only examine the current Article 9.2 and 9.3.

The Government's proposal is to create three categories of people on this island; those who are Irish citizens and Irish nationals, those who are Irish nationals only and those who are non-nationals. Non-nationals do not have the full protections of the Constitution, although they have some rights and protections under international law. Irish national citizens have the protection provided in the Constitution but Irish nationals only, those who are not citizens because that is the category that will be created, do not have such protection. That is confusing. They will be Irish nationals under Article 2 of the Constitution yet the Minister is trying to remove that nationality. It is somewhat contrary.

I urge the Minister to accept the amendment, and the others, even at this late stage to allow us go back to the drawing board with this legislation and have the proper consultation. We should start from the beginning and deal with the

[Aengus Ó Snodaigh.]

immigration policy first and how to address problems, if any exist. Like many others, I do not believe the hype the Minister has created around the figures he has quoted. He should be able to make his case and we should hear from the masters of the maternity hospitals and those who are working with refugees, asylum seekers and non-nationals.

We should also ensure that those parties to the Good Friday Agreement have a say if this legislation will affect the changes which were brought about by a referendum put to the people of this State and enforced by those in the Six Counties. If this Bill is passed they will not have any say in this whatsoever. They were not consulted. There were no consultations with the SDLP, Sinn Féin, the Alliance Party or the DUP. The Minister talked about consultation but there was not even consultation here in the House. We were given a document, told to read it and then presented with another document as a *fait accompli*. That is not consultation. Consultation requires people to listen and that did not happen.

It was not likely to happen within the timeframe and we had a long discussion about that with the Minister. I believe he had plans well in advance of 10 March. He did not produce them out of the air and phone all us justice spokespersons on that day and say he had a grand plan for a referendum. This has been a long time in gestation, and it is scandalous that, from the day he started planning it, we did not have any committee consultation or hearings on it. If the committee had accepted it, we would have been able to proceed with the Bill. Even at this late stage, I ask the Government to withdraw this Bill.

Mr. Costello: I am somewhat disappointed to see the Minister of State here today, though he is welcome as such. We have still not got an explanation from the Minister for Justice, Equality and Law Reform, Deputy McDowell, of why he had to rush off so suddenly after spending less than an hour with us yesterday and why he did not return today. We do not even know whether he is to attend the debate in the Seanad. The level of consultation gets worse. He is not even prepared to come into the Houses to defend the constitutional amendment. The Minister of State will appreciate this is not simply more legislation put before the House by the Department of Justice, Equality and Law Reform. This amends the Constitution and affects the lives of many people. The Minister should at least have had the good grace to explain his prior engagement and apologise to the House for not being present. That being said, the Minister of State is welcome.

Perhaps I could take up a point made by Deputy Ó Snodaigh, the note on which we finished last night to which the Minister did not have an opportunity to respond. It was the fascinating question of citizenship and nationality, which the Minister's predecessor

yesterday afternoon, the Minister of State, Deputy Brian Lenihan, was so certain were synonymous. However, that is of course not so. I hope the Minister gets a chance to respond on that issue, which is relevant to the totality of what we are doing. It seems we have three new categories. The first is the citizen. There is also the national born in this country but without citizenship rights because he or she did not have an Irish parent or whose mother or father died during the period. Then there are non-nationals. If one is an Irish national specifically prevented from gaining Irish citizenship by the amendment to be put forward under this legislation, is one a member of the Irish nation? What is an Irish national? Does one not have nationality, even if one does not have citizenship?

The Minister has stated that the words "citizenship" and "nationality" are synonymous. Of course they are not so. They could not be; one need only look at a dictionary. It may well be that the founding fathers and mothers of the Constitution thought it was necessary to confuse them, since the Proclamation in 1916 refers to cherishing all the children of the nation. The nation was sacrosanct, and they were therefore all part of it and of our nationality. However, that is not citizenship.

Are we to have a category of people in this country who enjoy the full protections and entitlements of citizenship under the law, or are we to have a category who are nationals but are neither citizens nor belong to the Irish nation? If they are born in the country, how can they not belong to the Irish nation? We can understand the term "non-nationals" but what precisely is the status of the new category of person in the limbo created by this amendment? From where do they derive their rights, seeing that we now have a statement in the substantive provision that they are not entitled to Irish citizenship or nationality? It seems that by being born in this country, they are automatically part of the nation. I cannot see how it could be otherwise.

The Minister of State is shaking his head but I think he is making up his interpretation of the Constitution as he goes along. The substantive point of this amendment is to delete the wording "an Act to amend the Constitution" because neither the Minister of State nor the other Ministers, Deputies Brian Lenihan and McDowell, has made a case to amend the Constitution. We are not satisfied that the case is powerful enough to warrant amending the Constitution on this issue. This amendment has been tabled so the Minister, even at this late stage, will go back to the drawing board and agree that there is something fundamentally wrong with what he is doing. We have rehearsed many of the reasons. For a start, the timing is wrong.

Perhaps, when the Minister of State is replying to us, he will give us some idea of the amendment's gestation, both for the draft legislation and the substance of the amendment.

Where in the Department of Justice, Equality and Law Reform did it originate? When did it originate? When was the Attorney General consulted about it? When did the Government give its approval? When was it drafted? We have all sorts of half-suggestions about when that might have been. It was three or six weeks before 8 April. When did it happen? When did the Minister decide to go ahead? He tells us in his briefing document that he had talks with the masters of the maternity hospitals in October 2002, but he did not lift a finger after that. At that point, did he tell the mandarins in the Department of Justice, Equality and Law Reform to get the draftspeople working on this? Does it go back to 1998 when an initial concern was expressed by the Department of Justice, Equality and Law Reform? Did it suddenly dawn on the Minister some time after January 2004 that an election was coming up and that it was such a big issue that the Government could hold a referendum on it together with the local and European elections? We have no clear indication of that.

There was certainly no consultation. Why should we have any faith in an amendment, considering our past history of amendments to the Constitution regarding divorce and, more than once, abortion? There was certainty that those who had framed them had got it right, but the Supreme Court tore the amendments to shreds when it came to the intention of those who framed the question in the abortion referendum. We received this only in the last few weeks, with no opportunity to hold hearings, consult expert witnesses or procure submissions.

Deputy Jim O’Keeffe and I proposed yesterday that before the debate in the Dáil, there be a special meeting of the Select Committee on Justice, Equality, Defence and Women’s Rights with the masters of the maternity hospitals to try to dispel the confusion surrounding the statistics. As recently as yesterday, the Minister came in with another bunch of statistics arising from the census and maternity hospital figures. All that information should be fully, thoroughly and factually in front of us before we make a decision of this nature. The only way we could envisage that happening would be to have the masters of the maternity hospitals present so we could ask them questions and they could make factual submissions to us. It would be very important. That would be done in public so that the electorate could also inform itself of the situation rather than listening to the Minister for Justice, Equality and Law Reform who said one thing one day to the effect that people had pleaded with him, then he apologised for that the next day and then he came back and fudged it again. Then he comes up with another interpretation and claims he is talking about the integrity of the Constitution. On the final day he had nothing to say regarding the views expressed by the masters of the Dublin maternity hospitals.

The Human Rights Commission is a central part of the requirements for any constitutional referendum to ensure that what is being prepared is human rights proofed. That is what the body was set up for on a statutory basis by this House, and its counterpart in Northern Ireland was set up for the same purpose. We received a substantial statement of concern from the Human Rights Commission in the short time it had to consider this matter. The Minister came back with the most outrageous response, totally dismissing it out of hand as “tendentious”. He was not going to bother with it. He was not even going to listen to it. Instead of listening, he had no time for the person who was interviewed with him on “Morning Ireland”. He should have spoken to the Human Rights Commission and treated it with respect, but he has treated it with disrespect.

In this regard the treatment of the Human Rights Commission particularly underpinned the failure to respect the rights of the child. That is a serious matter because it is the children who will be affected. We are supposed to cherish the children of the nation. Whether these new nationals will be children of the nation, the Minister has yet to tell us. As to whether we will cherish them, it does not look like it.

The Human Rights Commission has made it clear that its deliberations are not yet finished because it has to consult with its counterpart in Northern Ireland — there is, of course, a Northern Ireland dimension to this as well. Only then would it be able to make a full statement as regards its position in the matter. That has not happened yet, but hopefully we will have the benefit of it over the weekend. By then, however, this legislation will have been passed in both Houses of the Oireachtas because it is the Government’s intention to plough ahead without consultation. Indeed, that is what the Minister said to me on 7 April when I met him.. He said he had consulted and got the approval of the British Government, but he had no intention of consulting with any of the parties to the Good Friday Agreement because, as he put it, they did not have a veto on it. That is the most arrogant of attitudes, but it means that information, statistics and facts will still come into the public domain that were absolutely necessary prior to this debate taking place.

For that reason — the lack of consultation — we are opposed to this amendment to the Constitution. That is one of the reasons I have appended my name to delete an Act to amend the Constitution. We do not want any Act to amend the Constitution in this manner. We still have to get an interpretation of the Good Friday Agreement itself. We spent a long time yesterday teasing out what the distinctions and interlocking elements were of the British and Irish agreement and the Good Friday Agreement, one being a bilateral agreement between two sovereign states, the other being a multi-party consensus between all the signatories to the Good Friday

[Mr. Costello.]

Agreement. The constitutional amendments put in place in 1998, namely Articles 2 and 3, revised, and Article 29, revised, are a verbatim part of the Good Friday Agreement, but not part of the British and Irish agreement. It is the Good Friday Agreement that has been interfered with. The British and Irish agreement is a commitment to ensure that what is in the Good Friday Agreement will be implemented.

We should remember, however, that the people involved with the British and Irish agreement were not the negotiators of the Good Friday Agreement as regards what was put to the Irish people in this jurisdiction. There is a separateness in that respect and an interlocking requirement in terms of the Good Friday Agreement's implementation. It does not mean that the Good Friday Agreement is not being impacted on and that the signatories to it were not deserving of consultation as regards anything that was done which might unpick it. That is a serious flaw in what is taking place here.

An area that also deserves decent consideration is the rights of the child. I do not intend to go into this in detail now. However, when one examines the fundamental rights granted in Article 40 to citizens, one can see the difference that would exist as regards non-citizens. What are the entitlements of non-citizens living in this country and what different categorisation will take place? Remember, however, we are dealing here, purely and simply, with children who are not yet born, but who will be, from now on, in a different climate from those born prior to this constitutional amendment. An Irish child born on this island will have full citizenship rights while another child born on this island will have none of those rights. From the viewpoint of the child there is a major diminution in the situation as it exists currently. From the point of view of the parent it is a different matter, but the right that the child had to citizenship and all that flowed from that is being done away with. It is an attack on the child. Two children may be born in similar circumstances on the same island and one will have the full rights of citizenship while the other will not. That is the nub of the issue and the Minister has not presented the House with valid arguments as to whether there are adequate grounds for doing this.

The amendment is timed to coincide with the European and local elections. Many of my colleagues have pointed out that regardless of the intent, it will be used in a negative fashion and will become the backdrop against which those elections will be fought. Remember an election contest is very largely a matter of grassroots activity. While the best of intentions might be evident at Oireachtas level in terms of what would happen, when it comes down to hard grafting for votes — every vote is like gold dust — situations such as this that may give rise to misrepresentation, presenting the spectre of fear in people's minds, can be damaging to relations

on this island and could cause much trouble. In this context it is irresponsible to put forward the referendum amendment, as proposed.

The timing is wrong, apart from the lack of consultation, the lack of opportunity to have hearings and normal procedure and the total failure to attempt to get consensus on the issue. I asked the Minister when I met him if he would accept an all-party committee review of the issue and told him the Labour Party would accept the outcome in the event. He said "No", the matter had been decided by the Government and there would be no all-party committee on the matter. There was never an intention to consult on this issue. Despite the Minister claiming he is being blamed if he does not make his mind up, be decisive and hurry up with legislation, this is a constitutional amendment and he never had any intention of providing adequate time to deal with it.

The best thing to do, on this fresh spring morning, is to get rid of this altogether. The Minister of State should go back to the drawing board while the Minister is out of the country and say that from what he has heard there are too many problems and questions and we must start again.

Minister of State at the Department of Education and Science (Mr. O'Dea): There is a great deal of misinformation about the election campaign. Deputy Costello may not have been on the hustings. I have been on them for some time because I sent our candidates off to an early start.

Mr. Costello: Deputy O'Dea has a reputation for that.

Ms Enright: He is on eternal hustings.

Mr. O'Dea: When candidates, whether outgoing counsellors or those seeking election, are on the doorsteps they spend precious time with the voter saying what a wonderful record they had, that the area cannot do without them and generally singing their own praises. They do not spend much time talking about a constitutional referendum. In most cases that does not arise. Occasionally, when someone asks about it, we say the Government has a proposal and that the Referendum Commission is employed to put the case for both sides and will send on information. We are not on the doorstep hammering at the case for the referendum in deference to our candidates. We try to introduce them to people on the doorstep saying they are good candidates and deserve votes because of what they will do for the area, which is the main concern of voters.

I undertook to Deputy Costello last night that I would inquire about the gestation of the legislation. The Government set out its stall on this issue from the outset. Its concerns were evident from the inclusion of the matter in the

Programme for Government, agreed and published on the Government's taking office in 2002. It was open to Opposition parties to raise with the Minister at any time any proposals or thoughts they had on the issue. The Government's response first took the approach of litigation where the issue of the rights of parents of non-national children to remain in the State, as against the right of the State to deport them, came to a head in the L and O case. The Supreme Court delivered its judgment in early 2003 and the Government took the prudent course of allowing a suitable interval to pass in order to observe what impact the terms and practical effect of the judgment would have on the incidence of non-nationals arriving in this State.

During that observation period there would have been no benefit in seeking to raise the matter with the other parties since they would quite rightly have said, and I would have agreed with them, we must wait and see what effect the judgment will have before we can offer anything constructive. A year later it was clear the judgment was having no impact on the proportion of female asylum seekers arriving pregnant: 58% in 2002 and the same in 2003. It was also clear that the number of births to non-nationals in the Dublin maternity hospitals was disproportionately high by comparison with the ratio of non-nationals resident in the area by a factor of almost three. The figure may be much higher now.

In early March 2004 the Minister prepared a briefing document on the matter as a basis for discussions with the spokespersons for the various parties and met each of them. Reactions varied from the downright hostile to an unwillingness to accept that there was a problem but did not involve any constructive suggestions for a way forward. Simultaneously, on 9 March 2004, the Government approved the drafting of two Bills based on schemes prepared in the preceding three or four weeks in the Minister's Department, namely the amendment of the Constitution Bill and the draft implementing Bill. No decision was taken on when a referendum might be held. Drafting of the two Bills commenced in the office of the Parliamentary Counsel to the Government. While they were developed in tandem the text of the amendment of the Constitution Bill was not settled until the final shape of the draft implementing Bill became clear. Government approved the publication of these Bills on 6 April and on that day also decided to hold the referendum on 11 June.

In response to Deputies Costello and Ó Snodaigh, nationality and citizenship are synonymous. I cannot see any circumstances whereby, under the Constitution or ordinary law, a person can be an Irish national and not an Irish citizen and *vice versa*.

Mr. O'Dea: No, they will not. Deputy Costello is laying too much emphasis on the grammar of the proposed amendment. The matter is raised twice in Article 9 of the Constitution: paragraph 2 refers to "The future acquisition and loss of Irish nationality and citizenship" and paragraph 3 states: "No person may be excluded from Irish nationality and citizenship." We use the term "or" in the new part 2 because it is predicated on a negative, that is, people who are not entitled to Irish "citizenship or nationality". The general view is that to use "and" instead of "or" there is ungrammatical.

Aengus Ó Snodaigh: That is wrong.

Mr. O'Dea: There is no conspiracy, hidden agenda, ulterior motive, or sinister intent behind the use of the term "or" as opposed to "and". Deputy Ó Snodaigh's amendment would negate the Bill as he admits. The Bill is a rational response to a real problem that will not go away and can be solved only by a constitutional amendment. Had the Good Friday Agreement not happened and this not been enshrined in the Constitution as a result and we were simply amending the pre-1999 legislation from which citizenship rights derived as, like every other parliament in Europe, we are entitled to do, would there be a similar furore? I would prefer not to have to amend the Constitution. The only reason for doing so is that the legal advice with which I agree, is that we cannot exclude non-nationals born here from Irish and therefore EU citizenship without amending it. We cannot even defer their right to become citizens until they reach their majority as happens in some countries.

The approach taken in the Bill is to restore to the Oireachtas the power to legislate for the entitlement to Irish citizenship of a narrow class of persons born in the island of Ireland, namely those who did not at the time of birth have a parent who was Irish or was entitled to Irish citizenship. The terms of the legislation proposed by the Government to achieve that result following acceptance of the referendum proposal, if it is accepted, are already a matter of public record. There can be no doubt in the mind of the public what those proposals are. The Government's proposals will reflect Ireland's high regard for those who have come from abroad to establish themselves in, share in and contribute to, Irish society by entitling their children born here to be Irish citizens by operation of law. At the same time they will ensure that Irish citizenship is not regarded as a passport to a wider Europe but means something important to those who hold it, a sense of fidelity to the nation and loyalty to the State.

They will also remove a factor which causes women advanced in pregnancy to put themselves and the lives of their unborn children at risk by travelling to Ireland North and South, to secure the perceived benefits of automatic Irish

Mr. Costello: They will now.

[Mr. O'Dea.]

citizenship for the child. This law will not deprive any child born here of citizenship or an entitlement to citizenship. Most children born in Ireland to non-nationals derive citizenship from their parents' countries of origin by operation of the citizenship laws of those countries. Where this does not happen either because the parents are stateless or through some quirk of the citizenship laws of their countries of origin we are obliged anyway under the United Nations Convention on the Reduction of Statelessness, to which Ireland is a party, to make Irish citizenship available to any person born in Irish territory who would not otherwise acquire citizenship of some other country. Section 6 (3) of the Irish Nationality and Citizenship Act 1956, as amended in 2001, already provides for that and will remain unaffected by the implementing proposals.

No one who already has an entitlement to Irish citizenship by operation of present law will be deprived of that entitlement. The proposal is consistent with the British-Irish Agreement, particularly annex 2. It is also consistent with the Good Friday Agreement generally. An unintended effect of the wonderful achievement of the Good Friday Agreement in advancing the peace process in this island has been used as an opportunity for this sort of abuse.

The Government owes a duty to the people of this island to put measures in place to stop the abuse. That is the purpose of the referendum proposal.

Article 9 gives the Oireachtas power to legislate for the acquisition of Irish citizenship by naturalisation, but does not, since the adoption of Article 2 in 1999, allow the Oireachtas power to limit Irish citizenship acquired by birth in Ireland. The proposed amendment restores that power to some extent, but it would not allow citizenship to be refined and qualified by statute in an unfettered way. That is not and could not be the case. Any change must, as a matter of international law, be consistent with the British-Irish Agreement which guarantees the continuing entitlement to the people of Northern Ireland to be Irish citizens. That was paramount in the minds of the people who negotiated that agreement.

The proposed change to the Constitution limits the scope of the discretion of the Oireachtas to legislate by confining that discretion to cases where the person is born in Ireland to parents, neither of whom is entitled to be an Irish citizen at the time of birth. The proposal does not give rise to any reasonable fears about the identity and interests of the people of Northern Ireland or about how those matters could be addressed by future legislation. The implementing legislation is drafted in such a way as to provide for equality of treatment between children born North or South.

The proposal will not in the slightest way affect the human rights protections offered by Irish legislation and courts to children or people of any age. It is incorrect to suggest that it will diminish

anybody's human rights in any respect. I challenge Members to demonstrate a single human right that will be removed as a result of this proposal.

I do not accept Deputy Costello's stricture that the Minister was insulting to the Human Rights Commission. I am sure it was not his intention to insult it. He referred to its arguments as tendentious because of the phraseology used in its submission, which, although I do not agree with its content, it is entitled to make. The submission is couched in such terms as "could be argued", "could be wrong", or that "something might be incorrect". It is not definitive. The definition of "not definitive" is tendentious, which is what the Minister said.

We are overlooking the fact that, prior to 2 December 1999 when the Good Friday Agreement became part of the Constitution, no citizen born in this country, including me and the Deputies opposite, had a constitutional guarantee of citizenship. However, nobody took issue with that fact. Citizenship was regarded as something one received by way of legislation and this could be amended to make it more restrictive, more open and so on, simply by vote of the Oireachtas.

The Minister of State, Deputy Brian Lenihan, argued the case well yesterday but, if Members wish, I can address the matter again. This proposal is not inconsistent with the Good Friday Agreement. The second annex to the Good Friday Agreement, which I believe was put in at the insistence of the British Government, defines the term "the people of Northern Ireland". It is clear that it was the intention of both parties to that agreement that the people who would automatically be entitled to citizenship were the people defined, namely, a person born in Northern Ireland, either of whose parents were of British or Irish citizenship or entitled to become a British or Irish citizen. Article 2 of the Constitution, which incorporated that proposal, went further than it, even though it is clear that that is all the Government is committed to by virtue of the Good Friday Agreement.

To return to my point about rights and the deprivation of rights, according to the 2002 census, 133,000 non-nationals are resident in this country. The figure may now be greater than that.

Mr. Costello: That is not true.

Mr. O'Dea: I refer to EU nationals.

Mr. Costello: We are in the European Union.

Mr. O'Dea: Many of those people have children who are not Irish citizens. In recent years, some 10,000 non-EU nationals were given the right to remain here based on the fact of parentage of an Irish-born child who is an Irish citizen. However, they have other children who are not Irish citizens. Is anybody suggesting that because they do not have Irish citizenship, these children have no rights or less rights or that we

can do what we want with them in respect of their right to life or other fundamental rights guaranteed by the Constitution? It has been suggested that we should introduce legislation which would retrospectively grant these people citizenship to protect their human rights. That is fanciful and flies in the face of everyday facts.

I set out the case for the Bill and our response to the well argued submission of the Human Rights Commission, which it was perfectly entitled to make. I explained the situation in regard to nationality and citizenship. I do not propose to accept the amendment, for which no case has been made.

Aengus Ó Snodaigh: The case has been made by the Human Rights Commission, the Irish Council for Civil Liberties and others, including Deputies. If the Minister of State wishes, I can repeat what the Minister said about the Human Rights Commission.

Mr. O'Dea: I heard the Deputy the first time.

Aengus Ó Snodaigh: He said that its submission lacked intellectual integrity. If that is not insulting, I do not know what is.

He also referred to an unintended effect of the Good Friday Agreement. That agreement was put to the people and was available for them to read. By saying there was an unintended effect, he is saying that the Attorney General at the time of the agreement and the negotiators were stupid and did not understand what was written in black and white. He can have that one out with the then Attorney General.

Figures have been bandied about in regard to pregnant women. Many women who turn up at hospitals late in pregnancy are Irish women. I regularly attended a maternity hospital with my wife who recently had a child. It was evident that many Irish women arrived at the hospital for the first time in the later stages of pregnancy. It is incorrect to say this is a problem. Government policy is the problem, not pregnant women.

We have had insufficient time to discuss the Bill. Instead of discussing legislation on this matter, we should discuss immigration policy. The problem with which we need to deal relates to immigration policy. Every court case on the matter results in changes to our legislation. We need to tackle this problem but this is not the way to do it.

Mr. Durkan: I agree with previous speakers in regard to the Minister's remarks about the Human Rights Commission. The commission has a duty to make its case. It is insulting for the Minister to deem it tendentious or lacking in intellectual integrity.

The Minister of State mentioned phrases in the submission such as "may", "could be" or "possibly be" which could be in conflict with certain civil rights entitlements. I remind him it is quite common in the drafting of legislation to use

the term "may" as something may or may not be the case in certain circumstances. The phraseology used by the Human Rights Commission in its submission was correct and in keeping with the drafting of legislation.

Like other Members, I do not want a situation to develop whereby unscrupulous people abuse the system to obtain a status of citizenship to which they are not entitled. I agree we need to have some regulations in place. However, I am a little concerned about a matter which has not been explained by the Minister of State or by his senior colleague. Why did the provision in the Good Friday Agreement go that extra mile? The Minister of State said it went further and beyond a point. Why did it go beyond a point? What was the thinking at the time that caused that provision to be made? Who was it supposed to reassure? We have not been told that.

The Minister mentioned that there are 133,000 EU nationals living here. I do not understand the purpose of that exercise as those people are legitimately here working or whatever the case may be. Some of them may have an entitlement to citizenship or may eventually have one and some of them may not. Other non-nationals who are seeking refugee status are in a similar position. The Minister seems to indicate that such numbers are causing a major problem here. To what extent will the proposal put forward address that problem? If there is widespread abuse of our immigration laws, to what extent will it be amended and addressed in the course of this legislation? If the legislation proposed is as innocuous as suggested in terms of dealing with the situation, how will it have a dramatic impact? If the impact is necessary, of which I remained to be convinced, why was the legislation suddenly sprung upon the people and the House? Why was there so little consultation on it and why was that necessary?

The Chairman of the all-party committee is an eminent Member on the Government side of the House and an eminent legal professional. He previously pointed out that in the event of a proposal to amend the Constitution, it should be done after the maximum amount of consultation with the widest possible number of groups to ensure nothing was done which might have to be revisited in the future by way of addressing an issue it might have created.

Mr. Costello: I tabled this amendment because it is our view that neither the Minister of State nor any of the other Ministers who dealt with this Bill have pressed their case adequately to convince us there is a need for this proposal. They have not sufficiently made that case. The process involved in dealing with such legislation is extremely important, a point to which Deputy Durkan referred. There has been no all-party committee, White Paper, Green Paper, consultation or hearings on this legislation. The Joint Committee on Justice, Equality, Defence and Women's Rights was not allowed to consider

[Mr. Costello.]

it or did not have the time to do so. The information is trickling through from time to time and we have received contradictory information. This is why we are here arguing on issues that could have been clarified if the correct process had been followed. It is wrong to present a constitutional referendum when the necessary procedures are not followed to ensure the maximum information is put into the public arena.

We are dealing with two issues, the Good Friday Agreement and the Human Rights Commission. The changes to Articles 2 and 3 are not set out in the British-Irish Agreement, but they are set out verbatim in the multi-party Good Friday Agreement signed by all the parties. To say that a joint declaration by the British and Ireland Governments to the effect that everything is hunky dory is irrelevant because the changes to Articles 2 and 3 are set out alone in the Good Friday Agreement, not in the British-Irish Agreement.

Mr. O'Dea: It is in annexe 2.

Mr. Costello: The British-Irish Agreement is a commitment to ensure the implementation of the Good Friday Agreement.

Mr. O'Dea: No, I do not accept that.

Mr. Costello: Yes, it is.

Mr. O'Dea: We will have to differ on that.

Mr. Costello: It is only after we adopted Articles 2 and 3 that the procedure was set in place and the mechanism was triggered so all the institutions and other matters arising from it were sorted out.

Acting Chairman (Mr. Stanton): I must now call the Minister of State.

Mr. Costello: The Acting Chairman might allow me to read out the few lines from the Good Friday Agreement or from the submission of the Human Rights Commission.

Acting Chairman: I cannot as I must call the Minister of State to respond.

Mr. O'Dea: I have the Agreement. I will have to agree to differ with Deputy Costello on that matter. I want to cite the conclusion from the figures presented by my colleague, the Minister of State, Deputy Brian Lenihan, to the House last night. On the basis of the figures for births in the maternity hospitals in Dublin in 2003, a non-EU national female is eight times more likely to have a child than an Irish national or an EU national.

Aengus Ó Snodaigh: Fair dues to them.

Mr. O'Dea: That is an unworthy comment.

Aengus Ó Snodaigh: It is a worthy comment.

Mr. O'Dea: Those figures enable people to draw their own conclusions. It shows what is happening.

Aengus Ó Snodaigh: That is a disgrace.

Mr. O'Dea: There is widespread abuse of an unintended loophole in the law.

Aengus Ó Snodaigh: No, that is not the case.

Mr. O'Dea: I said this was an unintended loophole and I repeat that. I am not suggesting the parties to the Good Friday Agreement were stupid, blind, thick or ignorant. I am simply saying this was not at the forefront of their consideration. Yesterday, I heard it seriously questioned in the House that if the people of this island, North and South, had known that something like this was in the pipeline or could have been done, or that this modification or disqualification of Article 2 could have been made, whether they would have voted for the Good Friday Agreement. We have to get real about this. The Good Friday Agreement was an agreement designed to bring peace after a long period of violence on this island.

Mr. Costello: Now we have breached it, it can be breached again.

Mr. O'Dea: There is no breach.

Mr. Costello: It can be breached.

Mr. O'Dea: People are trying to argue that if one had said to the people of Belfast, Limerick, Cork and all those who voted for the Good Friday Agreement there was a possibility the Irish Government might introduce legislation to prevent people from Ghana, the Sudan and many other places coming to Ireland to give birth to children who will automatically become Irish citizens, and the Irish Government might at some stage outlaw that, they would all have voted against the Agreement.

Aengus Ó Snodaigh: Give them a vote on it.

Mr. O'Dea: That is fanciful, it is nonsense. It is arrant rubbish and the Deputies opposite know that.

Mr. Costello: The Minister of State has taken five minutes to reply.

Mr. O'Dea: What was in the minds of the negotiators was the status of people born in Northern Ireland and their right to acquire citizenship.

Acting Chairman: I ask the Minister of State to conclude and I call Deputy Ó Snodaigh to conclude.

Mr. Costello: I also wish to reply.

(Interruptions).

Aengus Ó Snodaigh: I wish to repeat a point I made last night. I do not intend to go through what I said on Second Stage when I went through parts of the report of the Human Rights Commission. The human rights commissions issued a joint statement yesterday which states that in so far as the Irish Government's proposal impacts on Article 2 of the Constitution, which was amended to allow the Good Friday Agreement to come into force, they believe it ought to be considered in a manner indicated in paragraph 7 of the section of the Agreement dealing with validation, implementation and review.

Mr. Durkan: That is a good point.

Aengus Ó Snodaigh: That paragraph requires the two Governments to consult the parties in the Assembly if relevant legislation such as the Irish Nationality and Citizenship Act requires amendment. That is stated in plain and simple language. The Government did not do what it was meant to do. It is still not doing what it was meant to do and is trying to railroad through this legislation. The period of gestation of this legislation is one of haste; it is all rush, rush, rush. Bad law is made in haste. All one needs to do is to recall the abortion referendum debacle to realise what type of debacle the legislation will be if this amendment is made to the Constitution

Mr. O'Dea: There was no debacle in the abortion referendum.

Aengus Ó Snodaigh: There will be a debacle because the Government proposes to insert in the Constitution an Article which will be contrary to the existing Article 2. By doing that it will create three categories of people on this island. Hopefully, it will be defeated in the Supreme Court and then we will be laughing at the Government.

Acting Chairman: I am obliged to put the question.

Mr. Costello: The amendment is also in my name.

Acting Chairman: I checked the position with the Clerk and I have been informed that the main proposer is the only person who can contribute a third time.

Mr. Costello: The amendment is in both our names.

Acting Chairman: I accept that. I queried the matter with the Clerk and I was informed that it is not possible for the Deputy to make a further contribution.

Mr. Costello: I did not have the opportunity to refer to the statement made by the Human Rights Commission on the previous occasion and I wish to do so now. The Minister of State is wrong about the Good Friday Agreement. Those who want the Agreement destroyed will made hay from this matter in the future. We will have breached the Agreement as a result of a unilateral decision taken by the Government.

The Minister of State indicated that what was said by the Human Rights Commission was vague and contained the terms "maybe" and "might". However, it stated that a notable feature of the Irish Constitution is that some of the rights contained in it are explicitly linked to citizenship.

Cuireadh an cheist, "Go bhfanfaidh an focail a thairgtear a scriosadh", agus fógraíodh go raibh glactha léi.

Question, "That the words proposed to be deleted stand", put and declared carried.

Faisneiseadh go rabhthas tar eis diultu don leasú.

Amendment declared lost.

Níor tairgeadh leasú a 2.

Amendment No. 2 not moved.

Acting Chairman: Amendment No. 4 is an alternative to amendment No. 3 and the two may be taken together by agreement. Is that agreed? Agreed. If amendment No. 3 is agreed, amendment No. 4 cannot be moved.

Aengus Ó Snodaigh: Tairgim leasú a 3:

I leathanach 5, línte 6 go 12 a scriosadh.

I move amendment No. 1:

In page 4, to delete lines 6 to 12.

If we had more time, perhaps we could deal with all the amendments tabled. This amendment is designed to delete lines 6 to 12. My reasoning is the same as that which I outlined in respect of amendment No. 1, namely, that the Minister of State has not made the case. He said that we also had not made the case and referred to the hustings and the fact that his party's candidates are not promoting this issue. If he believes it is so important an issue, I presume that representatives of Fianna Fáil and the Progressive Democrats would be knocking on doors and stating that the referendum must be passed.

Mr. O'Dea: The Deputy knows perfectly well that I did not say that.

Aengus Ó Snodaigh: The Minister of State did say it. He stated that the issues were not being raised.

Mr. O’Dea: The Deputy’s party is known for its distortion of the truth.

Aengus Ó Snodaigh: The Minister of State said that the matter was not coming up in the constituency and that the candidates were promoting themselves and how great they are. This means that they are not promoting this supposed vital issue in the national interest.

Mr. Costello: Wait until the Taoiseach hears about that.

Mr. O’Dea: More distortion.

Aengus Ó Snodaigh: There is no distortion.

Mr. O’Dea: These are matters to do with the IRA.

Acting Chairman: The Minister of State will have the opportunity to contribute in a moment.

Aengus Ó Snodaigh: The Minister of State will have the opportunity——

Acting Chairman: Deputy Ó Snodaigh should address his remarks through the Chair and speak to the amendment.

Aengus Ó Snodaigh: I am speaking to the amendment but I am being interrupted.

Mr. O’Dea: We know that the Deputy’s organisation has a solution to deal with people who interrupt its members, namely, a bullet to the back of the head.

Aengus Ó Snodaigh: Will the Minister of State go back to Limerick? Matters were better when the Minister, Deputy McDowell, was present. He at least had the courtesy to listen.

Mr. O’Dea: The Deputy did not have the courtesy——

Aengus Ó Snodaigh: I listened to the Minister of State’s contribution.

Mr. O’Dea: The Deputy did not have the courtesy to listen to the contribution of the Minister, Deputy McDowell.

Aengus Ó Snodaigh: If the Minister of State consults the record he will see that I did listen. I am not on record as having interfered with the Minister’s speech.

An Ceann Comhairle: We are dealing with Report Stage of the Twenty-seventh Amendment of the Constitution Bill. When I entered the Chamber I thought that we had moved on to Question Time. I suggest that the Minister of State listen attentively to Deputy Ó Snodaigh and that the Deputy relate his comments to the amendment. The Minister of State will then have

an opportunity to reply. Deputy Ó Snodaigh to proceed without interruption.

Mr. Durkan: There will be no tendentiousness whatsoever.

Aengus Ó Snodaigh: Amendment No. 3 is designed to strike another section out of the Bill. The point I was trying to make is that if this matter is not being raised on the doorsteps by those who have proposed it, it is obvious that the latter are hoping that the Bill will go through on the sly, with no proper debate. That has been the position from day one. We received an outline of the gestation period of the legislation from 9 March until now and it has been a case of rushing it through and ensuring that a proper debate does not take place. This debate is being guillotined. We are due to conclude our deliberations at 1 p.m., which means that there are 25 minutes remaining and we have only reached amendment No. 3. That proves that proper debate has not taken place in the House. Such debate is not being encouraged outside the House and the Minister of State said so.

We have been constructive in dealing with this matter. Since I became a Member of the House, I have heard, at the Joint Committee on Justice, Equality, Defence and Women’s Rights and in the Dáil, constructive comments from the Labour Party, the Green Party, Fine Gael, members of my party, Independent Deputies and some Government Deputies on the immediate need for a proper immigration policy to address some of the issues that have arisen because of changes in Irish society. However, such a policy, which would be constructive and provide a way to move forward, has not been forthcoming. If, at the end of a process to develop such a policy, the Government believed that there was an outstanding problem — pregnant women are problems to the Minister — we could return to this matter and address it properly.

The Minister of State has still not accepted that the Minister, Deputy McDowell, was insulting in his comments about the Human Rights Commission. The fact the partnership groups did not have the opportunity to debate this matter is insulting to them. The ICCL made quite a good submission, which, perhaps, the Minister of State has not read, part of which deals with childbirth statistics and demography in Ireland. I wish to read some of it into the record because it is relevant to the debate.

An Ceann Comhairle: We are discussing amendments on Report Stage, the debate on which is much more restrictive than that which applies on Committee Stage. As long as the Deputy’s comments relate to amendment No. 3 he may proceed.

Aengus Ó Snodaigh: Amendment No. 3 is designed to delete lines 6 to 12, which would have the effect of negating the Bill. I am seeking to

negate the Bill because the information supplied in respect of the need to introduce this legislation in the first instance is inaccurate and has been fabricated. It is disingenuous of the Minister of State and his senior Minister, who was floating around the House yesterday for a few hours, to keep trotting it out.

The ICCL submission states:

The Government has consistently refused to reveal the breakdown, if it has one, between children born to foreign-born mothers who are here for a variety of perfectly legitimate reasons — women migrant workers, women whose partners are migrant workers, women whose partners are Irish or EU citizens, women with refugee status and so on — and those allegedly arriving from airports and ferry ports at the last minute. Alison Healy (*Irish Times*, 19 February 2004) has detailed figures for the State's two largest maternity hospitals. Children born to foreign mothers were 22% of all Coombe births, 20.06% for Holles Street — such figures are likely to have been lower, possibly much lower, elsewhere in Ireland. 'African' women are stated to have accounted for 5.32% of all births, followed by 'British' women at 5.25% in the Coombe. 3% were from European countries outside the EU including Russia. When one considers the significance of the British figure alone, and the fact that Dublin has a relatively large number of African refugees of childbearing age, it is worth questioning just how many women are arriving off the boat or plane in an advanced state of pregnancy, compared to those having their babies here in the normal course of events.

The ICCL provides more information in what is a detailed analysis completed in the short space of time it was granted.

No other country has citizenship laws such as those which exist here.

The ICCL submission identified 40, but there are possibly more to come because of the short period given to produce the report.

I will reiterate what I said earlier on amendment No. 1. For the first time, the Government is creating three classes of people on this island, non-nationals, nationals and citizens. I cannot understand how it can try to include in the Constitution something which is contrary to an existing Article. If that is the Minister's intention, he would, if he had the balls, amend Article 2. Instead, he is trying to get around the issue, thereby generating a future debacle and opening the way for major court cases. Nationals, citizens and non-nationals are all different.

Article 2 states plainly: "It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation." This says clearly that everybody born here, now and in the future, is an

Irish national. That is not being changed. However, the Minister is introducing changes related to citizenship. In his proposed amendment he is trying to remove nationality, as mentioned in the first sentence of Article 2. He says quite simply that these people are not entitled to Irish citizenship or nationality. He cannot take away something which has already been granted in Article 2. The Minister must at least go back to the drawing board and allow us proper debate on this issue.

Mr. Costello: We have rehearsed the arguments on amendment No. 1. The Minister of State has not made the case nor has he made any meaningful or comprehensive attempt to do so. The failure to follow any of the normal procedures indicates there was no attempt to make the case for the constitutional amendment. The Minister for Justice, Equality and Law Reform has shown the level of his interest in the matter through his cavalier approach, and his failure to show up for this debate indicates his lack of interest in the substance of what is happening or in convincing us of the substance of the constitutional amendment.

It must be recognised that this is a reckless manner in which to go about an amendment of the Constitution. That is not the fault of the Minister of State. It is the fault of the Minister for Justice, Equality and Law Reform and the Government. The amendment should not proceed. Our amendment seeks to negate the Minister's proposals and to send them back to the drawing board.

We have already discussed the issues of timing, lack of consultation and the Good Friday Agreement etc. I tried to read into that debate an extract from the Human Rights Commission concerning the manner in which the commission's interim report, which had to be presented at short notice, was disregarded out of hand by the Minister. He insulted the members of the commission by saying they had no intellectual integrity and that the report was tendentious. The Minister of State said that the report was vague and included words such as "may" or "might".

The commission stated categorically:

A notable feature of the Irish Constitution is that some of the rights contained in the Constitution are explicitly linked to citizenship, whereas others are not. Given that Irish case law is unclear as to the constitutional rights of non-citizens, the potential impact of the proposed amendment on the children of non-nationals is unclear. Restricting qualification for Irish citizenship will create a new category of non-citizens who are likely to be subject to a lower level of protection of rights than currently prevails for children previously born in the State in equivalent circumstances.

[Mr. Costello.]

It then goes on then to talk about the creation of a new category of non-Irish children.

This is a serious assertion or allegation. It is wrong to dismiss it out of hand and not give the members of the Human Rights Commission the opportunity of a hearing in the Oireachtas to argue its points and be quizzed on them. The nub of the matter is that there has been no opportunity to tease out the contradictions at the heart of the Minister's proposal with the relevant experts and people with responsibility in the area such as the Human Rights Commission which has statutory responsibility in this area.

Amendment No. 4 seeks to include after the words "be it therefore enacted by the Oireachtas" the phrase "and by the people". The reason for that is that the Constitution is not enacted by the Oireachtas alone. It involves a referendum of the people. It is the people who will enact the Constitution. It is appropriate, therefore, that we recognise the people's role in constitutional amendments. The Minister of State may say that such a phrase has never been included previously in constitutional amendments. However, that is no reason not to include what is correct and accurate now.

It is worthwhile, appropriate, desirable and necessary to recognise the role of the people in this legislation. This is not an ordinary piece of legislation enacted by the Oireachtas. We are elected by the people to enact legislation in the Houses. However, in the matter of a referendum, we propose and the people dispose. The people are the enactors of the legislation and this should be reflected in the text of this amendment.

If amendment No. 1 is accepted, I will not need to bother with amendment No. 4. If, however, the first is not accepted, I urge the Minister of State to accept amendment No. 4.

Ms Enright: I regret that this debate will end shortly and that we will not have time to discuss some of the proposed amendments. We have spent some time discussing the difference between citizenship and nationality. Article 9.1.2° appears to distinguish between both, but another argument is that they mean the same. Our problem, in terms of the imposed guillotine, is that we do not have sufficient opportunity to discuss the issue. The All-Party Commission on the Constitution did not get the opportunity either, which is a pity. This lack of opportunity to debate illustrates our difficulty on the issue. The Government is the cause of this lack of opportunity.

A number of approaches could be taken to improve or amend the Constitution. It is a pity the Government did not take the more honest approach and seek to amend Article 2. The proposed amendment to Article 9 in the referendum will mean, effectively, that Article 9

will take precedence over Article 2 in the Constitution because that is the meaning implied by the phrase "Notwithstanding any other provision of the Constitution".

It is obvious that Articles 2 and 9 have never been adjudicated on by the courts and, like the Government, we must rely on legal advice for an exact interpretation of them. Unfortunately, different people can get different advice, which is how matters often end up in court. A clear argument can be made that Article 2 merely confers an entitlement to apply for citizenship but does not automatically confer it. If, as the Minister argued, Article 2 confers citizenship, how can he purport to restrict the automatic right to citizenship, as he did in section 4 of the Irish Nationality and Citizenship Act 2001? Surely that is unconstitutional.

The Government has identified the broad nature of Article 2 as the problem. If Article 2 is the provision that gives rise to the problem, why are we not amending that instead of Article 9? Why are we not being more honest and up-front about it? It would be a better way to deal with the issue. If that necessitates discussion with parties North and South and with the British Government, why have we not done that or allowed the time to do it?

There are two other issues which have not been sufficiently debated here and we will not get the chance to debate them. If a child has only one Irish parent and that is the father, and the father of that child dies before the child is born, that child will not have an entitlement to Irish citizenship if the present wording in the Bill and the use of the present tense remains unchanged. Perhaps the Minister would examine that. It is a valid point that must be addressed in the nine minutes that remain.

Mr. Durkan: Like my colleague, I was interested to note the conviction with which the Minister has been arguing his case all morning. I was equally interested to note during the early stages of the Bill that various Members on that side of the House argued with equal conviction. From whence does this conviction come? Earlier the Minister referred in the context of the previous amendment, to the number of EU nationals in the country, and can quote the numbers of non-EU nationals. The question that arises is what effect this legislation will have on them.

Mr. O'Dea: None.

Mr. Durkan: The answer is "none". That is precisely the case we on this side of the House have been making. If that is the answer, what I cannot understand is why there is any reference to numbers. I agree with the Minister that we must have some controls. However, if the effect of this is negligible or non-existent, why are we

having this debate, which it has been suggested in some quarters is tendentious and lacking in intellectual integrity?

Mr. O'Dea: I could ask the Deputy that.

An Ceann Comhairle: Will Deputy Durkan return to amendments Nos. 3 and 4?

Mr. Durkan: Before returning to amendments Nos. 3 and 4, let me say that the Minister opposite is never tendentious.

(Interruptions).

Mr. Durkan: Given the reservations expressed by people with genuine concerns both outside and inside the House, and that the Minister readily admits that the legislation and the amendment of the Constitution will have no impact on the number of people currently in the country who are non-nationals, non-EU nationals or EU nationals or otherwise——

Mr. O'Dea: Precisely.

Mr. Durkan: ——why could we not have waited?

An Ceann Comhairle: That is outside the scope of amendments Nos. 3 and 4.

Mr. Durkan: I know it is. However, it is a question of the debate we could have had. Perhaps at this stage the Minister would care to quantify the precise impact of the amendment of the Constitution. How, for instance, can we sell this legislation, this amendment of the Constitution, in our constituencies? Can we tell people who are Irish nationals——

An Ceann Comhairle: Will the Deputy give way to the Minister to allow him to respond to legitimate questions raised on the amendment? We have only five minutes.

Mr. Durkan: I have almost finished. It would be no harm if the Minister were able to tell the House——

Mr. Costello: Has the Minister a pack prepared for Limerick?

Mr. O'Dea: I prepare my own packs.

Mr. Durkan: It would be helpful to us on this side of the House if we were able to explain to our constituents, national, EU national, non-EU or non-Irish national, that the purpose of this legislation is to protect them, their integrity and the country. It would be very helpful if we had that vital information and if we could have had a longer debate and exchange of views instead of rushing the legislation through so that now there

is a whole series of amendments still outstanding which we do not have time to debate, despite the fact that special arrangements were made to meet and discuss this Bill last week. I regret that in amending the Constitution we are flying in the face of the recommendations of the Chairman of the all-party Oireachtas Commission on the Constitution and have decided to go ahead without adequate consultation.

Mr. O'Dea: I thank Deputy Durkan for his very kind remarks not only about me but regarding the legislation. At the 11th hour he has hit the nail on the head and reached the kernel of the issue. The focus of the debate and the reason for the furore has been the perception that there are many unfortunate non-nationals here who will be deprived of rights because of this legislation. I have assured Deputy Durkan that is not the case. He accepts that and is now asking why the legislation is being introduced. Deputy Durkan has made our case very effectively. Nobody who is a non-national in this country at the moment will be adversely affected by this legislation.

Regarding what Deputy Ó Snodaigh said, I will try to clarify the point I made earlier. Our candidates in the local and European election will ask people to support the referendum. It is a Government proposal. However, their main focus when they call to doors must be to get themselves elected. That is the position of any candidate.

Aengus Ó Snodaigh: Delay the referendum.

Mr. O'Dea: A person who is trying to get elected and desperately seeking votes does not in the first instance ask voters to vote for a constitutional referendum with themselves as an afterthought. That is reality.

Aengus Ó Snodaigh: Hold the referendum at a different time.

Mr. O'Dea: Regarding calls for a proper immigration policy, this is the mantra by which Deputy Rabbitte avoided taking a stance on this for so long. Detailed immigration legislation is being prepared in the Department of Justice, Equality and Law Reform, which it is hoped will be published before the summer recess. I admit that for several years we have been engaged in a fire fighting exercise as the numbers coming into the country rose. That trend has been reversed. In 1997 we took over a situation left in rag order by our predecessors as asylum seekers began to come into the country.

Mr. Costello: Fianna Fáil has been in power for 12 years out of 20.

Mr. O'Dea: The trend began during the time of the rainbow coalition Government.

Mr. Costello: I will send the Minister a copy of our immigration policy.

Mr. O'Dea: Huge numbers of people began to come in and nothing was in place to deal with them. A simple asylum application took up to two years to process until Deputy O'Donoghue as Minister for Justice, Equality and Law Reform put sufficient resources in place in 1997 and 1998 to deal with the situation.

Mr. Durkan: That was zero time. The Minister should know all about that. How long did it take the Government to do that?

Mr. O'Dea: Much less time than it took under the rainbow coalition Government when the ostrich approach was adopted and the Government put its head in the sand and ignored what was happening. To return to the figures—

Mr. Costello: There are still people who have been waiting seven years to be dealt with.

Mr. Durkan: The difference between this Government and the rainbow coalition is that Ministers took their responsibilities seriously.

Mr. O'Dea: The Deputies do not want to hear the figures, but I will return to them for the information of the House. According to the census of 2002 there were 52,799 UK citizens living in this country. The number of births to those in the Dublin maternity hospitals was 677, or 1.3%. There were 4,016 Germans living in the country and 53 births or 1.3%. It is very like the British situation. On the other hand, there were 4,698 Nigerian people living in the country in 2002, of whom 1,515, or 32.2%, gave birth in the Dublin maternity hospitals.

Mr. Durkan: Where were they living?

Mr. O'Dea: They were living in Ireland.

An Ceann Comhairle: The Minister of State's time has concluded.

Mr. O'Dea: The relevant figures for Romania are 2,142 and 468.

Ms Enright: The Minister of State has not dealt with the substantive issues.

Mr. O'Dea: The Romanian rate is 21.9%, as opposed to 1.2% and 1.3% for German and British nationals.

Mr. Durkan: Will the proposed constitutional amendment address that?

An Ceann Comhairle: I ask the Minister of State to bring his remarks to a conclusion.

Mr. O'Dea: Do the figures tell the Deputies anything?

Mr. Durkan: Will the amendment address that? How will it affect it?

An Ceann Comhairle: Allow the Minister of State to conclude.

Mr. O'Dea: The Minister and I have already explained in some detail how the proposed constitutional amendment will deal with the situation.

Mr. Costello: The Minister of State has exceeded the time available to him.

Mr. O'Dea: It will deal with the situation.

Mr. Costello: Have we been given extra time?

Mr. O'Dea: I wish to conclude by responding to Deputy Enright's point. The figures are there, one cannot argue with them.

Mr. Durkan: The Minister of State said that the amendment will not affect the figures.

Mr. O'Dea: Deputy Enright mentioned that if somebody is born to an Irish mother and the father has died—

Ms Enright: I spoke about an Irish father.

Mr. O'Dea: I take her point. That will be dealt with in the implementing legislation—

Mr. Costello: If it is ever produced.

Mr. O'Dea: —provided the referendum is passed. We are democrats.

Mr. Durkan: I am about to burst into tears.

Mr. O'Dea: The people have to pass the referendum.

Ms Enright: Will it be supported on the doorsteps?

Mr. O'Dea: If the people pass the referendum we will then have implementing legislation.

Mr. Durkan: I am about to burst into tears.

Mr. O'Dea: It will be dealt with in that way.

Mr. Costello: I am glad the Minister of State reassured us that he is a democrat.

Mr. O'Dea: I can give the House that commitment. If the people do not pass the referendum, the situation will not arise.

Mr. Durkan: There is an extra democrat in Limerick now.

Mr. O’Dea: I think we have had ample time to debate this matter. I thank Members for their contributions, for the most part. I commend the Bill to the House.

Mr. Durkan: We thank the Minister of State for the most part as well.

An Ceann Comhairle: Ós rud é go bhfuil sé a haon a chlog, ní foláir dom an cheist seo a leanas a chur de réir ordú an lae seo ón Dáil: “Go gcríochnaítear leis seo an Ceathrú Céim; agus go ndéantar leis seo an Bille a rith.”

As it is now 1 p.m. I am required to put the following question in accordance with an order of the Dáil of this day: “That Fourth Stage is hereby completed and the Bill is hereby passed.”

Cuireadh an cheist.

Question put.

Rinne an Dáil vótáil: Tá, 53; Níl, 42.

The Dáil divided: Tá, 53; Níl, 42.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Ardagh, Seán.
Aylward, Liam.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Carty, John.
Cassidy, Donie.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.

Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistrim, Thomas.
McGuinness, John.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Fearghaíl, Seán.
O’Connor, Charlie.
O’Dea, Willie.
O’Donnell, Liz.
O’Donovan, Denis.
O’Flynn, Noel.
O’Malley, Fiona.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.

Níl

Boyle, Dan.
Broughan, Thomas P.
Bruton, Richard.
Connaughton, Paul.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Durkan, Bernard J.
Enright, Olwyn.
Gormley, John.
Gregory, Tony.
Healy, Seamus.
Higgins, Joe.
Hogan, Phil.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Padraic.
McGrath, Finian.
McManus, Liz.

Mitchell, Olivia.
Morgan, Arthur.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O’Dowd, Fergus.
O’Sullivan, Jan.
Penrose, Willie.
Quinn, Ruairi.
Rabbitte, Pat.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.

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

Faisnéiseadh go rabhthas tar éis glacadh leis an gceist.

Question declared carried.

Ráiteas faoi Eolas do Vótálaithe: Tairiscint.

Statement for Information of Voters: Motion.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. O’Dea): Tairgim:

GO ndéanfar an ráiteas atá leagtha amach sa Sceideal a ghabhann leis an Rún seo a fhorordú mar eolas do vótálaithe de bhun alt 23 d’Acht an Reifrinn 1994 (Uimh. 12 de 1994), i ndáil leis an togra chun Airteagal 9 den Bhunreacht a leasú, atá ar áireamh sa Bhille um an Seachtú Leasú is Fiche ar an mBunreacht 2004, agus is ábhar do reifreann Bunreachta.

An Sceideal

1. Is é atá beartaithe leis an mBille um an Seachtú Leasú is Fiche ar an mBunreacht 2004 an t-alt seo a leanas a chur isteach i ndiaidh alt 1 d’Airteagal 9 den Bhunreacht:

‘2 1° D’ainneoin aon fhorála eile den Bhunreacht seo, maidir le duine a shaolaítear in oileán na hÉireann, ar a n-áirítear a oileáin agus a fharraigí, agus nach bhfuil aige nó aici, an tráth a shaolaítear an duine sin, tuismitheoir amháin ar a laghad is saoránach d’Éirinn nó atá i dteideal a bheith ina shaoránach nó ina saoránach d’Éirinn, níl teideal ag an duine sin chun saoránacht nó náisiúntacht Éireann, mura ndéanfar socrú ina chomhair sin le dlí.

2° Ní bhainfidh an t-alt seo le daoine a saolaíodh roimh dhá ta achtaithe an ailt seo.’.

2. MÁ THOILÍONN TÚ leis an togra, caith do vóta ar shlí amháin de na slite seo a leanas:

(a) Má tá tú ag vótáil le meaisín vótála leictreonaí, brúigh an cnaipe TÁ.

(b) Mura bhfuil tú ag vótáil le meaisín vótála leictreonaí, cuir X os coinne an fhocail TÁ ar an bpáipéar ballóide.

3. MURA dTOILÍONN TÚ leis an togra, caith do vóta ar shlí amháin de na slite seo a leanas:

(a) Má tá tú ag vótáil le meaisín vótála leictreonaí, brúigh an cnaipe NÍL.

(b) Mura bhfuil tú ag vótáil le meaisín vótála leictreonaí, cuir X os coinne an fhocail NÍL ar an bpáipéar ballóide.

4. Is féidir cóip den Bhille a iniúchadh nó a fháil saor in aisce in aon Phost-Oifig.

THAT the statement set out in the Schedule to this Resolution be prescribed for the information of voters pursuant to section 23 of the Referendum Act 1994 (No. 12 of 1994), in relation to the proposal to amend Article 9 of the Constitution which is contained in the Twenty-seventh Amendment of the Constitution Bill 2004 and is to be the subject of a constitutional referendum.

Schedule

1. The Twenty-seventh Amendment of the Constitution Bill 2004 proposes to insert the following section after section 1 of Article 9 of the Constitution:

‘2 1° Notwithstanding any other provision of this Constitution, a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of the birth of that person, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless provided for by law.

2° This section shall not apply to persons born before the date of the enactment of this section.’.

2. IF YOU APPROVE of the proposal, cast your vote in one of the following ways:

(a) If you are voting by means of an electronic voting machine, press the button marked YES.

(b) If you are not voting by means of an electronic voting machine, mark X opposite the word YES on the ballot paper.

3. IF YOU DO NOT APPROVE of the proposal, cast your vote in one of the following ways:

(a) If you are voting by means of an electronic voting machine, press the button marked NO.

(b) If you are not voting by means of an electronic voting machine, mark X opposite the word NO on the ballot paper.

4. A copy of the Bill can be inspected or obtained free of charge at any Post Office.

Cuireadh an cheist.

Question put.

The Dáil divided: Tá, 54; Níl, 42.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Ardagh, Seán.
Aylward, Liam.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Carty, John.
Cassidy, Donie.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.

Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistram, Thomas.
McGuinness, John.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Malley, Fiona.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Treacy, Noel.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.

Níl

Boyle, Dan.
Broughan, Thomas P.
Bruton, Richard.
Connaughton, Paul.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Durkan, Bernard J.
Enright, Olwyn.
Gormley, John.
Gregory, Tony.
Healy, Seamus.
Higgins, Joe.
Hogan, Phil.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Padraic.
McGrath, Finian.
McManus, Liz.

Mitchell, Olivia.
Morgan, Arthur.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Sullivan, Jan.
Penrose, Willie.
Quinn, Ruairí.
Rabbitte, Pat.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.

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

Question declared carried.

Electoral (Amendment) Bill 2004: Message from Select Committee.

An Ceann Comhairle: The Select Committee on Environment and Local Government has completed its consideration of the Electoral (Amendment) Bill 2004, and has made amendments thereto.

Estimates for Public Services 2004: Message from Select Committee.

An Ceann Comhairle: The Select Committee on Arts, Sport, Tourism, Community, Rural and

Gaeltacht Affairs has completed its consideration of Votes 24 and 27 for the year ending 31 December 2004.

Health (Amendment) Bill 2004: Order for Second Stage.

Bill entitled an act to provide that the members of the health boards established under the Health Act 1970, the Eastern Regional Health Authority, the Northern Area Health Board, the East Coast Area Health Board and the South Western Area Health Board shall cease to hold office upon the

commencement of this Act; to provide that the functions of those bodies shall be performed by their chief executive officers and, in certain circumstances, by the Minister for Health and Children; to remove the distinction between reserved and executive functions; for those purposes to amend the Health Act 1970, the Health (Amendment) (No. 3) Act 1996, the Health (Eastern Regional Health Authority) Act 1999 and other enactments; and to provide for matters connected therewith.

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

An Ceann Comhairle: Is that agreed?

Deputies: No.

Mr. Martin: We have clarified among the health spokespersons arrangements to postpone the Estimates until 3 p.m.

Ms O. Mitchell: I understand the Minister has postponed the Estimates until later.

Mr. Martin: I have not postponed them but I have indicated that they should be postponed.

Ms O. Mitchell: I accept that.

Question put and agreed to.

Health (Amendment) Bill 2004: Second Stage.

Mr. Martin: I move: "That the Bill be now read a Second Time."

I am pleased to have the opportunity to address the House today on Second Stage of the Health (Amendment) Bill 2004. This is the first of two Bills I intend to bring before the House this year to give legislative effect to the proposals contained in the Government's health service reform programme which was announced last June. The Bill represents a further phase of the implementation of the reform programme which has been under way since that time.

It is important to remember that the reform programme has its origins in the national health strategy, Quality and Fairness: A Health System for You. This strategy sets out the vision and goals to guide planning and activity in the health system up to 2010. While the strategy acknowledged that the current structures have served us well for more than 30 years, it recognised the need to review these structures to ensure that they were appropriate and responsive to the needs and challenges of delivering health services in the changing environment of the 21st century.

Using the underlying principles of equity and fairness, a people-centred service, quality of care and clear accountability, the strategy identified four goals — better health for everyone, fair access, responsive and appropriate care delivery and high performance — which should guide and

shape the strategic direction for the future development of health services. It also identified the need to have a consistent national approach to the delivery of health services based on clear and agreed national objectives.

Arising from the commitment to reform the health system, three reviews were undertaken, including one by Prospectus entitled An Audit of Structures and Functions in the Health System, and another commissioned by my colleague, the Minister for Finance, entitled Commission on Financial Management and Control Systems in the Health System. In tandem with these reviews the reform of the acute hospital sector was being advanced by the national task force on medical staffing, which issued the Hanly report. This report set out recommendations on how to plan for the reduction of average working hours of NCHDs by 1 August 2004 to meet the requirements of the European working time directive. Its recommendations also covered planning for the implementation of a consultant-provided service and the medical education and training needs associated with the working time directive and the move to the consultant-provided service.

One of the central findings of the review of the system was that there were too many agencies and as a result the delivery of services was too fragmented. In June 2003 the Government announced the health service reform programme, which was based on the recommendations of the Brennan and Prospectus reports. The programme's priority focus is improved patient care, better value for taxpayers' money and improved health care management. It is the most ambitious change programme for the health service in more than 30 years, involving an organisation with close to 100,000 staff and a budget of more than €10 billion.

The key elements of the reform programme include a major rationalisation of existing health service agencies, including the abolition of the existing health board or authority structures; the establishment of a health service executive which will be the first ever body charged with managing the health service as a single national entity; the establishment of a health information and quality authority to ensure that safety and quality of care is promoted throughout the system; the reorganisation of the Department of Health and Children to ensure improved policy development and oversight; the modernisation of the system's supporting processes so that they will be in line with recognised international best practice; and the strengthening of governance and accountability across the system.

The cornerstone of the reform programme is the establishment of a health service executive which will be the first ever body charged with managing the health service as a single national entity. The establishment of a health information and quality authority, HIQA, is also proposed in the reform programme. The HIQA will be established as an independent statutory agency,

directly accountable to the Minister for Health and Children. It will provide an independent review of quality and performance and its analysis will inform policy development within the Department of Health and Children. It will also support the health service executive in the development of high quality health information systems to enable it to plan and arrange delivery of health services based on evidence-supported best practice. Other functions will include responsibility for promoting and implementing quality assurance programmes nationally and for overseeing health technology assessments.

The Department of Health and Children will also be reorganised to remove its current involvement in day-to-day matters. This will support the Minister in focusing more on strategic and policy matters. One of its fundamental roles will be responsibility for holding the service delivery system to account for its performance. The reform programme also proposes the consolidation and rationalisation of 27 existing agencies, which are to be subsumed by the HSE, HIQA or the restructured Department. Implementation of this recommendation will help reduce the fragmentation of services in the health system and streamline services to make them more accessible to the public.

The implementation of the reform programme is being undertaken on a project management basis. Phase 1, which has now been completed, included a communication and consultation process; the establishment of the national project office within the Department of Health and Children; the establishment, work and output of 13 action projects; the establishment of the interim health service executive and appointment of the chairman and board of the interim executive; and the development of a high level programme plan identifying key milestones for 2004.

Phase 1 also includes the appointment of a national steering committee, the role of which is to oversee the different strands of the reform programme. The committee has begun its work. Its task is to drive, in a co-ordinated manner, the overall reform programme, involving the interim Health Service Executive, the Department and the Hanly group. It will also provide guidance on programme planning and ensures that direction and progress are in line with the Government's decisions. The steering group reports to me and to the Cabinet committee on health and children on progress achieved. It is a useful conduit for drawing attention to issues that may require a response at Government level.

The interim health service executive has been established as a corporate body and its work is well under way. Its functions include drawing up a plan, for my approval, for the establishment of a unified management structure for the proposed health service executive. Other functions of the interim executive include putting in place procedures for the development of a national service plan for the delivery of health services on

a national basis and the establishment of appropriate structures and procedures to ensure the proper governance and accountability arrangements for the proposed health service executive. The interim executive is also tasked with making the necessary preparations to implement the plan, on its approval, so as to ensure as smooth a transition as possible from the existing structures to the new health service executive structure.

The successful implementation of the reform programme leading to the subsequent successful operation of the reformed health service is dependent on all these participants working together in partnership and having a willingness to welcome change. The primary purpose of this major reform programme is to have a health service that will improve patient care by providing a responsive and high quality service while also providing an improved working environment for all those employed in it.

This is the first of two Bills I intend to bring to the House this year to provide the legislative basis to the recommendations of the reform programme. The second Bill will provide for the establishment of the health service executive to replace the Eastern Regional Health Authority and the health boards. It will also provide for the establishment of the health information and quality authority. The legislation will make provision for improved governance and accountability as well as planning, monitoring and evaluation.

I also intend that the second Bill will set out a statutory framework for the handling of complaints in the health services. The need for such a framework was identified in the health strategy. The strategy recommended that the framework should provide for greater clarity and uniformity of approach in dealing with complaints and should also provide for structured local resolution processes with an opportunity for independent review. It is my intention these structures will be in place from January 2005.

This Bill is very much interim legislation pending the legislation I will bring forward later in the year. It provides for: the abolition of the membership of the ERHA, area health boards and health boards, while retaining the authority and boards as legal entities; the termination of office of all members of the health board from the date on which an order is made bringing the Act into operation; the assignment of the authority-boards' reserved functions to the CEOs or the Minister for Health and Children, as appropriate; and the amendment of existing legislative provisions regarding the acquisition and disposal of property by the health boards and the ERHA by re-introducing the need for ministerial consent prior to the acquisition and disposal of property. There is a need to modernise the current health care system to achieve the objectives set out in the health strategy to allow the health system to meet the numerous challenges facing it in the years ahead.

[Mr. Martin.]

Concerns have been expressed regarding the issue of public participation within the restructured health system. I have indicated his intentions to bring forward proposals to provide opportunities for democratic input in the context of the new structures. I have given consideration to the most appropriate mechanisms to support the development of appropriate interfaces at regional and local level between locally-elected representatives and the health service executive, with a view to including provisions for these mechanisms in the legislation being drafted.

The provisions are likely to include establishment of a series of regional fora to facilitate local representatives in raising issues of concern about health services within the region with the new executive. These fora would allow local representatives to comment on and raise issues related to the development and delivery of health services locally. Membership of the fora will be based on participation of a small number of nominees in respect of each local authority in each regional forum. Members will also have the facility to raise particular issues with the executive.

The overall objective in putting in place such arrangements is to ensure the voice of local public representatives will continue to be heard in regard to the development of health services. These mechanisms would be designed to complement and reinforce the role of the Oireachtas Joint Committee on Health and Children in reflecting the views of public representatives in the ongoing oversight of the health system. In addition to providing fora for local representatives, arrangements will be put in place to allow professionals involved in the delivery of services to express their points of view.

The health strategy set as one of its objectives the greater community participation in decisions about the delivery of services. The Health Boards Executive in association with my Department issued guidelines to the health boards on community participation, which set out the principles and framework for structures for such participation. Most health boards have set up consumer panels that deal with a wide range of issues such as development and delivery of services. Two boards have also established regional advisory panels for older consumers and their carers. It is intended that these structures will be established on a statutory basis in the Bill, which will be brought before the House later this year.

This legislation amends the Health Act 1970, which established the health boards; the Health (Amendment)(No. 3) Act 1996, which deals with accountability issues and defines “reserved” and “executive” functions; and the Health (Eastern Regional Health Authority) Act 1999, which established the Eastern Regional Health Authority and the area health boards.

I refer to the main provisions of the Bill. The definitions used in the Bill are dealt with in section 2 and the sections of the Acts proposed for repeal by this Bill are provided for in section 3 and the Schedule.

Section 4 amends section 4(1) of the 1970 Act by deleting the reference in that Act which enabled the Minister to specify the membership of health boards. The provisions specifying the membership of the boards, the application of certain rules in the nomination of members by county or city councils and the obligation to consult such councils before making regulations defining functional boundaries of the boards are being repealed.

Section 5 of the 1970 Act deals with the rules that shall apply in regard to membership and meetings of health boards and authentication of the board’s seal. These provisions provided under sections 5(1)(d) and (e), sections 5(2) and (3) and the Second Schedule are being repealed. Currently, the chairman’s signature or that of another member of the board is required to authenticate the seal. However, because of the removal of the membership of the board, section 5 of this legislation provides that the board’s seal shall be authenticated by the signature of the CEO and another officer authorised to do so.

Sections 6 to 8 delete the requirements on the part of CEOs to consult or agree with the chairman or vice-chairman of a health board on any matter. Sections 9 to 14, inclusive, make amendments to the Health (Amendment)(No. 3) Act 1996. Currently, under the Act, reserved functions of a health board are functions exercised directly by the board and the authority, while executive functions are those exercised by the CEO. Section 9 assigns all functions of health boards to the CEO.

Section 10 provides that the CEO must provide the Minister with any information regarding the performance of his or her functions which he or she might request from him or her. Sections 11, 12 and 14 make amendments to the provisions relating to the adoption of services plans by health boards and the authority and to the provisions relating to the submission of accounts to the Comptroller and Auditor General and the publication of the annual report. Section 13 assigns the board’s function in regard to the appointment and removal of the CEO to the Minister.

Section 15 amends the Health Act 1947 and provides that the board and the authority must obtain the consent of the Minister prior to the acquisition or disposal of property. This reverts to the position prior the enactment of the 1996 Act, which had introduced an amendment permitting the boards and authority to acquire and dispose land subject only to general directions by the Minister.

Sections 16 to 24, inclusive, make the necessary amendments to the Health (Eastern Regional Health Authority) Act 1999 to abolish the membership of the ERHA and the area health

boards. Sections 18 and 21 deal with the authentication of the seals of the authority and the area health boards. Section 20 assigns the functions relating to the appointment of the regional chief executive to the Minister. The functions relating to the appointment and removal of an area chief executive are assigned to the Minister in section 23.

Section 25(a) assigns the functions of the authority to the regional chief executive and section 25(b) assigns the functions of an area health board to an area chief executive.

Under section 220 of the Local Government Act 2001, local authority members are empowered to nominate members to specified linked bodies. Section 220 is amended by section 26 of this Bill by deleting the inclusion of a health board, the Eastern Regional Health Authority or an area health board from the definition of "linked body". The effect of the amendment is that local authority members will no longer have nominating rights to health boards, the authority or area health boards.

Section 27 terminates the membership of all members of the boards, the authority and the area health boards from the date on which an order bringing the section into operation is made. As the terms of office of the members vary for the different categories, the purpose of this section is to ensure the term of office of all members is terminated at the same time.

Section 28 makes provision for work commenced by the members of the boards, the authority or an area health board to be carried on by the CEO without having to begin the process again.

This interim Bill marks a further step in the process of the implementation of the reform programme and is a further sign of the Government's commitment to the delivery of a reformed health service to maximise the level and quality of care provided to patients and clients. I commend the Bill to the House.

Ms O. Mitchell: Lest there be any confusion, Fine Gael will oppose this legislation. It abolishes a framework of accountability within the system without giving us any idea of what will replace it or if it will be replaced. That is a leap of faith which Fine Gael is not willing to make.

I have many problems with what is proposed in terms of the reforms I know are planned. I have many outstanding questions. I have problems with the way the Government is dealing with some aspects of the reform, especially the Hanly report reforms where it seems the intention is simply to confuse us and ensure lack of clarity until the local elections are over.

My main reason for opposing this legislation is that it removes all accountability from the system and fails to replace it with an alternative or even give us any idea if it will be replaced. This statement will not surprise the Minister. I signalled my reservations about this aspect of the reform on the day that the Brennan and

Prospectus reports were published, and I have reiterated my objections on several occasions. Although the Minister replied to one of the questions I recently asked and said that the Brennan and Prospectus reports recommended this reform, they did not. The Brennan report did not refer to the abolition of the health boards. Ms Brennan's recommendations assumed that the health boards would remain in place.

The Minister may not regard accountability as an important issue. He may think that I do not, or that Fine Gael does not, and that we are merely paying lip-service to the concerns of our councillors who are health board members. I assure the Minister that I have never been more serious about anything. I regard democratic accountability as being of the utmost importance, nowhere more so than in the health service. The Minister may assure us that there will be accountability because he is accountable to the Dáil. Even if that were to happen, and it is not clear that it will, there can only ever be limited accountability. There are too many issues in the health service to do anything more than skim the surface of a fraction of the problems that emerge. An ongoing concern is that the kind of accountability that will be available to us will be similar to that of the National Roads Authority, the Environmental Protection Agency, CIE, VHI and all those bodies about which no Minister will answer direct questions.

I accept that the health service has outgrown the current structures and that they were designed for a different time and population. Over the years, by an accretion of functions and services, the structure has become unwieldy and fragmented. On the one hand there is duplication of services and functions, yet patients and the public have difficulty accessing the services they want. This is the result of the multiplicity of layers within the system and, where the increased burden of extra functions is coupled with increased specialisation of staff, a paralysis of administration ensues with a need for endless meetings within the system whereby one group with certain responsibilities must spend a great deal of time informing other groups about its actions. The integrated and seamless service to the patient, to which we would all aspire, is lost in the morass. That is inevitable when one tries to push individual patients with different problems through an inflexible and programme-based system.

The patient is now largely lost in the current system. Will the patient ever be found in the new one? Perhaps, but I am not convinced that streamlining and centralising the services as proposed is necessarily consistent with better patient care or greater efficiency. My concern is that if it is not consistent, there is no-one to speak for patients, call a halt and ask hard questions or any questions. That is not allowable, it will not do and we cannot vote for it. Patients by definition are vulnerable people, often too sick, passive, bewildered and intimidated to speak for

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 themselves, and any system must include a voice for them, preferably a local voice accountable to the patient and taxpayer for the services provided.

I have never been one of those people who saw the health boards as the sole root of our health service problems, even though it has become politically correct to thoroughly deride and ridicule local councillors and health boards. I have heard it suggested that only for them and their alleged petty local interests, we would have had reform long ago and that they stood between the public and a much better service. That is rubbish. As I said before, if there are any people on the health boards who stand between change and what we have now, in my experience they are the professional representatives on the board who are much more likely to be obsessed with local empires and professional self-interest.

The real barrier to reform has always been the lack of direction from the top and the lack of leadership. Boards, including managers and administrators, were merely pawns in the process, torn between indecisive Ministers who could not wait to get out of the Department of Health and Children, dysfunctional departments which always seemed to wish they had some role in the health service other than the one they had, and Comhairle na nOspidéal which, while it may well have been working to a clear objective and agenda, unfortunately no-one ever knew what they were. This was the cause of huge frustration and suspicion at local level and within the health boards.

Merely abolishing the health board structure will not necessarily give us a better or more efficient service. What concerns me is that we may end up with new structures, but with all the old problems of indecision, tensions and self-interest, and the same posts, administrators and layers of bureaucracy, but all with new titles. All that we know for certain will have changed if this Bill is passed is that no one will be democratically accountable for anything. The health executive will be set up and, from this highly centralised office, wherever it is to be located, the entire hospital policy for the country will be decided, funded, managed and administered. This model has all the worst features of the highly centralised but utterly failed Soviet system. The Minister will provide the hospitals, employ the staff, decide the level of services and dictate the price, and all this is being done in the name of efficiency.

Where was it ever thought that a centralised, State-owned, controlled and provided system of anything, never mind the health service, could bring about greater efficiency? It is a policy which runs against the trend in other sectors to devolve and decentralise. We are breaking up almost every other service provided by the State, including CIE, Aer Rianta and others.

Whatever about the centralisation of the hospital services and the lack of accountability, the essence of a community care system is that it

is local, within the community, flexible and responsive to local conditions, and certainly accountable to locally elected representatives of the people served by the system.

The Minister may think that the public is in the mood to get rid of politicians from all areas and that this will be a popular move. He is wrong. Most thinking people, however much they may rubbish politicians publicly, would quickly regret the absence of accountability and the substitution of politicians for rule by bureaucrats. With local elections imminent, they might well be asking why one should bother to elect anyone if bureaucrats can do the job so well. People might also ask themselves why, since bureaucrats can supposedly do the job so well and politicians are supposedly so superfluous to people's needs, they are so quick to contact their local councillors and Deputies when things go wrong.

We might not always consciously articulate how much we value democracy, but we know we would miss it if it were gone. The Minister made several references in his speech to accountability because he realises that this is a huge weakness in the proposed reforms. He spoke about consumer panels and advisory groups. In effect these are focus groups and, while they are worthy, they are not democratically accountable. The meetings which some of the Minister's own councillors seem to accept as a substitute for accountability are a nonsense. They do not meet even as frequently as the old health committees which were toothless talking shops rightly abolished by the Government. The proposed panels and groups are a nonsense and an insult to the public, and this arrangement does not represent at any level a substitute for local democratic accountability.

A mechanism must be found within whatever new structures we have to ensure the service can be held accountable in terms of standards and policy implementation at local level. There must be full answerability to the Dáil through the parliamentary question mechanism. There must be compellability of managers to report to the committee of the Dáil as requested. We must also have an ombudsman to defend and fight on behalf of patients and those who are aggrieved by the system.

The Minister talked about a complaints mechanism but there is no point in having such a mechanism if nothing ever happens or it happens so far into the future that it becomes irrelevant. We have an ombudsman system for the insurance area. Why not have an ombudsman for health, particularly in a system where everybody else is well represented? I made a point earlier at the committee's Estimates meeting about the resources available to the Minister and his Department. We have a strong Department. Every trade and profession has a trade association, trade unions, consultants and public relations people but the patients in the health system do not have anybody. They should have somebody on their side and unless we put

accountability back into the system, the reforms will fail for that very reason.

I do not know if there are specific plans to administer the health service. I am aware we will have a health executive with overall responsibility for implementation and a hospitals office but I do not know what will happen to everyone currently working in the health boards. Perhaps all the current structures will stay in place; personnel will certainly remain in place but I do not know the areas that will be covered by the four community care offices that are proposed. They are sometimes referred to as offices but I notice others refer to them as if they were boards. There is no clarity in terms of what is being proposed. I do not know any of the detail of what is planned and if this legislation is passed the Minister will be removing the only mechanism through which we can find out what is going on.

It may be — this is a concern — that the only real change that will result is that the local and professional representation will be gone. The next six months will be critical in terms of decision making, change and reform in the health service and the Minister, the Department or whoever can do what they want behind closed doors protected from all questions, difficult or otherwise. It is enclosing the system, so to speak, at a point where all of the critical decisions are to be made. The reserve powers of councillors are to go to the chief executive officers of the former boards, and they will not be asking any difficult questions. The Minister will find very little opposition there as they help him re-write their futures and the future of the health service. Neither Fine Gael nor I will collude with what we regard as the outrageous destruction of our local democracy.

Ms McManus: During his term of office the Minister has talked a good deal about health reform. We now have legislation before us but it is not about reform. The fundamental flaw in this Bill is that it removes democratic involvement in local health services without proposing any equivalent new system of accountability. As such, it is a disturbing and unwelcome change that augurs badly for the future. Members across the House are agreed that there is a need for reform of health boards but reform is not being proposed in the Bill. It is about dismantling a system without any thought of its replacement. This Bill is the greatest grab for executive power in the history of local administration. It is an even more sweeping victory for the officials than the handover of power to county and city managers in local government.

The Government proposals for reform of local health administration, following the Brennan and Prospectus reports announced on 18 June 2003, provided considerable scope for democratic involvement in the new structures if the Government wished to take that course. The Government made clear that the new health executive will have a national board and will also have

regional offices, thereby giving scope for involvement of democratically-elected representatives. In a speech in the Dáil on 27 June 2003, the Minister informed the House he had agreed to present further detailed proposals on democratic involvement in the new structures in the coming months but the explanatory memorandum to this Bill is silent on that issue. The Minister has rushed ahead with the Bill to create a political and accountability vacuum, pending the establishment of new structures some time in the future. The Minister's statement in the House today has no standing in law.

The Labour Party has argued for health board reform. We have argued strongly for accountability and that any new structures being established would have that link to the people. The current system whereby county councillors carve up appointments among themselves is unacceptable to us. The only appropriate system to deliver on accountability is to have direct elections to current management structures or any new ones being proposed in order that there is a direct link between the person elected to represent the people and the people. Public representatives sitting on these or any new structures would have the mandate and the power of popular support.

Instead, regrettably, the Government is removing power further away from local communities and current members of health boards, who are predominantly members of Fianna Fáil, are quietly acquiescing to such a removal and loss of local accountability. Generally, they are expressing satisfaction with some notional set of regional meetings of county councillors, who probably meet four or five times a year, which are nothing more than talking shops. Fianna Fáil members appear to be happy to trade real power at local level for expenses to attend regional chit-chat meetings.

The Minister talked about fora but again there is no direct mandate, willpower or determining role for these fora. The Labour Party argued for a national forum on health, and we would still put forward a model for discussion, where the key players and participants in the health service would be able to meet. That is quite a different idea from the fora the Minister has proposed. We would not see a national forum on health being a decision-making body but it would be able to provide the type of platform and meeting place for all the different players in the health service. One of the key problems we envisage is the fact that the system is so fragmented people are isolated from one another, do not understand each other's requirements and often end up blaming each other for the deficiencies in the health service rather than trying to come to some understanding.

I met the idea of consumer panels with a certain amount of cynicism and doubt. Who determines who will go on consumer panels? How would we get a person who truly represents patients, or indeed older patients, without having

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self-appointed people who may have particular personal reasons for being on these panels?

I would like to refer to Professor Niamh Brennan, who was very critical of the current health service, but one point she insisted upon when she was asked about her deliberations on her report was that the group she worked with and chaired had thoroughly examined how to make the system accountable. The conclusion of their deliberations was that the public representatives had to be included in a decision-making capacity and that there was nobody else who could describe himself or herself as representing the people or even sectors within the population unless they are democratically elected. Like them or loathe them, public representatives have the characteristic that nobody else has, namely, a popular mandate. Professor Niamh Brennan recognised that and it is a great pity that the Government, which itself is democratically elected, is choosing to deny the people that kind of link and that power in terms of who represents them.

The Government embarked on other changes at local level in local government areas. When it decided to end the dual mandate, and it had the support of the Labour Party in doing that, there was a provision under the Local Government (No. 2) Act that allowed the Minister require local authorities to give information about their activities to Members of the Oireachtas. It is clear there is a major need for a similar information provision to be inserted in this Bill to require health boards, at least in the gap between now and whatever will happen in the future, and it could be a long time, to give information about their activities to members of local authorities and Members of the Oireachtas. In my experience as someone who has come off a local authority, that has worked well in terms of getting information from local authorities. At the very least, health boards should have that requirement.

How many minutes have I left?

Acting Chairman (Mr. Costello): The Deputy has 22 minutes left.

Ms McManus: I thought that I had only 20 minutes in total.

Acting Chairman: The Deputy has half an hour.

Ms McManus: I thought that I had 20 minutes in total. Perhaps I am a special case.

Acting Chairman: The opening spokespersons have half an hour.

Ms McManus: No one else knew that either. Members need not be concerned that I will go on for all that time. This is generosity.

Acting Chairman: The Minister did not use his full half hour either.

Ms McManus: It is a pity that there was not such generosity when it came to debating a change to the Constitution that needed time and attention, instead of a Bill such as this, which is quite straightforward.

Caoimhghín Ó Caoláin: It can all be attributed to Deputy Costello being in the Chair.

Ms McManus: Then I thank him.

Mr. F. McGrath: We will have more time for the Independents too.

Ms McManus: I will return the favour some time.

Regarding the role of health boards, sometimes people do not get services directly from them and are curious as to what they do. They have a wide remit, both in being important providers of services and in ensuring the delivery of services, the management of hospitals, and the development of primary care and other services not directly considered health services. There is a question about whether health boards should be involved in the area of housing and rent supplements. Specifically, there is an issue concerning the relationship with voluntary organisations. Services and connections with health boards are the subject of a considerable degree of angst and complaint about them. Many organisations find it quite frustrating trying to get funding commitments from the health board, especially — this is not the health board's fault — to get any kind of long-term planning in place because of the one-year budgeting system in place. That creates a great deal of grief, especially in the greater Dublin area.

I have certainly received complaints about the Eastern Regional Health Authority, which was established to sort out structural problems in the greater Dublin region, where there are now three local area health boards and the Eastern Regional Health Authority. In that debate, everyone complained about the old Eastern Health Board. However, with this reform, we will presumably go back to the Eastern Health Board, since we will have only four regional offices. There will be one authority for the Dublin area. We must consider what will happen with those regional offices and how they will work at a practical level in relating to communities dependent on the services provided by health boards.

It was interesting this morning when we had our first meeting with the interim Health Service Executive, and I was grateful that it agreed to come before us. The executive, in these early days, has already embarked on appointing senior officials and managers for the structures to be prepared for the new system coming in, presumably by the end of the year and certainly

by 1 January. In effect, we are essentially seeing two parallel structures beginning to emerge. I am still mystified and the question has not been answered as to how that parallel system will be developed in future. We are talking about quite a complex organisational structure and system being established through the interim Health Service Executive and the national steering committee. However, we have also been publicly told by the Minister for Finance that he does not envisage any job losses or redundancies in the existing health board structures. There is, therefore, an incompatibility.

I know that the Minister, some time ago, said that there would be a reduction in staff in the health boards. I would be interested to know how successful he has been in that policy. He is now stating that the number of staff employed across the health service is almost 100,000. Will we see more administrators as these appointments are made, some of them very senior? One hopes that highly qualified administrators will be put in place. How will that impact on the elaborate administrative structures of the health boards? When the old Eastern Health Board was abolished, we ended up with several empires being built. In my own area, the East Coast Area Health Board has one chief executive officers and five assistant CEOs. That is an elaborate structure when multiplied across Dublin, and the figures do not match up regarding how this is to be delivered. I get the impression that the Minister has set a fairly tight timeframe.

The first action of health boards was to set up several project groups, which presumably have an interest in ensuring that the health board staff in general, and the administrative staff in particular, have a future. That is the nature of people today and always has been; it is an issue. The chairman of the interim Health Service Executive agreed to my request this morning that he provide members of the committee with the report, which he described as the "roadmap", produced by the different committee projects outlining how the changes would be delivered.

It is important, if the Minister's credibility is to be sustained into the future, that the document be provided to the Oireachtas Joint Committee on Health and Children. Regrettably, we will now have a greater role to play in ensuring that the public interest is protected, since there will not be anyone at local level to carry out that work. It is regrettable and inappropriate, but I am certainly willing to take up that task. The first step should be that we know the "roadmap", in the words of the chairman of the interim Health Service Executive, and that it is working too. Otherwise we will simply be mystified by what is going on in an elaborate service such as the health service. We need to have that information.

I must come back to a point that I raised recently with the Taoiseach. There is now a concentration on elaborate, grandiose and overly ambitious plans and proposals, partly because the Minister got all those working groups together,

probably as a stalling mechanism as much as anything else, and must now deliver on them. We have a really ambitious plan for health service reform, but the ordinary nuts-and-bolts legislation with which the Department of Health and Children and the Minister should be dealing is falling back down the timetable.

I can think of no Bill more important to the good management of the health service than the medical practitioners Bill. People must have trust in their medical practitioners and know that, when they fail, there is a system of checks, balances and accountability that will protect patients. They especially need to know that now that we have seen the horrific experience of the predominantly young women who suffered such barbarism at the hands of Dr. Neary. That was a salutary lesson for us all. When the Irish Medical Council came to its conclusions on him, we received undertakings that the medical practitioners Bill would be passed without undue delay. The Irish Medical Council wanted to see that as much as anyone else, and it came out of the process reasonably well, although it was very slow to deliver a verdict. Now the medical practitioners Bill is being put back to the point when the Government cannot even say when it is to be published. We had a date which I believe was 2005. People understood it would take some time to be finalised. However, we do not even have that commitment any longer. It could be 2007, 2008 or even longer because the energies of the Department of Health and Children are now concentrated on health service reform. The nurses Bill has been put in the same category. We cannot say when it will be published.

There is a problem when it comes to nurses and it has not been solved by the Minister. Reports in recent years have shown 1,000 vacancies. We still have serious problems in terms of vacancies. Were it not for these wonderful Filipinos who come here and leave their families behind, our hospital services simply would not function. Nobody has given them enough credit for the work they do in our hospitals, not just Filipinos, but other non-nationals. We are now taking in Indian nurses. The argument the Minister puts is that he is satisfied the Philippines is oversupplying, in terms of the number of nurses. However, I do not believe that to be the case in India. I have grave reservations about the idea that, somehow, we can afford to skim off nurses from India, without worrying whether this is having an impact on local needs. Agencies will say there is not a problem, but I would like to know the situation on the ground, because certainly, that is not my understanding. I understand that in India there are needs that are not being met and nurses should be made available to meet them. Again, the nurses Bill has been relegated to the future, unspecified, shoved aside because health reform is where it is all at.

One point I must make, to be consistent and because it is central to the whole health reform idea — as it relates to the way the health boards

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operate — is the issue of equality. Generally community services reach out to people and do not discriminate on the basis of income, unlike hospital services, where private patients have a completely different experience to public patients, once they get past the accident and emergency department. Equality is a central issue. It has not been included even among the priorities set out by the health service executive. It talked about the “patient experience”, “staff experience”, good working environment and value for money. It is interesting that when the document relating to a national steering committee meeting became public by accident from the Department of Health and Children, this point was actually raised by the Department’s officials. When officials raise matters of this kind it is time we all paid attention. One point in this report, dated 10 February 2004 is as follows:

This Department has major concerns about the lack of clarity in relation to roles and responsibilities in the structures and about the confusion evident in the work of the Action Groups regarding the policy-executive split. One example of this is that the NHO report recommends that the NHO should oversee the public/private mix and develop a strategic relationship with the private sector. This is clearly a high level policy issue affecting all aspects of the Health system and not a matter for one pillar of the executive.

The point was made that a committee was to be established to look at the issue of the public-private mix. Inherent in that is the whole issue of equality. The committee had not been established even by 10 February, when the national steering committee met. If the Minister ignores the issue of equality and does not put it central to any health reform programme, no administrative change will deal with the fundamental inequality and unfairness that defines our health service and makes it different from any other in Europe. The Minister has bypassed this issue. It is like missing the elephant in the garden. He does not see it. It is not an issue.

We are talking about value for money, working environment, efficiencies. Let us talk about inequality, who will deal with it and how it is to be dealt with. What will change for the thousands of public patients who are on hospital waiting lists and cannot access care? They know that if they had private health insurance they would be able to access that care within weeks. According to the last available figures, approximately 27,000 are waiting, many of them for more than 12 months, despite the strict commitments in the health strategy. What is the message the Minister has today for these people? Will this change in terms of the health boards affect their lives in any positive way? Hardly. It is probably unfair for me to expect legislation such as this would. However, the Minister in his speech has concentrated a good deal on health reform. This is a relatively

small part of a much larger project. The biggest project has to have a purpose, however. It is not about administrative change. It is about what happens to the patient.

What happens to the patient in Ireland is largely determined by whether he or she has sufficient income for private health insurance. Approximately half the current population has private health insurance, even though all of us are entitled to hospital care. Many of these hospitals are run by health boards and that issue has not been addressed. There has been some tinkering here and there but really nothing that makes a fundamental difference. The proof is evident.

At the last election the Taoiseach clearly read the message from the electorate that people did not like this and wanted something done about it. He made a clear, uncompromising promise at the time that hospital waiting lists would be eliminated within the next few days. They have not been eliminated. They have gone into some kind of secret mode because we do not even know where the hospital waiting lists are now. However, we know every waiting patient is for real and that he or she was conned by the Taoiseach and the Minister for Health and Children at the last general election. They knew they were conning the people. That was a deliberate, cynical, opportunistic promise that was given.

Even worse was the commitment made to the people that 200,000 medical cards would be provided. That would make a real difference to the lives of thousands of people including those who cannot afford to see a family doctor and get medication. That promise was made again. People voted on the basis that this was what they would get if they supported Fianna Fáil. What did Fianna Fáil give them? Fianna Fáil took away 100,000 medical cards. That is the record. Rather than giving out more medical cards, the number has actually been reduced. Fianna Fáil says in justification that more people are working.

Fianna Fáil has strayed a long way from its roots. It does not seem to see low pay or exploitation of workers any more or that the cost of houses is denying access to the housing market to people in overcrowded conditions and stuck on waiting lists. These are things Fianna Fáil does not see any more. It is blinded by being too long in office. Cruellest of all is the broken commitment that denies people medical cards. At a time when this country was much worse off than it is now almost 40% of the people had medical cards. They had the protection in a State that could not afford many things, but understood that health care was an essential right. It is to the great shame of Fianna Fáil that it has reneged so far from a progressive philosophy which developed the whole concept of medical cards — a legislative change that gave security to people and dignity from the old dispensary system. This was introduced by a Fianna Fáil Minister, Erskine Childers. Fianna Fáil has moved far from that kind of progressive thinking. Now it is concerned

with equestrian centres, Abbottstown, looking after the very wealthy and the Minister for Finance, Deputy McCreevy, says let us party, deepening the gulf between rich and poor, increasing inequality. Fianna Fáil should be ashamed of that legacy but shame does not figure in its lexicon.

It is an equality issue that health boards are able to deliver services and where they are most needed. Everyone whom public representatives meet when looking for votes is of equal standing. It does not matter whether a person is rich or poor, a public or private patient, each has a vote. It is reassuring to know that a public representative can at least speak up when one needs an advocate. Similarly, if a community needs a particular type of health or community care it is good to know that there is someone to argue the case. There is deep suspicion that this Bill is being introduced to ensure that when the second Hanly report is published and uproar ensues there will be no public representatives in a position to do anything about it.

The first Hanly report has been changed, although the Minister is wriggling and squirming to pretend it has not. One has only to visit the hospitals in Nenagh and Ennis to know that everyone there realises their accident and emergency departments are doomed, unless the Government policy changes. The second Hanly report will go the same route and undermine local emergency services throughout the country. Fianna Fáil should not be under the misapprehension that getting rid of public representatives will eliminate local opposition. The voice of the public will be heard, despite this attempt at removing the role of public representatives from the structures.

Dr. Cowley: I wish to share time with Deputies Finian McGrath, Gormley and Ó Caoláin.

I am very glad to speak on this Bill. The major problem with the health service has always been a lack of proper investment and we bear the scars of that failure, with a 3,000 bed deficit and people waiting five years for a basic appointment. That is the acid test of the service. There are 120 reports on the health service, yet there is still health apartheid because the necessary money was never put into the service. The primary care strategy does not have a penny of designated funding this year. Thousands of people are waiting to get onto an official waiting list which should have been abolished by now. It is obvious that reform is necessary. While we were anxious for reform because of the lack of co-ordination and co-operation between health boards which compete with one another, have different schemes, such as the mother and child scheme, different software or none, different interpretations of vaccination policy and so on, this may be a case of throwing the baby out with the bathwater. We have moved from over-representation to under-representation and have created a major democratic deficit. Instead, the

Prospectus report gives elected representatives the right to meet regionally, which is totally unacceptable. The system has gone full circle.

Having a complaints system will not help. The real democratic deficit needs to be addressed because we have another quango, such as the NRA or the system in Northern Ireland which is run by a quango, established by ministerial appointment. Just as it is difficult to get information from or in any way influence the NRA, the Minister will tell us that he has no function, and the Department of Health and Children, which is also sidelined, will say the same. Who will have the input to enable people to express their points of view so that the situation can change for the better? We need a health ombudsman or surgeon general who would be independent of the proposed health service executive, the Department and the Minister, to represent people with serious problems, who are often those on the lower end of the socio-economic scale. When policies are made in Dublin it is difficult for those people to find advocates. Proper representation should be available and now is the time to consider this.

There is a cynicism in this Bill, which seems to be all about money just as the Hanly report is about money and cutbacks. It is interesting to see that in the new health service executive the Minister for Finance, the real Minister for Health and Children, must decide who is to be hired and fired. Where will it end? We still have health apartheid and confusion about what will happen over the next six months when all the power formerly residing in elected representatives will go to the CEOs and we do not know what will happen after December. That is not good enough.

Mr. F. McGrath: I am grateful for the opportunity of speaking to the Health (Amendment) Bill 2004. We can have all the legislation and reports we want but unless we change the system urgently we will go nowhere. The people are sick and tired of all the reports and talk about our health service. They want real action on frontline services. Waiting lists continue and there are people on trolleys. Last Monday night I received a call at 9.15 p.m. telling me that a 79 year old pensioner brought in by ambulance at 4 p.m. was forced to sit on a chair for five hours as the beds and trolleys were all occupied. Eventually the patient was placed on a trolley and saw a doctor at 4 a.m., having spent 12 hours on a chair. This is the reality of the health service in a wealthy country in 2004. Unless we provide beds, doctors and nurses on Monday nights in accident and emergency departments this debate is futile. The Minister for Health and Children is not doing his job and has not delivered to the citizens. All the positive media spin will not change the fact that people are on trolleys and chairs, there are long waiting lists and 2,286 people with intellectual disabilities are in need of day care, respite and residential places.

[Mr. F. McGrath.]

In recent days there has been much talk of citizenship and rights — by the way I urge everyone to vote “No” in the forthcoming referendum. The people have a right to a decent health service. They need it, demand it and are not afraid to pay for it. Most people in the State would be prepared to pay a little extra in tax if they were guaranteed a quality health service but that is not happening. The Government is not taking responsibility. The Minister is turning his back on the real issues, taking on board populist issues and ignoring people in need. It is time for some tough decisions to reform our health service radically. This legislation lacks teeth, takes the easy option and blames the elected councillors for the bad management, inefficiencies and disastrous leadership of the Minister for Health and Children.

The Bill is another example of cop-out politics. It puts the blame elsewhere. The Bill provides for the amendment of Health Acts from 1970, 1996 and 1999. It also amends provisions in the Local Government Act 2001 governing the nomination of members from city and county councils to health boards and provides for the amendment of the Health Act 1947, as amended by the Health (Amendment) (No. 3) Act 1996 concerning the acquisition and disposal of property.

The Bill provides for the abolition of the membership of seven health boards, the Eastern Regional Health Authority and the three area health boards. It is wrong to blame the democratically elected councillors who serve on health boards, many of whom have made an excellent contribution. People such as Christy Burke on Dublin City Council have given years of dedicated service to health boards. There should be cross-party acknowledgement for the great work he has done on behalf of the most disadvantaged people in the city.

The Minister has a brass neck. With a budget of €10 billion he takes on the people who cost less than €1 million per year. He is also pandering to sections of the media that want to hammer local councillors.

Sections 4 to 8 make the technical amendments to the Health Act 1970 necessary to enable the abolition of the membership of the health boards and delete any requirements on the part of the chief executive officers to consult or agree with the chairman or vice chairman of a health board on any matter.

Section 15 provides that the boards or the authority have to obtain the consent of the Minister for Health and Children before they can acquire or dispose of land. We must be careful in this regard, especially given the extreme views of some Cabinet members who would sell their grannies to get a few extra euro.

I urge Members to vote against the Bill which does nothing for the most disadvantaged and for patients on hospital trolleys.

Mr. Gormley: No compelling argument has been made for the major change to the health service which the Bill represents, nor has it been demonstrated how the change will improve the health service. It is important to cast our minds back to when this was first mooted. It was done in a professional way by the Government which is great at leaking information and building up a head of steam to get the public behind an initiative. It was presented in such a way as to suggest that it would go after local politicians on health boards — people who were milking the system. I detected overwhelming support for this going by the vox pops and radio interviews that took place at the time.

Local politicians are easy targets. If one is seen to be taking action against politicians, there is no question that the public will support that initiative. The health boards have become the fall guys; they are an easy scapegoat. It has not been shown in any measurable way how the reform will improve the health service.

How are health boards to blame for the miserable state of the health service? In terms of expenditure, this has not been shown in any reports. Two reports have been commissioned — the Deloitte & Touche report and the Brennan report. Professor Niamh Brennan did not recommend the abolition of health boards. Nor did she show how health boards were misspending money. A number of health boards came before the Oireachtas Joint Committee on Health and Children. Four of them underspent their budgets because they were under so much pressure from the Department of Health and Children, which it was claimed was under the cosh of the Department of Finance. That is what it comes down to; they are under pressure. In terms of financial management, they have, if anything, been over-cautious. I have not heard any argument for the abolition of health boards in what the Minister has said thus far.

We are facing major problems in our health service. A number of my colleagues referred to serious problems in accident and emergency units. I can also recount horror stories from Beaumont Hospital where, not alone is it impossible to get a bed, one cannot even get a trolley. One is lucky to get a chair. My colleague recounted a story of a person who was on a chair for a day. I know of a polio victim who died in Beaumont Hospital who was on a chair for three days. The doctor was so tired; he fell asleep while pumping air from a bottle into her lungs. This is typical of the kind of story we hear as public representatives. While they are horrific, they are true.

We have not been told how the abolition of health boards will improve maternity services, yet the Minister for Justice, Equality and Law Reform, Deputy McDowell and others, have said this is one of the reasons for the forthcoming referendum. We have been told there is chaos in maternity hospitals because of citizenship tourism. We know that these are bogus

arguments. In 1973 we had 108 maternity units in the country, we now have 22 units with plans to cut a further ten. This represents a centralisation of the health service. That is why we have had such a huge disimprovement in maternity services. The system is now similar to a conveyor belt where the aim is to get women in and out as quickly as possible. The quality of services has disimproved.

The proposed change will result in less accountability, both at local level and in this House. Once one sets up organisations such as the National Roads Authority or the Environmental Protection Agency, the focus shifts to them. They take on responsibility for specific areas. This allows the Minister to pass the buck.

I agree with Deputy McManus that it will be impossible for Members of the House to be responsible for the running of local hospitals. That is a huge burden to place on us. In fact, it is an impossible task; we will not be able to do it. We will be lucky if we get to interview the health executive now and then. We will have time to put a few questions and it will leave, having done its duty. The Minister will tell us he is unable to answer our question, that it is a matter for the health executive. That will become the mantra of the Minister for Health and Children. We will not get answers and we will have little input. The answer to the lack of accountability is decentralisation.

Many political representatives on health boards have done a fine job. I accept there is a need for co-ordination and harmonisation, but scrapping these decentralised boards is a mistake we will come to regret. Where are the beds that were promised? Why have waiting lists not come to an end, as was promised? Where are the promised nurses and medical cards? We were promised 200,000 medical cards, yet there are now 100,000 fewer people with medical cards. Where is the money for primary care? Investment in primary care can deal with 90% to 95% of health problems. Unfortunately, the investment in our health system is being directed towards further centralisation and further technology. That type of centralisation is referred to in the Hanly report.

We need a good ambulance service to ferry people back and forth. The quality of our health services has deteriorated over the years. It is astounding to think we had better maternity services and a better health system years ago when we had less money. That shows the priorities of the Government. Its main priority is to put more money into rich people's pockets. As a person said recently, what we have here is socialism for the rich and capitalism for the poor. That inequality will only get worse with this sort of measure.

If the Government is thinking of a root reform of our health services, its members should discuss the financing of it. The Minister has said the health budget has been increased over the years,

but I ask him to examine how the funding of our health services compares to the funding of health services in other countries. We are still close to the bottom in terms of the European Union and the OECD. We have got our priorities completely wrong.

As far as the Government is concerned, the provision of health is about providing for the private individual. That is very much a Thatcherite philosophy. We hear people consistently repeat that if a service is private, it is good, and if it is public, it is bad. That is the simple refrain we hear constantly from the PDs, in particular, and from those in the Fianna Fáil Party who have become more PD than the PDs themselves. It does not include the Minister, Deputy Martin, because he——

Mr. F. McGrath: What about the Minister of State, Deputy Browne?

Mr. Gormley: I do not know about the Minister of State, Deputy Browne, but the Minister, Deputy Martin, when interviewed on the "Late Late Show" and asked a direct question on whether we need to raise taxes to have a better health service, replied, "Yes, we do." Therefore, perhaps he does not belong to that PD wing, but he certainly has not got his way because that sort of Thatcherite politician is the dominant force within the Government. I hope other members of the Government will see sense and realise this type of policy will not reform our health services. The terrible problems we see and about which our constituents tell us will continue unless we invest more in our health services.

Caoimhghín Ó Caoláin: This Bill is yet another example of the Government treating the Oireachtas as a rubber stamp. The Government is seeking to circumvent any real debate and to take from elected representatives in the Oireachtas and at local authority level the power to determine policy on the major issues affecting our society.

There is no greater issue than the state of the health services, their delivery, deployment, management and resourcing. Yet with what are we presented by the Government? We are not presented with a measure to address inequality in the health services nor are we presented with one of the promised Bills to enhance standards and increase accountability in the health services, namely, the medical practitioners Bill, the nurses and midwives Bill, the pharmacy Bill or the Irish Medicines Board Bill. All these Bills were promised for 2004. Now we are told some of them will not be published until 2005 and in respect of some of them the Government does not know when they will appear. In place of those Bills we have this Bill, the purpose of which is to abolish the health boards and end even the modest degree of democratic accountability we have in the area of health service management.

[Caoimhghín Ó Caoláin.]

This legislation is a blow to local democracy and to accountability within the health services. It should not have been presented in advance of the promised substantive Health Bill which is due to establish, among other new structures, the Health Services Executive. This is an enabling Bill for a legislative and political stroke to vest all the powers of the health boards in their CEOs and in the hands of the Minister for Health and Children for an indefinite period. The Minister of State and other Members of this House should carefully note that. To accomplish this, the Government must ensure that the new local authorities elected on 11 June are not allowed to nominate members to the boards.

The Department's note to the Chief Whip refers to the proposed abolition of the health boards and the establishment of the Health Services Executive, which it states is scheduled for January 2005. Where did we hear words such as "scheduled for" previously and how many times did we hear them used? However, there is no reference to a cut-off point of 31 December 2004 in the Bill or in the explanatory memorandum. The question that immediately arises is, how long will this period of rule by the CEOs and the Minister last? We are being asked, in effect, to sign a blank cheque. We are being asked to abolish existing structures while being kept in ignorance of the exact nature of the new structures. This is no way to proceed.

I would be the first to acknowledge that the health boards, as currently constituted, are flawed. I was a member of the North Eastern Health Board from 1999 until the end of last year and often it was a most frustrating experience. The restrictions placed on the elected members of the board were often intolerable. The power wielded by the Minister, the CEO and Comhairle na nOspidéal often ran counter to the real health service needs of the people we represented. That said, as a board member I was able to provide representation to and for the people within the north eastern region. There was a direct link with the executive and with the staff in all areas of health board activity. I use this opportunity to record my appreciation for those members of staff in the North Eastern Health Board who assisted me during my time as a board member and who have assisted my colleague councillor Brian McKenna since I vacated my seat on the board.

I also acknowledge the consistent and persistent stance of colleagues on the board who put up a stoic and courageous challenge to those who were orchestrating the demise of important critical services at Monaghan General Hospital. Bad and all as things are, where would Monaghan General Hospital be today but for that effort? I say "well done" to those Fine Gael and Independent voices who with this Deputy faced the worst of days together in the interest of our communities. I am proud of the role I played throughout in support of our hospital and its

future and I pledge to continue to do all in my power to help restore the capability of and the services lost at Monaghan General Hospital which should be restored.

The health board system was flawed and the Prospectus report on structures and functions in the health system identified some of the problems. Its central finding was that the system was too fragmented. There was a lack of cohesion and too many agencies and structures. That reflects the piecemeal approach and lack of cohesion in the health policy of successive Governments. I see the problem as not being structures and bureaucracy but the policy basis, or lack of policy, on which they operate. Most fundamental of all is the refusal of successive Governments to end the two-tier system in our health services.

However, the piecemeal approach continues. For example, the Minister has made an order to establish the National Treatment Purchase Fund Board. That statutory instrument was laid before the Dáil this week and will come into effect on 1 May, this Saturday. The treatment purchase fund was conceived by the Progressive Democrats as a stop-gap measure to address hospital waiting lists, the same hospital waiting lists, need I remind the Minister of State, that the Fianna Fail party, two years and four days ago, promised to permanently end within two years. Yet the treatment purchase fund is being institutionalised and yet another board is being established. The Government will point to the thousands of people who have benefited from the fund, which I acknowledge. However, institutionalising this fund is an admission of failure. It is an admission that the waiting lists will continue and the two-tier system will persist.

As I said to the Taoiseach yesterday, an adult public patient must serve a minimum sentence of a year on the waiting list before being considered for the treatment purchase fund, and if one is a child, the minimum sentence is six months. Once again the Dáil has been mistreated by the Government. The national treatment purchase fund board, if it is to be set up at all, should be established by legislation so we can debate the matter properly in this Chamber.

The Government's approach to this Bill is equally flawed. I re-emphasise that we should have the substantive health Bill before us. We should know exactly and in detail what is going to replace the health boards. I know, for example, there is concern in the disability sector about the implications for the delivery of services at health board level. What effect will these changes have on the way services are delivered? How will the CEOs and the Minister be held accountable for the delivery of those services?

What of health board properties formerly owned by local authorities which now have question marks over their future in the overall delivery of health care needs? Will unaccountable and faceless bureaucrats move to dispose of key health care sites to fund their pet projects in

communities far from the people who sustained real care in our hospitals and psychiatric institutions by their hard-earned contributions over many years? I challenge the Minister, Deputy Martin, to guarantee that the proceeds of the sale of any and all land and building assets be invested in existing or new health care sites within those communities which host and sustain them.

In my view there will be no real accountability in our health service after 11 June. For that reason, I am opposed to this Bill and the Sinn Féin Members will be voting accordingly.

Mr. O'Connor: It is a challenge to speak on the Bill for a number of reasons. In particular, however, it will be a challenge to follow the eloquent contributions of previous speakers. I watched the earlier proceedings on the monitor in the privacy of my office. If some of the contributions already made were broadcast, members of the public will be frightened out of their lives at the prospect of what is being presented as what might loosely be described as an alternative Government. I had the opportunity of listening to speakers who might hope to serve in that Government and I admit I am frightened. Perhaps we should call for as many of those contributions as possible to be broadcast so people will be informed of what the parties in Opposition are doing.

Deputy Neville is looking at me in a quizzical manner but I would say he was also frightened by some of the comments made by Members seated behind him. He appears to be stirring other colleagues up against me but there is no need for him to do so. If I need the protection of the Acting Chairman I will call upon him to provide it.

I am honest enough to make an admission about the background from which I came. I often say at meetings in Tallaght that I was not born a politician and that I used to be quite normal. I moved to Tallaght with my then employer in 1969 and I believe I have a good background in the community. I have always worked hard in my community. I got the opportunity to become a public representative by accident in 1991 when I was elected to the council. I was elected to the Dáil in the most recent general election. In 1994 I was delighted to have the opportunity to replace my good friend, Chris Flood, as a member of the then Eastern Health Board. I remained with that body until shortly after the general election. Just as I was reluctant to leave South Dublin County Council, I was particularly reluctant to give up my membership of what had become the Eastern Regional Health Authority. I had the privilege of being the founding chairman of the South Western Area Health Board. Placing matters in context, however, I accept that times change. I would be just as happy if I was still a humble health authority member or county councillor.

I accept that colleagues will be obliged to take advantage of the situation in respect of the legislation and try to score as many points as

possible on the Minister. In the debate so far, no points have been scored. In the business of politics, trying to score points is fine.

I was not happy when the legislation first came to my attention. I have strong views about political accountability and over the years the local health boards and bigger authorities in the Dublin region — the Eastern Health Board and its successor the Eastern Regional Health Authority — played a part in that regard. Colleagues who have worked within the health board system will attest to the fact that times have changed.

Reference was made to deficiencies in the health system and I am of the view that people deserve a first-class health service, particularly in light of the amount of public funding that is being invested. I am not going to rehearse the Minister's speech but the health spend is now the biggest in the history of the State. There are still challenges as far as the system is concerned. One can visit Tallaght Hospital, the Mater and other hospitals throughout the country and see that difficulties and challenges still exist. The challenge for the Minister, with our support, is to create an environment in which we exert as much pressure as possible to bring about change. It is a question of management of resources. If the significant amount of moneys to which I refer are available, there should be progress as far as the management of resources is concerned.

I am not afraid to say I take a simplistic view of this matter. If a sick person enters a hospital anywhere in the State and genuinely needs a bed, he or she should be given one. I am an ordinary person who has had the same experiences as everyone else. I am not saying it in a virtuous way but I have had the experience of lying on a hospital trolley. I was happy to remain on it in the knowledge that I was being well cared for. However, it is not a good system and we must continue to say so.

I do not know if Members read the *Daily Star* but many people in Tallaght do so. A woman recently wrote to the newspaper to discover if any Member of the Oireachtas had ever spent time on a hospital trolley. I do not know how many Members volunteered information in this regard but it was revealed in the newspaper that I had spent time on such a trolley. I did not make a fuss about that fact or make a virtue of it. However, I had the experience and I saw the great care given to people but I also witnessed the difficulties that arise as a result of the type of system we have in place. The legislation is about trying to address those difficulties.

I do not disagree with the previous speaker and I believe that, for a long period, the health board system served the State well. However, like other systems it has been affected by the passage of time. If the system is not working, one must discover why that is the case.

I am a strong supporter of and proud of my association over a long period with the National Association of Health Boards. That organisation

[Mr. O'Connor.]

has a particular point of view about the legislation and Members are aware of the concerns it has expressed. I am sympathetic to those concerns. I hope my good friend, the Minister of State, Deputy Kitt, with whom I share a constituency boundary, will convey to the Minister the fact that a body such as the National Association of Health Boards, which has served the country well, retains its voice and still has an opinion to express. The Minister clarified the position as to what will happen when the legislation is passed and indicated the kind of body that will be in place as far as public representatives are concerned. I hope he understands there are still views which can be represented by the National Association of Health Boards.

I have always taken the view that public representatives played an important role in that process. I do not wish to be too critical — I know

3 o'clock there are no doctors in the House at present — but it often happened, not only in the Eastern Regional Health

Authority area or the South Western Area Health Board, which embraces the Dublin region and Kildare and Wicklow, that there were challenges at budget time. Politicians had to take the hard decisions and people representing other interests, for one reason or another, abstained, sat back and did not take decisions.

If I was the Minister for Health when this legislation was being formulated in the Department, those issues would have had an impact on me. I will not say that the health board system did not have merits, however, it also had downsides and there were often difficulties and challenges in that regard.

A number of colleagues have reminded us that the local and European elections will take place in 42 days' time. That will be a busy and demanding time for all. I am sorry I am not contesting the local elections because I would welcome the opportunity of going around the estates in Tallaght knocking on doors and hearing people's opinions. I would also welcome the opportunity of visiting the rest of my constituency. As Members know, I represent Dublin South-West which embraces Tallaght, Firhouse, Templeogue and Greenhills. I know when I mention Firhouse that the Minister of State, Deputy Kitt, is upset that some of his loyal voters are now being given the opportunity to see other candidates. I am happy about that.

The Minister of State knows that people in the area take an enormous interest in local politics and the issues of the day. Over the next six weeks they will give us the opportunity to discuss the issues and will share with us their various views. I suspect that they will want to discuss health matters and that is good for democracy. I hope — it is relevant to say this in the context of this debate — that the local election campaign in all 42 Dáil constituencies will remain focused on local issues. It is fair that the electorate and the media get the opportunity to focus on the issues

of the day. I have no problem with that and as a democrat I am part of that system.

We must also remember that local authorities are about local community issues and the empowerment of local communities. People do not want to be distracted by national issues. However, they will be because we are to have a referendum and people are running all over the place on that. People should be allowed to focus. When candidates from the different political parties knock on their doors, people should get the opportunity to discuss the issues to see how the candidates will serve their communities over the next five years. I will try to do this when I am voting for my local authority and will examine the candidates, beginning with those of my party because they are the best, especially in Tallaght.

Whatever about taking the opportunity to deal with all sorts of issues, as I am sure we will, such as the management of the Irish soccer team and Roy Keane — I was at doors the other night and people spoke to me about Roy Keane, which is fine — the local elections are important. They are an important part of the democratic process and public representatives have an important role to play. People, therefore, must be given the opportunity to select those candidates who will be brave enough to join the local authority and take the decisions necessary for the betterment and empowerment of local communities.

The abolition of health boards will leave a void. I hope the use of the word "abolition" is not too emotive but that is the reality. The Minister will continue to examine how views can be represented in a forum and I think he will get support for that. Members of the Dáil still have a role to play in that regard. We should take an interest in what is happening with the health services.

When I come into the Dáil every day I try not to talk just about Tallaght. Tallaght is the place where I live and I am proud of it and of Tallaght hospital which was founded six years ago this June. The hospital was an amalgamation of the Adelaide Hospital, the Meath Hospital and the National Children's Hospital, all of which had served the people of Dublin for hundreds of years. The move to Tallaght was an historic event and many people were involved in the move which some people thought would never happen. The hospital provides a tremendous first-class health care service to a wide community. Not only does it serve Tallaght, but its remit also covers parts of Kildare and Wicklow.

If one was to stand in the reception area of Tallaght hospital, which I sometimes do, one would find people arriving from all over the country. A general hospital in a major population centre such as Tallaght is a major boost. It provides a tremendous service. However, like those of all other hospitals, its accident and emergency department will always be under pressure. That is the nature of the business. We are proud of the number of positive developments which have taken place in Tallaght

in recent times. Across party lines, all the local politicians would say that Tallaght is making a tremendous contribution and I hope people will continue to contribute over the coming weeks.

It appears to be all right for politicians to criticise systems, hospitals and staff etc. for what may be delicately termed electoral advantage. I do not suggest that any of the parties represented in the House at the moment would do that, but it does happen. It is all right to make constructive criticisms. However, I have often visited Tallaght hospital and found staff upset at the criticisms of outsiders which, as in the case of many hospitals, is often unfounded. These staff members carry on with their job of caring for the sick.

I hope there is more interest in this legislation than appears evident but perhaps the lack of interest is because this is a quiet Thursday afternoon. I would be just as happy to be in Tallaght too. This legislation will have a more significant impact than is obvious at present.

I take this opportunity to congratulate the Minister for Health and Children, Deputy Martin, and his Ministers of State. I admire the Minister enormously and do not say that for party reasons. I have often been amused to hear the Opposition criticise Ministers for keeping us informed, for sending out material legitimately and for ensuring facts are available to public representatives. It is amusing that the Minister for Health and Children is criticised in that regard. It proves the Minister and his team are doing their job. The Department, under the Minister's stewardship, should remain focused and understand that any improvements it can make and any benefits that accrue to the hospital care system will be strongly supported in communities in both the Dublin region and throughout the country.

I look forward to development of this debate and to hearing colleagues from different county constituencies speak and tell us about their experiences in light of the Hanly report and the various other reports which have been debated. There is no question but that the health board system has served the country well. I have no difficulty in saying that and I ask the Minister of State to convey that message to the Minister.

Like many other institutions, the health service has evolved and it is now time to move on and examine other ways of structuring it. However, in implementing this legislation the Minister must not take his eye off the ball. It is necessary to ensure that the new system remains accountable, open to change and to constructive suggestions and that it continues to serve the communities it is intended to serve, whether in Tallaght hospital or in other Dublin hospitals. I am sorry to keep mentioning Tallaght, but I pass it every day and it tends to impact on my mind, although I had serious surgery five years ago in the Mater hospital — it often amused colleagues that I had to be taken from Tallaght to the Mater to be saved. However, I was glad the Mater hospital was there.

I hope I have managed to convey my support for this legislation. I am never afraid to mention misgivings I have and I have documented that. However, throughout the time I have been privileged to be a public representative, politicians of all parties and none have served the health board system well. My experience has been in the Dublin region, on the Eastern Health Board, now the Eastern Regional Health Authority, and the fledgling South Western Area Health Board. I will be sorry to see them go and I will be sorry to leave the local authority. I will not say I am sorry I have come to the Dáil because I am not.

I hope the Minister takes the opportunity of congratulating all who have served on our health boards over the past 30 odd years and have given tremendous service. I was saddened the other day by the death of a prominent former member of the Eastern Regional Health Authority, Mr. Martin Miley, from Athy, County Kildare, but also reminded of the dedication of many people over many years.

The Minister should remain focused on what he is doing and should understand that he will get public support as long as good service continues to be provided. That will be the test of this legislation.

Mr. Neville: I welcome the opportunity to speak on this Bill. I am also disappointed because I believe it is a regressive Bill. Having spent 18 years as a local representative, seven of which were on a health board, I am very much aware and convinced of the strong role local government should have in our democratic system. This Bill is an affront to local democracy. When local democracy is attacked, democracy at all levels in the State is attacked because all representation begins at local level. The effect of this Bill will be to eliminate the health boards and provide that the people elected to serve on them should no longer do so. Consequently, the people who use the health board services will no longer have representation or influence on what happens in the health service.

We have heard much talk about the role of politicians on the health boards. Inevitably it is sometimes negative. However, in my experience the role played by local representatives on health boards and by representatives of the various professions has been enormously positive. Members of county councils represent service users and bring to the health boards the views and the difficulties experienced by their electorate. Representatives of professions bring the views of their members. There was a synergy in that both the service providers at the coalface and the service users through their public representatives were represented and a response, sometimes not adequate, was obtained. That will now be eliminated and it is a regressive step.

The Bill has been hailed nationally as a great move. There have been editorials in its favour. However, I disagree with this because if we

[Mr. Neville.]

believe in democracy we should believe it starts at the lowest level. When we joined the EU there was much talk of subsidiarity and other buzzwords of the time. The concept of subsidiarity is a good one. It means that people should be represented at the lowest level. Under the present system the views of the public on the treatment and services provided by the health boards are expressed by local representatives. This is a very important aspect of informing the health authority, the managers and, through them, the service providers. I saw that in action during my time on the health board. It made managers very uncomfortable to be questioned on many aspects of their work by those representing the service users. However, it provided a forum where representatives could put forward people's views of the provision of health services.

When people contact local representatives regarding waiting lists or because they are in pain and are trying to get an appointment with a consultant, about being on a trolley for days or about an elderly patient being discharged from hospital who is not fit to go home and needs alternative services for a period of time, it influences their contribution to the health board and brings a view to the board that it will not now have.

On the other side, it has not been all criticism. In my time we have been very complimentary regarding the services provided and the actions of certain programme managers who did very positive and progressive work. Much progressive work is going on. It is important that those who are influenced by the public and the people who are serviced by health boards are able to bring that view to the health board. That will not now be possible. Managers will decide on the basis of financial considerations rather than on the basis of need, the services that will be provided in accident and emergency departments, the number of beds that will be provided, the level of consultancy and the level of nursing care.

I have here an article from one of the papers which refers to the representation of public representatives on health boards as a codocracy. I was upset when I read it because of the implication that in certain circumstances public representatives want their views published for political advantage. If a public representative makes a genuine statement, what does it matter if it is published? If it is not genuine, the public or the editor of the paper can be the judge of that. In the article it is stated that health boards will soon be abolished and replaced by four executives and that this will not be widely mourned partly because local councillors use them for personal publicity and electoral advantage. What is wrong with publicity? If, at a meeting of the Mid-Western Health Board or Limerick County Council, of which I used to be a member, I raise an issue that is of serious concern to those who elect me, is it not

appropriate that the media should pick up on it? Should people not be made aware of my contribution so that they can judge me on what I bring to meetings at local level? The media's role is to inform people of what is happening so they can judge whether I am engaging in "codocracy" or representing the people.

The newspaper article referred to politicians using their membership of health boards "for electoral advantage". What kind of democracy would we have if politicians stopped being concerned about being re-elected? Is there an expectation that politicians should not be concerned about their re-election? If politicians are concerned about re-election, they will represent those who will judge them at the next election and respond to their needs. If politicians do not consider electoral advantage, they are not responding to the needs of the people.

In any democracy, one must distinguish between political satire, which we all enjoy, and political reality. We can laugh at what happens in places like Ballymagash — we all enjoyed such satirical sketches — but we should not believe that they represent any more than satire. When public representatives attempt to address the needs of people on trolleys, on waiting lists for six or 12 months or looking for nursing home subventions, they are engaging in democracy by representing those who elected them. It is a shame that such an opportunity is being withdrawn from us.

Those of us involved in local democracy should encourage, support and stand up for it. While there was bad and good in what was done, the vast majority of those involved were concerned about issues that were brought to their attention, such as service delivery in the health boards, the performance of hospitals and community care centres or the need for home help. We discuss such issues in the House sometimes. People can respond to programme managers at that level. I agree with other speakers who criticised the programme manager system, which has become a bureaucracy. It has been revealed in recent months that health service officials do not know how many people are working in the programme manager system. They do not know how many people are working in the health boards.

I would like to mention something about which I am quite disappointed. Before this debate took place, the Revised Estimates for the Department of Health and Children were being discussed by the Select Committee on Health and Children. The Minister had made his statement and the Opposition spokespersons had responded. I was anxious to query the Minister on issues of concern to me, especially those relating to the budget for mental health services. The meeting adjourned at 1 p.m. to allow Members to vote on the Twenty-seventh Amendment of the Constitution Bill 2004 and to allow the Minister to introduce this Bill. The discussion of the Estimates has resumed, however, while this

debate is continuing. As Fine Gael's deputy spokesman on health, I am obliged to be here and to contribute to this Bill. I want to do so and I welcome the opportunity to do so. I have been denied the opportunity to question the Minister on the fact that he is prepared to allocate just 6.6% of the health budget to mental health services. He is now taking questions and I hope he will still be doing so at 3.30 p.m., but I doubt it.

When I try to raise the matter next week, the Ceann Comhairle will quote Standing Orders and tell me that there are other ways of doing so. I like to question the Minister when I get the chance. I could do so at a select committee meeting that is taking place this afternoon, but I am obliged by my party, quite rightly, to be here to speak about this Bill. I am denied the opportunity to query the Minister and to hear his comments on the disgraceful allocation he has made to mental health services.

When representatives of the Irish College of Psychiatrists spoke about the health budget at a meeting of the Joint Committee on Health and Children last week, they raised serious issues of concern about the health budget. They reminded us that:

Funding for the mental health service dropped from 11% of the total health budget in 1997 to 6.6% in 2003. The level of increase in funding of psychiatry is the lowest of all the medical specialties . . . Although mental ill health affects one in four of us during our lifetime and causes more disability than lung problems, the development of services is neglected year after year.

The Minister of State, Deputy Kitt, is not in a position to respond to me, but the Minister, Deputy Martin, is taking questions about health at a committee meeting at the moment. I am not in a position to ask him questions, however.

In light of the imminent abolition of the health boards, it is clear that politicians will no longer have the same opportunity to represent the people at board meetings. We will be treated in a different fashion when we make representations. It may be the case that those who write letters in response to public representatives feel that we should not make representations in any event. I am sure Deputies O'Connor and Killeen would defend our right, as public representatives and as Members of this House, to make representations when constituents are concerned about issues. People are often unaware of how to deal with bureaucrats and to raise issues, especially in respect of the health service.

I made representations on behalf of a constituent who contacted me late one night — I will not give the exact time. The woman in question, who was an elderly pensioner, was in extreme pain. She asked me to find out when her

CAT scan would take place. I spoke to her and said that I would make inquiries on her behalf, but when I did so I received a letter from a health board official telling me that if he were to keep me informed of the woman's condition after she had been seen by the hospital consultant, he would be "in breach of Hospital Confidentiality Policy". He went on to say:

This practice, as I say, would be in breach of patient/clinical confidentiality as well as being very time-consuming . . . Again as your recent representations to me are bordering on this practice I must ask you to cease this immediately. If a patient's medical condition deteriorates, since that patient went on a waiting list for a specialist service in our Hospital, a Consultant must receive a letter from the Patient's General Practitioner [I have no problem with that] before the patient's condition will be re-assessed and re-graded by a Consultant. I trust this clarifies the matter.

I showed the letter to a number of my colleagues at the time. I was appalled to be told that I should "immediately" cease trying to find out when a pensioner's CAT scan was to take place. When I decided to submit a parliamentary question, the Minister directed the health board to reply to me. I received a detailed reply telling me that a consultant physician had requested a thorax CAT scan on 6 June 2003 for the woman in question. I was informed that when her case was later discussed at a case conference with a radiologist, it was decided that it was not appropriate to her to have a thorax CAT scan. The letter stated that the woman in question had a chest X-ray on 24 September 2003, the result of which has been made known to the consultant and the woman's GP. When I asked a simple question, the answer to which could have been given to me in two days, I was told that my query was "bordering on this practice" and I was asked to cease "immediately". When I tabled a parliamentary question, I was referred to this reply. This will be the new attitude to public representatives when our representatives can no longer raise these issues on the health boards.

I raised this matter with Mr. Stiofán de Búrca, the board's chief executive officer, who informed me he would consult the freedom of information officer. However, he had no problem when the Minister directed him to do so. Once the health boards are replaced with bureaucracy and managers, public representatives will be ignored. We will be told it is none of our business when inquiring about people in crisis, waiting lists and on behalf of elderly people looking for nursing home subvention.

I am disappointed that the Bill is not being discussed along with the Estimates. Members raised issues on the service itself but I wanted to concentrate on the involvement of public

[Mr. Neville.]
representatives who assist those who may not have the education or wherewithal to access information from the health boards.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Question No. 1 lapsed.

Question No. 2 withdrawn.

An Ceann Comhairle: Is Deputy Cowley available to take Question No. 3? If not, we will move on.

Mr. Durkan: On a point of order, according to the schedule, Question Time is at 3.45 p.m.

An Ceann Comhairle: Under Standing Orders Question Time always begins at 3.30 p.m. until 4.45 p.m. on a Thursday. There was a typing error on the schedule. I understand that Deputy Allen is unavailable and no other Member can take his question. Question No. 2 was withdrawn and there is no Member to take Question No. 3. Question No. 4 has been put down by Deputy Allen which he cannot take. Question No. 5 is in Deputy Morgan's name.

Mr. N. Ahern: If a Member is about to sprint down from his or her office, can we wait for 30 seconds?

Mr. Durkan: Something must be done. I was at another meeting because I presumed that Question Time would start according to the schedule.

An Ceann Comhairle: The bell rang three minutes before Question Time, as it always does. Under Standing Orders, it is always at 3.30 p.m. on a Thursday.

Mr. Durkan: It is the worst of typing errors.

An Ceann Comhairle: One would think that when those Members heard the bell, they would have come to the Chamber. We will go back and take Question No. 5 in the name of Deputy Morgan.

Question No. 3 answered after Question No. 5.

Question No. 4 lapsed.

Local Authority Housing.

5. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government if he will address the findings contained in the recent report of the Central Statistics Office in the 2002 census (details supplied) which shows that the number of local authority housing rented dwellings has declined in every census since 1961 and has hit an all time low of 88,000 or 6.9% of all housing units. [12367/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The recent housing data report published by the Central Statistics Office, based on the replies to individual census returns for the 2002 census, indicated that the number of occupied rented local authority dwellings stood at 88,206 in 2002. This figure does not accord with local authorities' records which confirm that the number of occupied local authority dwellings at the end of 2002 was almost 105,000, compared with almost 103,000 dwellings in 2001.

The change in the proportion of total housing stock represented by local authority dwellings can be attributed to a number of factors, principally the record increases in the numbers of private houses built in recent years and to the success of the various tenant purchase schemes where local authority houses were sold to tenants. For example, in 1993 local authorities and voluntary bodies built or acquired 2,400 units and private housing output amounted to 19,300 units. In 2003, local authorities and voluntary bodies built or acquired 6,150 units and private housing output had increased to 62,650 units giving a total output of 68,800 units. In the past 20 years, more than 55,000 local authority houses were sold to tenants under various tenant purchase schemes.

The Government is conscious of the increased need for social housing and has responded by expanding social and affordable housing output. It is anticipated that total social housing output in 2004 will meet the needs of approximately 13,000 households, taking into account new local authority housing, vacancies arising in existing houses and output under other social housing measures. This compares with approximately 7,000 households in 1993.

Mr. Morgan: The housing problem is now resolved because it was simply that the Central Statistics Office's figures were skewed while the local authorities' figures were correct. There is no problem in housing according to the Minister of State's reply. This seems bizarre. Is the Government not alarmed by the numbers on local authority housing waiting lists and that housing stock has fallen to an all time low? This is a clear indication of the failure of the Government's policy after seven years in office in addressing this issue. Last week's announcement

by the Minister for more funding of social housing is simply an election stunt which will only provide for the construction of 5,000 houses.

An Ceann Comhairle: The Chair facilitated Deputy Morgan by going back to his question. Can he facilitate the House by submitting questions to the Minister of State? The purpose of Question Time is to elicit information from him.

Mr. Morgan: Does the Minister of State consider that last week's promise of 5,000 houses will have any impact on the 48,000 applicants on local authority housing waiting lists? This figure represents more than 130,000 people. This is an indication that the Government has no real intention of providing for the housing needs of these people, many of whom have been on waiting lists for as long as 16 years. The Minister talks about local authorities selling off their housing stock — that is fine as long as they replace it.

Will the Minister of State agree that a number of housing authorities are removing themselves from the whole area of social housing? Dublin City Council has announced it intends to do this within the next ten years, while other local authorities are not announcing it but doing it by stealth. Does the Minister have a view on this? Will he instruct them to deal with the responsibility of providing social housing to the 48,000 applicants, which adds up to more than 130,000 people, on the waiting lists?

Mr. N. Ahern: The number of occupied local authority dwellings has gone up, although not by large amounts. Ten years ago the figure was 93,000; it has gone up each year and now stands at more than 104,000. In a ten-year period there has been an increase in the number of local authority houses of about 10,000. It is now just over the 100,000 mark.

A total of 55,000 tenants have become tenant purchasers over recent years. Many right-wing economists think this is a bad idea. I saw an article to this effect in the newspaper last week. In my own constituency many people bought houses in the late 1980s for £20,000 which are now worth six times that. I believe in the sale scheme. It does much good for communities when people who are working and have a few pounds in their pockets decide to buy their homes. The fact that so many people have done this in recent years is an indication that the economy is doing well and that people have been able to aspire to buying a home. When people buy a house they make a statement that they are putting down roots. This does a lot for the community.

The number of households on the waiting list at the last assessment was 48,000. That equates to 109,000 people — people work out the figures differently. A total of 32% of those households

are single-person households and another 30% or so consist of lone parents with one child. The official figures are 48,000 households and 109,000 people.

Last week I announced the capital figures for local authority spending. This is done every year, sometimes earlier than this. This money is spent annually. It has nothing to do with anything that is coming up. Everybody knows that. The Deputy's comment was a cheap shot. We expect that this year the needs of about 13,000 households out of the 48,000 on the list will be met through the local authority and voluntary housing sectors, the latter of which is growing all the time. Some 1,700 units of accommodation are built in this sector every year. That is a substantial number.

Dublin City Council is considering innovative ways of changing the management style of the housing sector. Many of the housing associations provide better on-the-ground management. We have tried to move away from the time when local authorities built massive estates in green fields with no local management. I am sure we would all support this.

Mr. Morgan: Can I ask a brief supplementary question?

An Ceann Comhairle: Sorry, Deputy, we have gone well over the time allowed for this question.

Tourism Projects.

3. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that an essential all-weather tourism project on Achill Island is being denied funding of €818,123 under the NDP operational programme for tourism due to his and his Department's failure to allow Mayo County Council to underwrite operational losses on the project for a ten-year period; if he will immediately take steps to give sanction to Mayo County Council to allow this essential tourism project to proceed, due to the severe problems in the Achill area, with hotels closing due to the lack of an all-weather tourism product; and if he will make a statement on the matter. [12366/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): The provision of an operational guarantee for any project is a matter for consideration in the first instance by the local authority concerned and my Department has received no approach from Mayo County Council in regard to this project. However, in order to be of assistance, my Department has ascertained that the county council has decided not to provide an operational guarantee for this project. This decision is entirely a matter for the local authority and the question of sanction by my Department has not arisen in this case.

Dr. Cowley: I thank the Minister of State for his answer. I am gutted about this. I know it is not the Minister of State's problem. I really asked the question to find out whether the Minister had any responsibility in this matter because I was not receiving straight answers from the local authority.

I come from the west, from an area that is on its knees. A number of hotels have closed recently because there is no all-weather facility — there is nothing to keep people in the area. This is a project under Fáilte Ireland and the national operational programme for tourism, which could cost €1.38 million. People have gone into the bank and obtained personal loans to give to the group interest-free so they may build this facility. All that was needed was for the local authority to underwrite the project. It is projected to show a profit from year one.

An Ceann Comhairle: Does the Deputy have a question?

Dr. Cowley: How can the local authority justify not backing this project when its profit is projected to rise from €23,314 in the first year to €116,443 by year five? There are questions to be answered by the local authority, particularly the county manager. The project is being developed by a not-for-profit organisation. Local people have got together and formed a company in their own time, putting in €5,000 each. I have personally gone to the bank and obtained a loan at my own expense to give to the company, to be repaid at zero interest when it can do so. The company has €308,000 and somebody else is providing the other half.

An Ceann Comhairle: As I pointed out to Deputy Morgan, the purpose of Question Time is to elicit information from the Minister.

Dr. Cowley: Is there any way the Department of the Environment, Heritage and Local Government can put pressure on the local authority to ensure it does its statutory duty and allows for people to come and stay in Achill even though it is raining? Otherwise they will not stay. We need this all-weather centre. More than €50,000 has been spent in studies to show this is feasible. The project has been going on since 2000. To be refused by the local authority, which is supposed to be encouraging such projects, is a scandal. I hope the Minister of State will investigate this.

Mr. Gallagher: As I pointed out in my reply, no application was received by my Department from Mayo County Council.

Dr. Cowley: It is a scandal.

Mr. Gallagher: The Deputy has acknowledged that the Minister has no role here. The decision to provide operational guarantees for this or any project is a matter, in the first instance, for the local authority without any reference to the Department. The Department has no knowledge of this proposal but when the matter was raised we made some inquiries. We understand the project was approved for a grant by Fáilte Ireland, as Deputy Cowley suggested, subject to the local authority agreeing to underwrite any operational losses the project might incur in ten years. According to Deputy Cowley's information, there are no projected losses at all but a net profit of €23,000 in the first year.

Local authorities generally have concerns about giving operational guarantees to any project that is not under its direct control. The local authority must make decisions with regard to its own policies, financial position and assessment of individual needs. The manager and the council should be the best people to judge this. There has been much focus on the principle of local authorities funding operational losses since the *Jeanie Johnston*. I understand that some time ago in Tralee there was the possibility that staff would need to be laid off because of losses. The Deputy will also recall that around that time, following a report on the *Jeanie Johnston* which was prepared by the former Secretary General of the Department of Finance, Mr. Seán Cromien, and the consultants Mazars, the Department of Finance wrote to every Department explaining that the report was critical of the practice of public bodies seeking and obtaining guarantees from other public bodies as a means of passing off some of the risks inherent in funding decisions.

I empathise with Deputy Cowley. I represented the island to which he referred during my time as an MEP. It has a serious unemployment problem and is very much dependent on tourism. However, this is totally outside my control.

Dr. Cowley: All the local councillors wanted it—

Question No. 4 lapsed.

Question No. 5 taken before Question No. 3.

Recycling Policy.

6. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government his plans for the introduction of deposits on aluminium cans, PET bottles and other such containers to encourage reuse of packaging, which happens in other EU member states and which is recommended in the national anti-litter strategy of July 2000. [12277/04]

Mr. Gallagher: Directive 94/62/EC on packaging and packaging waste is based on the concept of producer responsibility, which

effectively requires producers to contribute to the waste management costs of products which they have placed on the market at end of life. Under the directive, Ireland was required to achieve a 25% recovery rate of packaging waste by 1 July 2001, increasing to a 50% recovery rate by 31 December 2005. Practical implementation of the directive in Ireland is organised mainly through a collective industry-based compliance scheme operated by Repak, which is working successfully and which met the target of 25% packaging waste recycling required under the directive in 2001.

The progress of the scheme is now being further facilitated in a number of ways. As indicated in the recently published Taking Stock and Moving Forward policy statement, copies of which are available in the Oireachtas library, implementation of waste management plans is advancing, assisted by my Department through the environment fund.

Second, the 2003 packaging regulations require those who place packaging on the market to segregate their back door packaging waste and have it collected by authorised operators. Bottles and cans sold and consumed in pubs, clubs and hotels are all covered and must be recycled. The latest indications are that Ireland is on course to meet the higher recovery and recycling targets for end 2005.

Successful deposit and refund schemes operating internationally are generally located in those countries where there has been no break in the continuity and cultural tradition of deposit and refund arrangements. This is not the case in Ireland and it is likely re-establishing deposit and refund arrangements would involve significant costs. Account would also have to be taken of the impact on existing compliance arrangements. Given that these arrangements are achieving the desired result in terms of meeting recycling targets, the introduction of deposit and refund schemes is not under consideration.

Mr. Sargent: Ba mhaith liom buíochas a gabháil leis an Aire Stáit as an freagra. He said there are many reasons not to take up initiatives but we should try to find ways to improve policy and follow best practice. The national anti-litter strategy, Taking Pride in our Environment, dates from July 2000. One of its key recommendations is to address litter pollution through a system of returnable deposits. Is the Minister of State turning his back on the recommendation? Having invested in the report, will he follow through on it? Has he another proposal to reduce waste given that the Government has overseen an increase in waste year on year? Does he agree that, according to best practice in other countries, deposits on returnables works and that it worked in Ireland previously? It should be reintroduced.

Mr. Gallagher: Deposit and refund schemes for used beverage containers operate in a number of countries and the Scandinavian countries feature prominently in this regard within the EU. Sweden has used deposits on cans since 1984 and on PET beverage containers since 1994. Recovery rates in excess of 75% and, in some cases, of more than 90% have been achieved in respect of the beverage containers to which the deposit and refund arrangements apply. The only other EU member state offering a deposit and refund scheme is Germany, which has only recently introduced such a scheme on non-refillable containers that hold carbonated soft drinks and water. However, the scheme has experienced serious operational problems. I accept recommendations were made in the national anti-litter strategy in 2000.

Mr. Sargent: In black and white.

Mr. Gallagher: I accept recommendations were made. A total of €13 million per annum is available through the plastic bag and landfill levies and I have not turned my back on the recommendation completely. However, I must examine the overall context and take into consideration what has happened in Germany, the logistics involved and the problems the retail sector could face.

Mr. Perry: I refer to the contribution to Repak by vested interests in the retail sector. Will the Minister of State outline the scale of Repak's investment? There is a concern at the lack of investment, despite the significant charges that are levied. The responsibility for administering the previous returnables scheme fell to retailers. I agree with the Minister of State that, unless another methodology is employed to administer the scheme, it will be fraught with difficulty. Repak is levying significant charges. Will he explain the scale of its investment and where it is taking place?

Mr. Sargent: Does the Minister of State accept the following recommendation in chapter 3.4.11 of the national anti-litter strategy: "Beverage cans and PET bottles are significant sources of litter pollution, which could be addressed by means of a system of returnable deposits and, because of the danger they involve and their impact as litter, glass bottles should also be considered for inclusion in such a system"? Is he turning his back on the recommendation or will he implement it? Does he accept a similar scheme worked in Ireland previously and countries outside the EU consider it successful in terms of minimising litter and waste overall?

Mr. Gallagher: The Deputy has raised the litter problem resulting from fast food packaging, ATM receipts and chewing gum and the

[Mr. Gallagher.]

economic sanctions that could be taken. A number of recommendations have been made and they are under consideration. My previous reply referred specifically to PET packaging.

With regard to Deputy Perry's question, I do not have the information on investment he requires. However, Repak is playing an important role in recycling. It was established by industry as a voluntary producer responsibility initiative to promote, co-ordinate and finance the collection and recovery of packaging waste, with a view to achieving Ireland's packaging waste recovery and recycling targets specified under the EU directive on packaging waste. Member companies pay annual fees based on the type and volume of packaging material placed on the market and they are used to subsidise the collection of waste from both the household and commercial sectors.

Repak is playing an important role and Ireland is on course to achieve the target set down by the EU of 50% by end December 2005. Repak processes all packaging waste whether it is cardboard, paper or glass, wood fibre or aluminium. We must continue to support it and remind all consumers and businesses that they have a responsibility to the environment. It is not the Government's country but the people's country, and people have that responsibility. We are making major advances, although perhaps not as quickly as we would like.

Mr. Sargent: The level of waste is growing.

Mr. Gallagher: We are victims of our success.

Mr. Sargent: It is failure.

National Spatial Strategy.

7. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the progress that has been made to date on the national spatial strategy objective of balanced regional development; and if he will make a statement on the matter. [8026/04]

Mr. N. Ahern: The Government has put measures in place at national, regional and local levels aimed at achieving the strategy's objective of more balanced regional development through a better spread of economic activity, population and employment growth. At national level, my Department is co-ordinating the process of embedding the national spatial strategy into the programmes of Departments and agencies to ensure that relevant programme support the spatial strategy. An interdepartmental steering group has been established to facilitate this process. In addition, my Department and the Department of Transport have jointly established a spatial strategy integration group to work on spatial strategy implementation from a transport perspective.

At regional level, regional planning guidelines are being prepared by all regional authorities with the objective of having these adopted in all regions by the end of May 2004. At local level, planning authorities are putting in place development frameworks and plans for gateways and hubs to support the achievement of critical mass at these strategic locations. These are already in place in Cork and Galway and are well advanced at other locations.

In adopting the spatial strategy, the Government decided that it would be an important factor in the prioritisation of capital investment, and in the allocation of sectoral investment. Substantial progress is now being made on many major capital investment programmes supporting more balanced regional development, especially in providing key regional linkages under the roads programmes, and measures supporting the development of gateways, hubs and other large urban centres under the public transport and environmental services investment programmes. Infrastructure projects which are of particular significance in this regard include the Dublin-Galway motorway on which work is being prioritised, the Ennis bypass, the Sligo inner relief road and the Mutton Island waste water treatment scheme, which will help to attract major industrial investment to the west.

Arrangements have been made in the case of my Department's expenditure programmes on non-national roads and water services to ensure that projects being proposed for funding take account of and facilitate the implementation of the spatial strategy.

Additional information not given on the floor of the House

The public services Estimates for 2004 and this year's public capital programme confirmed the Government's continuing commitment to investment in the infrastructure needed to support balanced regional development. My Department is compiling a more detailed progress report on the spatial strategy for the steering group for Sustaining Progress and this will be made generally available upon completion.

Mr. Morgan: I welcome the national spatial strategy and its implementation so far. Is it reasonable to expect local authorities to adhere to those guidelines pending the full development of the regional development plans? Would the Minister agree that counties Meath, Kildare and Wicklow in particular appear to be ignoring the general guidelines in terms of the formulation of the regional plans? I drove down the country last week and saw that what used to be a green field now has a housing scheme built on it with no appropriate facilities or infrastructure in place. Can we combat such development?

Mr. N. Ahern: I welcome the Deputy's comments regarding his pleasure at what is happening, but these are still early days. It is meant to be a 20 year strategy and will not happen overnight. Through Departments and agencies, the Government can merely try to direct investment towards the regions to build up the infrastructure. Guidelines are issued as such. When the process is gone through, they are then designated as ministerial directives. There may be a period in which people, while they have the process of consultation, might not fully subscribe to the direction in which we are heading. Once the guidelines become ministerial directives, they all feed into one another at national, regional and local level. We must have joined-up government where all these aspects work and influence one another. The direction will be clear, and it will feed down.

Mr. Perry: Regarding the NDF, the national development funding agency, there is disappointment about the development of public private partnerships. Dr. Somers said today that €200 million is sitting in an account and in respect of which no application has been received. Will the Minister of State explain that difficulty? At the same time, billions are being invested in the foreign exchange, money which could be invested in this country. I am disappointed about that. The national development fund agency, whose role is to develop the spatial strategy, is not getting the work on which the money in the Exchequer should be spent.

Mr. Crawford: Is there any logic in the fact that a spatial strategy was evolved only to be followed by a decentralisation programme? A hub town such as Monaghan got only 15 jobs from decentralisation. Does that make sense? Does one hand know what the other is doing?

The M2 road is under way, which the Ceann Comhairle and I appreciate, but the M3 planned to go through Cavan and on to Belturbet is not on the map. If we are to have the spatial strategy we need that sort of infrastructure.

Mr. N. Ahern: I hear what people are saying, but this is a long-term issue. Funding is being earmarked and prioritised towards projects in the regions. Not every region will be able to access the funds in the first year.

Mr. Perry: There is no application whatever.

Mr. N. Ahern: Some of my own colleagues and constituents might not be quite as committed to it as the Government. There is no doubt about the commitment when one looks at the expenditure priorities. I see the effect at departmental level, in the bilaterals between the my Department and the Department of Finance, whereby the latter wants to see if one is being consistent with the overall Government strategy. It is not simply a case of issuing a report. It is

being rigorously examined in terms of consistency filtering through. It will happen but will take a while.

The Government move on decentralisation fully conformed with the spatial strategy. I hear people suggesting that is not so, but I do not understand that. Six of the hubs identified in the strategy benefited from the new decentralisation programme, and two of the remainder already had decentralised offices. The decentralisation programme is aimed at making a significant and well-planned contribution to the objectives of the spatial strategy. It was not the only factor when they were deciding it. Other factors had to come into play. A number of the hubs, including Cavan and Monaghan, benefited from decentralisation. Tralee and Killarney also did, along with Kilkenny, Wexford and Mallow. Six of the nine got decentralisation benefits, and two already had them. The notion that we went off on a different tangent is mistaken. There were other towns which were not hubs or gateways, which were designated for decentralisation. The term "regional" applies to more than just hubs and gateways. It is a case of other towns within the sphere of the gateway feeding in.

Mr. Crawford: That is so in the east and west, but not in the midlands.

Mr. N. Ahern: I do not know the answer to that. It might be more properly directed to the Minister for Finance. There is a general drive in every Department about directing finance. I will ask to have that matter considered and will contact the Deputy.

Nuclear Plants.

8. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the progress he is making to reduce radioactive discharges from Sellafield to zero. [12292/04]

Mr. Gallagher: The UK Government and other contracting parties to the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic signed up to the OSPAR strategy with regard to radioactive substances, which was adopted in 1998 at the ministerial meeting of the OSPAR Commission.

The objective of the strategy is that by the year 2020, discharges of radioactive substances to the marine environment are reduced by way of progressive and substantial reductions to levels where the additional concentrations in the marine environment above historic levels arising from such discharges are close to zero. The Government is determined to ensure that the OSPAR strategy is fully implemented within the 2020 timeframe.

The OSPAR Commission, at its ministerial meeting which I attended in Bremen in June last year, reviewed the progress towards implementation of the strategy. At that meeting the commission discussed the national plans submitted by

[Mr. Gallagher.]
the contracting parties to the convention for implementing the strategy and concluded that, provided the plans are implemented as forecast, the overall level of discharges will be reduced by 2020.

The commission also adopted the period 1995-2001 as the reference period for establishing the base lines in respect of discharges, concentrations and doses against which progress in implementing the strategy can be measured. The commission agreed, at the 2003 meeting, that given the intermediate nature of the national plans and the need for their refinement and revision over time, it will not be possible at that stage to make a final assessment as to whether the combined effects of the national plans would achieve the objective of the strategy to the extent required by the 2020 timeframe. The meeting agreed, therefore, on the need to determine by 2006 a methodology for assessing progress of the plans towards implementation of the strategy and for updating national plans.

The announcement on 21 April 2004 by the UK Environment Agency and BNFL of the success of the TPP chemical plant trials at Sellafield to reduce discharges of technetium 99, Tc 99, into the sea is a welcome development. Ireland, with a number of the Nordic countries, particularly Norway, had been expressing its serious concerns in the OSPAR forum and directly with the UK Government about Tc 99 discharges. In the OSPAR ministerial statement following the 2003 OSPAR ministerial meeting, the OSPAR Ministers had again noted these concerns and had welcomed the moratorium on Tc 99 discharges pending the outcome of the TPP trials. In welcoming this technical development to reduce discharges, I would expect the new situation to be reflected appropriately in the UK statutory annual discharge authorisation for Tc 99 from Sellafield.

The Government, with like-minded states, in particular Norway, is maintaining the maximum pressure within the OSPAR forum to ensure the objective of the OSPAR strategy is fully delivered and on time. Progress towards implementation of the strategy is also continually raised by Ireland at meetings with the UK, both at ministerial and official level.

Mr. Sargent: The comparison between the statement from the Department for Environment, Food and Rural Affairs in the UK and what the Minister stated is interesting. Obviously there are similarities in terms of the OSPAR strategy on radioactive substances, as mentioned by the Minister, but does he accept that when the UK authorities say they are committed to a reduction of discharges to levels in 2020 that will add negligible amounts to historic concentrations of radioactivity in the marine environment and that those historic concentrations include deliberate discharges during the 1950s of large amounts of plutonium?

It is not satisfactory, therefore, to talk about levels being akin to those concentrations. Has the Minister taken his foot off the pedal in regard to zero discharges and whether the Government is satisfied that the UK position on what it calls negligible amounts is adequate and if that can be compared to a negligible impact on the marine environment and negligible deaths if it comes to radioactivity becoming airborne or coming through the food chain? Does he accept that there is no safe level of radioactivity? Notwithstanding the natural background radiation, does he accept we should not add one iota to the radioactive background, and are zero discharges the objective?

Mr. Gallagher: The Government has been pursuing a policy to close down Sellafield for a considerable length of time. The Deputy will be aware of the case we took under UNCLOS to The Hague last year in respect of Sellafield, and a question was raised by the European Commission about the competence, whether of UNCLOS or the European Court of Justice. That is now being considered by the European Court of Justice. At the same time, as a result of our involvement in The Hague, we are working closely with the UK authorities in preparing reports but I am told it could be next year or shortly after that before a decision is taken in regard to the competence. We believe the competence is of our own and not of the EU, but that matter is to be decided by the courts.

I am anxious to ensure there are no discharges into any sea, particularly the Irish Sea, but as a result of meetings we have held at OSPAR and other venues the Deputy can take it that neither the Minister nor myself will take our foot off the pedal. We have made progress. Last year we met the Minister for Energy, Patricia Hewitt, in London and we are in constant contact with Elliot Morley, and at all meetings I take the opportunity to raise the issue. I have got a good deal of support from the Nordic countries also. It is dangerous to suggest a zero rate but we want a realistic reduction in discharges. I will not seek a back-loaded reduction to 2020 but one that is progressive and substantial from now on.

Mr. Morgan: Will the Minister of State agree that neither he nor I, nor anybody in this country, should believe a word uttered by British Nuclear Fuels because it has told us nothing but lies for generations?

An Ceann Comhairle: The word "lies" is not appropriate, Deputy.

Mr. Morgan: Will he elaborate on the position of the RPII? Will it have a role in the monitoring of the Tc 99 emissions, particularly the TPP process? Will its representatives be invited to the Sellafield site to scrutinise that process and report back to the Minister and the Department and,

through them, the Irish people on the unfolding of that process?

Mr. Gallagher: We are in constant contact at official and ministerial level. Shortly after my appointment I spoke with representatives of the Radiological Protection Institute of Ireland who made a number of visits at that time. I would like much more information but we are within the realms of what we are allowed to do. The Deputy will be aware that the European Commission was very critical of the storage arrangements and the audits that were available to them. I assure him we will be in constant contact with them to try to progress the matter.

Water and Sewerage Schemes.

9. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the progress being made in implementing the waste water directive in light of delays in bringing into operation waste water secondary treatment plants to serve Balbriggan, Skerries, Loughshinny, Rush, Lusk, Donabate and Portrane in Fingal, County Dublin. [12295/04]

Mr. N. Ahern: Excellent progress is being made nationally in the provision of waste water treatment facilities to meet the requirements of the EU urban waste water treatment directive. Since 2000, waste water collection and treatment systems have been completed under my Department's water services investment programme in Dublin, Cork, Limerick and Galway and in the major towns of Dundalk, Drogheda, Wexford, Midleton, Westport and Courtown-Riverchapel.

The recently completed Ringsend wastewater treatment plant in Dublin deals with the waste water treatment requirements of all Dublin city and south Dublin, significant areas of Dún Laoghaire-Rathdown and Fingal, and parts of County Meath. It will produce the single biggest ever improvement in the quality of Irish coastal waters and will restore bathing water standards throughout Dublin Bay.

Other major schemes under construction, or due to start this year, include those at Cork Lower Harbour, Dungarvan, Tramore, Waterford, Sligo and Shanganagh. Schemes for Bundoran and New Ross are expected to commence in 2005, together with the Arklow main drainage scheme, subject to the outcome of legal proceedings relating to the location of the treatment plant in the latter case. Completion of these schemes will provide secondary treatment of waste water discharges from all agglomerations down to a population equivalent of 10,000 as required by the urban wastewater treatment directive.

The Balbriggan-Skerries sewerage scheme, which will also serve Loughshinny, is also due to commence this year. Fingal County Council's tender report on this scheme is under

examination in my Department and will be dealt with as quickly as possible.

It was originally envisaged that two separate sewage treatment plants would be constructed to serve the areas of Rush-Lusk and Portrane-Donabate. Fingal County Council now proposes to construct a single waste water treatment plant in Portrane to serve the four towns, which will obviate the need for a second treatment works and sea out-fall in the Rush-Lusk area. The preliminary report for the Portrane-Donabate element of the scheme, but not as yet for Rush-Lusk, has been submitted to my Department but once they get the remaining paperwork, they will complete the tender works.

Additional information not given on the floor of the House.

My Department will deal as quickly as possible with the overall proposal, which is approved for construction under the water services investment programme.

The urban waste water treatment directive requires specific waste water treatment and/or collection facilities to be in place by 31 December 2005 for discharges from a graduated range of agglomeration thresholds. The current water services investment programme, which covers the years 2003 to 2005, incorporates all the remaining waste water schemes needed for full compliance with the directive. At the beginning of the current national development plan, compliance with the year 2005 requirements of the directive stood at 25%. This had risen to 84% by the end of 2003. Overall, I am satisfied with the rate of progress being achieved in the waste water treatment area in response to our obligations under the directive.

Mr. Sargent: When the Minister talks about the Department considering the Balbriggan, Skerries and Loughshinny scheme, what is the turnaround time for his Department issuing to Fingal County Council the all-clear and the signal to proceed further? Is it being treated as a matter of urgency in light of the large number of complaints against Ireland in the EU? Ireland has the fourth-largest number according to one table after Spain, Germany and Italy.

Is it possible to say that, on planning grounds, the applications coming in thick and fast for Balbriggan, where a tripling of the current population is envisaged over a very short time, would be turned down on the basis of sewage treatment capacity not being in place? Is that a valid reason to turn down an application? Does the Minister not agree that it should be seen as a factor in a planning application if sewage treatment is not in place to withstand the burden on the system? What completion time does he envisage for the treatment plants serving the towns of Balbriggan, Skerries, Loughshinny, Rush, Lusk, Donabate and Portrane?

Mr. N. Ahern: I understand it is being treated as a matter of urgency. There was a change of

[Mr. N. Ahern.]
 plan by Fingal County Council and as I said in the reply, there will now be only one plant. The scheme is being constructed through a public private partnership arrangement using the "design, build and operate" method and will provide wastewater treatment facilities for an initial population equivalent of 30,000, with scope for future expansion to cater for a population of up to 100,000 if it so develops. It is being treated as a matter of urgency. The Department's examination of the tender work will be completed as soon as possible and work should get under way this year and be substantially if not totally complete by the end of 2005. Such things are not built overnight.

Historically, we have not been great, but it is important to say that, at the beginning of the current national development plan period in 2000, our compliance rate with the urban wastewater treatment directive stood at 25%. That rose to 84% at the end of last year. We were coming from a low base, but enormous progress has been made in the last few years. With the completion of other planned works we will be substantially in compliance with the directives.

Mr. Sargent: I take it the Government will still need to add to that population capacity. If the Minister is saying it will cater for 30,000 in Balbriggan and Skerries, and the population of Skerries itself is expected to grow to perhaps 35,000, does he accept he must instruct the council not simply to build a plant that is too small but to put in place one that will allow for the capacity increase? What policy is being followed by the Department in that regard? Will we be sitting here next year talking about the enlarged capacity, having put in place a plant that is already too small?

Mr. N. Ahern: They cater for the equivalent of 30,000 people, with scope for expansion up to 100,000, so they are looking at it from a long-term perspective.

Mr. Sargent: Looking?

Mr. N. Ahern: It is being designed and built so the capacity can easily be increased if required later.

Mr. Sargent: It is required now.

Planning Issues.

10. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on his recently published draft guidelines on rural housing; the way those guidelines will be enforced; and if and when it is intended to place them on a statutory basis. [12221/04]

33. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the concerns

expressed by the Irish Planning Institute regarding the implications of the new draft guidelines on rural housing and particularly the suggestion that they are counter to rational planning and legal precedent; and if he will make a statement on the matter. [12223/04]

145. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when he proposes to introduce primary or secondary legislation to facilitate rural dwellers who wish to live in the countryside; and if he will make a statement on the matter. [12421/04]

Mr. N. Ahern: I propose to take Questions Nos. 10, 33 and 145 together.

In accordance with normal practice, the guidelines for planning authorities on sustainable rural housing have been issued in draft form to give all those interested an opportunity to comment before the guidelines are finalised in statutory form. I intend carefully to consider any suggestions for clarifying or improving the guidelines before they are finalised. Comments are to be submitted to my Department by 30 April.

In view of the importance of the rural housing issue and the fact that there has already been extensive opportunity for public debate, I have requested planning authorities and An Bord Pleanála to have regard to the draft guidelines with effect from the date of their publication. The guidelines are a material consideration both regarding development plans and in the consideration of planning applications. Planning authorities are required to review and vary their development plans, where necessary, to ensure their policies on rural settlement are consistent with the policies set out in the guidelines.

The new guidelines have two main functions. First, to facilitate people who have roots in or links with the rural community, and are part of or contribute to that community, in getting planning permission for their housing proposals, subject to normal planning requirements. Second, in the interest of sustaining population levels, planning authorities are required under the guidelines to ensure that any demand for housing in rural areas suffering from population decline is, subject to good planning practice, accommodated.

The guidelines provide a policy framework setting out in detail how Government policy on rural housing as set out in the national spatial strategy is to be taken forward by local authorities in planning more effectively for rural areas. I am aware of the views expressed by the Irish Planning Institute. However, I reiterate that, regarding rural housing, sustainable development requires an explicit acknowledgement of the role that people living in rural areas have to play in supporting a dynamic rural economy and social structure.

I consider that planning authorities must adopt a positive and proactive approach to dealing with housing in rural areas. The guidelines provide that they should act as facilitators in bringing

together the elected members, officials, farming and community organisations, organisations representing rural dwellers, environmental organisations and the wider public to create a shared view of how rural housing is to be addressed, with a view to building ownership in development plans and their implementation.

Mr. Crawford: I welcome the discussion on rural dwellings. I am not clear that the Minister's proposals will add anything to the present situation. I would like to highlight one case and ask the Minister of State whether he believes it is the way to go. In a very backward rural parish in my own area, a young man has to sign an agreement that he will not allow any more houses to be built on his land. He has allowed one already apart from his own family dwellings. However, another person has nine or ten not far away. Is this the type of regulation that we are to introduce to stop people living in rural Ireland? I warn the Minister of State about this issue.

An Ceann Comhairle: I am sorry, but it is not necessary for the Deputy to warn the Minister of State. One asks a question to elicit information from him.

Mr. Crawford: I am trying to ensure that serious mistakes are not made in the new guidelines since people have great expectations.

An Ceann Comhairle: The Deputy should allow the Minister of State to answer the question. There are other Deputies waiting and the one minute is concluded.

Mr. Crawford: People have great expectations concerning this new proposal by the Taoiseach and the Minister. Will the Minister of State assure people that they will be able to get houses in isolated rural areas where they want to live?

Mr. N. Ahern: That is what the guidelines set out to achieve. It is about trying to bring balance between accommodating rural housing needs and protecting the quality of the environment. However, if a planning application is for a location where the population may be falling it must still be judged and normal standards apply. The intention is quite clear.

Many local authorities seem to do their business in a fair even way. In some local authorities there was a rather harsh interpretation of the rules and the Government wants to move it that notch or two to accommodate people who have roots, who work in and are from an area and who should live there. It is to bring balance because there are many purists on both sides of this argument. It is to get everyone pulling together. In the past the problem has been there were so many people with different views on this issue. We want people to pull together so that they can have a consensual view on the plans for their county or region.

Mr. Morgan: I agree entirely with the comments of Deputy Crawford. Does the Minister accept that most of us in this House have encountered situations similar to that which the Deputy described? I would like to ask if these new guidelines will change the current situation whereby it appears to be much easier to get planning permission for 400 houses in the middle of nowhere than it is for one individual — a long-standing resident of a community — to get permission for a single bungalow or house in his or her own area. Can he bring forward an instrument that would rein in the planners and change that around whereby massive developments are required to have proper infrastructure and to allow residents of long standing to build on their own property in the countryside?

Mr. N. Ahern: Submissions have been invited. The closing date is tomorrow. After that, the Minister will consider them and will issue ministerial planning guidelines under section 28 of the 2000 Act. That provides that planning authorities and An Bord Pleanála must have regard to the provisions of those guidelines when exercising their functions — either laying down individual development plans or when considering planning applications. Once the process becomes an informal ministerial directive, that will permeate through and should bring about the Government objective, to bring more consistency into what was happening throughout the country and to liberalise it that notch or two.

Mr. Perry: Will the Minister of State clarify what discussions have taken place within the notifying bodies, namely, An Taisce, the regional fisheries boards and the six or seven other organisations which have a critical role to play? Will he clarify what the consultations were with An Bord Pleanála? We can notify everyone else, but the key players in the processing of planning applications are the notifying bodies. Has there been consultation in particular with An Taisce which has a critical role in the prevention of development in many parts of rural Ireland?

Mr. N. Ahern: I believe everybody and anybody has been invited to make their submissions.

Mr. Perry: Does that include the critical bodies?

Mr. N. Ahern: I am sure all the critical people are included in that. As to whether individual meetings have taken place with other people, I do not think so. I do not know, but all the submissions will be considered, whatever the normal process is. I am not fully up to speed on that issue. Once the guidelines have ministerial effect they have to be obeyed by everyone, down through the chain. That is the way it will operate.

Mr. Perry: Is that for every county?

Mr. N. Ahern: That is the way it is, and not just at any one level. People must take note of them and give effect to them at development plan stage and also with each individual application. Good planning standards and guidelines will always apply. It does not mean that because someone is putting in an application from a severely depopulated area that he or she is on a winner. The application must be duly sensitive to the landscape and normal planning guidelines. Everything must be examined and, if possible, local authorities should act as drivers of this initiative, so that if people want to build holiday homes, for example, they should be encouraged to cluster. The local authorities should encourage this. It is not an all or nothing situation.

Mr. Perry: I have a final question as regards county development plans where the responsibility will rest with new local authority members elected after 11 June. How critical will their role be under the directive to be announced by the Minister? Will they have a critical role in formulating the plan in their own area?

Mr. N. Ahern: That would depend on what stage the plan is at. Some local authorities might be more advanced than others. However, whether they are new or old councillors, they will have to take account of ministerial directives.

Mr. Crawford: Will the Minister of State assure the House that the Minister, when he issues the directive, will ensure that people are treated equally? I refer to the situation I raised earlier where somebody, building his own home who has already sold one site, must sign a pledge not to do any more, whereas someone else a few miles away has already got nine and applied for two more. We cannot have one law for one person and another for someone else.

I urge the Government to have a full discussion with An Taisce because it is creating the most problems in rural Ireland. There is no point in the Minister issuing guidelines etc. if An Taisce can ultimately overrule them.

Mr. N. Ahern: There is supposed to be one law for all of us. Planning is dealt with at local level. What the Government and the Minister do is lay down the basic framework. The guidelines are supposed to influence everyone down the line at national spatial strategy, regional planning and development plan levels, and each individual planning application. That should work out. There will always be cases such as that referred to by the Deputy. It is up to people to raise these matters for public scrutiny. However, ministerial guidelines must be taken on board and everyone should be treated equally, subject to normal good planning.

Electronic Voting.

11. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the total expenditure, including VAT, incurred to date on equipment, software and training for electronic voting; the total estimated cost including VAT of the proposed system; the total estimated cost, including VAT, of the proposed computerised electronic counting system; the total estimated cost including VAT of the publicity campaign to promote electronic voting; the reason for the decision to purchase 300 additional voting machines in January 2004; and if he will make a statement on the matter. [12188/04]

45. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the basis on which an official of his Department wrote to the Department of Finance justifying the purchase of additional voting machines in which they said that there were strong indications that there may be a further ballot paper at the June 2004 polls; the information on which his official was acting; if he, as Minister, was privy to the information; and if he will make a statement on the matter. [12189/04]

Mr. Gallagher: I propose to take Questions Nos. 11 and 45 together.

Some €45 million has been advanced to date by the Department of Finance to returning officers to meet expenditure on the cost of system hardware and other election expenses, including training. The estimated cost of the system software for the June polls is €467,000. The estimated cost of the equipment and software is €46.4 million, including VAT. The voter education and awareness campaign is estimated to cost €5 million, including VAT, of which €1.125 million has been advanced to date. This programme will also include approximately €1 million on promoting awareness of the polls in June and to encourage the electorate to vote.

An additional 300 voting machines were ordered on 14 January 2004 based on the likelihood, following previous experience, that there could be multiple polls beyond those already envisaged on 11 June 2004, and the need to ensure a strategic reserve of machines available for use by returning officers having regard to estimated demands.

This is the first major investment in the electoral system for many years. Substantial savings will arise over the life of the equipment on the printing of ballot papers and reduced staffing requirements at counts. In addition, there will be savings from more streamlined pre-poll and post-poll arrangements. While future cost savings are an important factor, they are not the only rationale for introducing the system which is intended to make it easier for electors to vote, to eliminate spoilt votes, except if they arise in the postal and special voter categories, to improve the accuracy of vote counting and to provide more efficiency in electoral administration.

Electronic voting and counting is a welcome modernisation of our electoral process. It reflects a broader process of modernisation in our public services and an expectation that democratic processes should keep pace with other progressive developments in our society.

Mr. Perry: How much was spent on the roadshow and what allocation was spent through the county registrars? In County Sligo it will appear in only two towns for a very short while. It is welcome but should tour with more equity and fairness through the county. Does the Minister of State agree that as machines have been delivered to each county, the county registrar should bring the machines to each town and village and put them in public areas prior to the election to show the electorate how they work?

Mr. Gallagher: The voter education awareness campaign is estimated to cost €5 million, including VAT. Deputy Perry's view was raised several times yesterday on Committee Stage of the Electoral (Amendment) Bill and it was felt that the machines possibly were not available in many towns. I said that I would report that to the relevant officials in the franchise section. The Deputy is right that the machines are available in every county and I hope they would be available in all the local authority offices. Although the offices are not situated in every town and village people visit them frequently. The awareness campaign for electronic voting in the 2002 election in Dublin West, Dublin North and Meath was smaller than the present one. The same applied to the seven constituencies which had electronic voting for referendum on the Treaty of Nice. The survey conducted afterwards on our behalf recorded voter satisfaction of 87%.

Mr. Sargent: Was that a percentage of those who voted?

Mr. Gallagher: Apprehension and fear of the unknown is understandable but while I will not say they are as easy to use as 1,2,3 or be facetious, anyone who has seen the machines knows that they are easy to use. We are trying to familiarise as many people as possible with them through the awareness campaign. I will take the Deputy's views on board.

Mr. Perry: What level of the €4.5 million has been distributed to each of the county registrars in the country? Could the Minister of State also indicate the level of the indemnity given to the supplier of the contract with regard to its obligations? If there is any possibility of litigation who takes the total risk?

Mr. Morgan: Does the Minister of State agree that the proposal for electronic voting has been a very expensive fiasco from the outset and that an opportunity has been lost to introduce a proper electronic voting system for the electorate? Does

he further agree that it will be very difficult to recover confidence from the public in a system that many of us believe is unsafe and unreliable?

Mr. Sargent: I do not wish to pre-empt the work of the commission that will report on this matter but will the Minister of State take into account the fact of life, whatever about 1,2,3, that in towns such as Balbriggan, which has a town council, there will be 1,2,3,4 votes: the referendum, European elections, county council and town council elections? Can he ensure that the roadshow would give due recognition to that and ensure that people who must vote in four different electoral processes are familiar with the system? This would prevent the formation of queues given that this is the first time we have used electronic voting over four processes.

Mr. Gallagher: I am not aware of how much money was allocated to each county registrar. It is not part of the question and I do not have the breakdown of figures. If one works through international accredited institutes, such as the PTB, there is no problem about indemnity. However, the independent commission established to verify the secrecy and accuracy of the vote requested the Government to provide the necessary indemnification. That indemnification cannot be provided until the Bill is enacted and it may not be required. I am not sure, this is hypothetical until the report is made available. The Government has indemnified the commission and its agents. I do not wish to stray into the area of the source code and the PTB because I do not want to infringe on the commission's work.

Electronic voting is not a waste of money. There is confidence in it among the public. The only place where there is no confidence is among the Opposition. The people want electronic voting and I have every confidence in the intelligence of the voter and that it will work extremely well.

Mr. F. McGrath: We will see on 11 June.

Mr. Morgan: The people voted for Fianna Fáil in the last election.

Mr. Gallagher: Dublin West, Dublin North and Meath are a microcosm of the rest of the country. It worked well there and it will work on 11 June.

We have considered the question of multiple votes. It may well be that where there are town council votes, if the list exceeds 18 we will need another space. That is part of the reason for bringing in extra machines. The machines should be available where there are local authority offices, as in Balbriggan, and I will bring that to the attention of those who are responsible for the awareness campaign.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

Acting Chairman (Dr. Woods): 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 Finian McGrath — the case of three Irish citizens (details supplied) in Colombia and the need to get them home safely; (2) Deputy Gregory — the measures the Government is taking to impress on the Colombian authorities the need for the safe and speedy repatriation of the three Irish citizens following their trial verdict; (3) Deputy Ó Snodaigh — the urgent need for the Minister for Enterprise, Trade and Employment to reverse the cutback by FÁS in contributions towards child care costs which participants on the Back to Education scheme were receiving; (4) Deputy Crowe — the need for the Minister for Foreign Affairs to act immediately to ensure the safe release from incarceration of three people (details supplied) in Colombia; (5) Deputy Durkan — the proposed closure of TB and respiratory services at Peamount Hospital, Newcastle, County Dublin, with consequent risk to patients in the catchment area; (6) Deputy Sargent — the need for a definite timetable and plan to be put in place to provide a water and sewerage system to the people of Carraroe in Connemara; and (7) Deputy English — the pending closure of the Bradán day programme this week which was founded by the Aisling Group (Nationwide) based at Navan.

The matters raised by Deputies Finian McGrath, Gregory, Crowe and English have been selected for discussion.

Adjournment Debate.

Colombia Three.

Mr. F. McGrath: I thank the Ceann Comhairle's office for granting our request to have the Adjournment debate on the case of the three Irish citizens, Niall Connolly, Martin McCauley and Jim Monaghan, in Colombia and the urgent need to get them home safely. This request is to ensure that the three men, the Bring Them Home campaign team, and their lawyers are all looked after and above all to ensure that they return safely to their families. I urge the Taoiseach, the Minister for Foreign Affairs, the Minister of State, Deputy Kitt, and the Department to intervene to give this the final push to get them out of Colombia and safely home. I appreciate that the Department of Foreign Affairs was very supportive of the families and international observers. I witnessed that at first hand and thank them for it but we need a final push to resolve this issue.

I challenge the inflammatory and prejudicial interventions of elements of the media, US and British politicians and sadly of some Members of

this House. Their attacks on the men, their families and the international observers were disgraceful. It was a sad day for human rights activists. History will record their shame and lack of integrity on this issue. I wish to bury some of the myths surrounding the case of the "Colombia Three". They were arrested illegally in El Dorado Airport, Bogota, on 11 August 2001. Niall Connolly, Jim Monaghan and Martin McCauley were held without charge for six months in constant fear for their lives. They were charged in January 2002 with the use of false documentation and training the Revolutionary Armed Forces of Colombia, FARC.

Their trial began in 2002 and concluded in August 2003. A delegation of international observers, which included lawyers, politicians and human rights activists from Ireland, the US and Australia attended each hearing of the trial in Bogota and a hearing of the commission in the city of Medellin in the north of Colombia. I had the honour and privilege of acting as an observer on that team. We discovered some major inconsistencies in the prosecution's case. There were flaws in the forensic evidence, interference in the case by senior political and military figures in Colombia and fabricated evidence by key prosecution witnesses.

During a visit to the three men, who have been held in six different prisons in varying degrees of danger, observers were informed by senior prison officials that the Colombian authorities could not guarantee their safety in the country. We also heard from the men their reasons for visiting Colombia, the manner of their illegal arrest and the detention and horrific conditions they were forced to endure since their arrest in 2001.

The men explained their reasons for refusing to attend the trial hearings until the concluding stages in July 2003. In their address to the court in July 2003, they stated that their presence in Colombia was in support of the now stalled peace process in that country. They spent a number of weeks in the demilitarised zone in the south-east of Colombia which has also been visited by many international delegations, including senior politicians, diplomats and business people, as well as human rights and political activists from Europe and the US. They stated that their possession of documentation with assumed identities reflected nothing more than a desire to travel unhindered. This is a minor offence punishable by deportation under Colombian law.

Political, military and intelligence forces seeking to undermine the peace process in this country have used this case. Observers found that no evidence was presented at the trial which proved the prosecution case that the men were engaged in illegal training of FARC guerrillas.

The evidence of prosecution witnesses who claimed to have seen the men at various times in Colombia between 1991 and 2001 was refuted under cross-examination. Alibis, including video evidence, was presented which showed the men

could not have been in Colombia at the times alleged.

Observers found the men were kept in dangerous conditions and that there is no safe place of detention for them in Colombia. We also noted the threats to their defence lawyers and visiting families. Members of the observer delegation were subjected to harassment and direct intimidation by the Colombian authorities.

These are the facts of the case. I answered all the questions raised by many people. I urge the Taoiseach and the Minister for Foreign Affairs and his Department to use all in their power to get these men safely home and to ensure that the Bring Them Home campaign team can come back safely to Ireland as quickly as possible.

Mr. Gregory: I also wish to raise the urgent matter of the three Irish citizens, Jim Monaghan, Martin McCauley and Niall Connolly, who were cleared of all charges related to terrorism in Colombia. I acknowledge the efforts of the Minister for Foreign Affairs, Deputy Cowen, and his departmental officials, on behalf of these three Irish citizens. The Minister's role played a significant part in bringing about a successful outcome to their trial.

As a member of the Oireachtas Joint Committee on Foreign Affairs, I was particularly disappointed that my repeated requests to send a delegation to the trial were not acceded to by that committee. However, I thank the Chairman of that committee, Deputy Woods, who, by coincidence, is in the chair today, and the majority of committee members, for their support, particularly when the Colombian Vice-President, Mr. Santos, addressed the committee a few weeks ago. He was left in no doubt that committee members and other speakers were extremely concerned, especially at the military and political interference in the course of the trial during which senior army commanders and Government figures publicly declared that the men were guilty. The committee made it clear to him that we expected the men to receive due process and that the verdict should be based on the evidence presented and on nothing else. We also pointed out that these men are EU citizens and that it would not be in Colombia's interests to have a miscarriage of justice involving citizens of the European Union. All this helped ensure that the trial verdict was not interfered with and that every effort was made to provide for the men's safety and security.

The issue of safety is now predominant. I hope the Government and others will do everything to ensure this matter is fully addressed. Relatives and friends of the three men tell us that the Colombian authorities have not so far given adequate security guarantees. A comprehensive security plan has been requested but has not been forthcoming. An offer of two security guards on the men's hotel when they are released is inadequate and unacceptable given the reality of paramilitary activity in Colombia. Clearly what is

required is that the men be released and allowed to leave the country immediately. Otherwise their lives will be in constant danger.

The Colombian Attorney General has declared his intention to lodge an appeal against the verdict. Can the men leave Colombia while the appeal process is under way? I understand this is legally possible within the Colombian system. I accept the Department of Foreign Affairs is assisting in these matters. A bond has been arranged to pay €17,000 required for the men's release on a refundable basis. However, these negotiations may well be hampered at this critical time by the absence of any Irish diplomatic representation in Bogota other than the honorary consul.

Given that context, I ask the Minister to clarify the following issues. What is the up-to-date position regarding the men's release on payment of the €17,000? What security arrangements will the Colombian authorities put in place to protect the men on their release while they remain in Bogota? Most importantly, what communications have taken place with the Colombian Government? Has direct contact taken place between the Minister for Foreign Affairs or the Taoiseach, as there has been in the past, and the office of the President or Vice-President since the verdict on Monday to seek the urgent repatriation of the men immediately following their release? This appears to be the only way to ensure their safety?

These men have been found innocent of any crime, other than the minor offence of using false passports, yet their lives are now in constant danger. This situation requires the intervention of the Government, and the Minister for Foreign Affairs or the Taoiseach. The decision to release the men from the country will be taken at Government level in Colombia. It is important that the Government makes contact with the President or Vice-President of Colombia to ensure the immediate repatriation of these men.

Mr. Crowe: As previous speakers said, the concern in this case is the safety of the men and that of the campaign activists who are over in Colombia. We are all worried about their safety. They have talked to representatives of the UN, the Red Cross, the Ombudsman's office and human rights activists, and the common agreement is that nowhere is safe in Colombia for these three Irish men.

Attempts were made to kill these men when they were in jail and their lives were under threat in the past. Due to the high profile nature of their case, their lives are in serious danger. I believe that view would be shared by all parties in this House.

The bottom line is that we want these men to be sent home. Nowhere is safe in Colombia. I have experience of that. I visited the country on a number of occasions. I observed the security around the trial and around our hotel. I went to

5 o'clock

[Mr. Crowe.]

the shops one day and a man had been killed on the street. The scariest part of that incident was that there was no mention in the newspapers or on television the following day of that man having been killed.

Everyone accepts that because of the high profile nature of this case, these men need to be sent home. That is the key point. I talked to Catriona Ruane a short while ago and that is the reason I was late arriving for this debate. She has had a series of meetings on this matter in recent days but today she had a meeting with senior political, military and judicial authorities. They seem to be attempting to put some comprehensive security package together, but the reality is that one cannot put a security package together because there is nowhere safe in that country. If one was to stay in the UN compound or in the offices of the Red Cross, one would not be safe. Catriona Ruane has been asked by the men's lawyers to put forward a statement to the judge outlining the safety concerns and the things that have happened not only to the men but also to the observers.

We need only cast our minds back to the attempts of the Colombia authorities to intimidate even the observers. A Member of the European Parliament was stopped outside his hotel by a member of the security force personnel. People's passports were torn up by people within the security system.

The bottom line is that the men must come home. Some of their family members are in the Visitors Gallery. They were under the impression that the men were coming home, that they would be safe and that the farce of the trial process was over, but as long as they are in Colombia there is a concern that their lives are in danger. That is a concern that should be shared by the Irish Government and by parties in this House. All pressure must apply to ensure their safety. Irrespective of one's politics in this House, everyone wants to see these three Irish men sent home safely. Can the Minister of State outline what measures the Government can assure those family members in the Visitors Gallery that their men, husbands, brothers, and fathers will come home safely?

Minister of State at the Department of Foreign Affairs (Mr. Kitt): I would like to respond to the three motions before the House from Deputies McGrath, Gregory and Crowe on the subject of the outcome of the trial of the three Irish men in Colombia. Niall Connolly, Martin McCauley and James Monaghan were arrested in Bogotá airport by military police on 11 August 2001 and subsequently charged with two offences: providing training for terrorist activities and travelling on false documents.

During the period of the men's detention, both the Minister for Foreign Affairs and the Taoiseach worked actively to assure the men's safety and to ensure that they received a fair trial,

as was acknowledged by all the Deputies. The Minister met his Colombian counterpart to discuss this case on three occasions, and the Taoiseach also raised the case with his counterpart, former President Pastrana, and wrote to the current head of state, Alvaro Uribe. Most recently, Vice-President Santos met both the Taoiseach and the Tánaiste during his recent visit to Dublin. In response to our representations, the Colombian Government consistently stressed its adherence to the principle of the presumption of innocence and the independence of its judiciary from the executive branch.

The men's trial commenced in October 2002 and the final public session ended in August of last year. The Irish ambassador to Mexico, who is also accredited to Colombia, acted as the official observer of the Minister for Foreign Affairs at the trial sessions. The hearings were also attended by a number of other observers, including several members of the Oireachtas, as we know.

The judge's verdict in the case was delivered on Monday last. He made his decision having considered evidence presented to him both publicly, during the seven trial sessions, and privately in written form. All three men were acquitted on the major charge of training terrorists, and convicted of the lesser charge of travelling on false passports, for which they received sentences varying in length between 26 and 44 months' imprisonment. We welcome the conclusion of this long trial, not only for the men but also for their families and supporters who have borne the strain of their detention for such a long time. I hope that the men will soon be reunited with their families.

This case has received a considerable level of consular assistance from the Department of Foreign Affairs, and I am personally aware of their work. I should perhaps clarify the role of the Department in the provision of consular assistance. The principal concern from the beginning of this case has been to ensure the safety and security of the men. To this end, we have made numerous representations to the Colombian authorities on various consular aspects of the men's detention. We have sought to ensure that the men have had appropriate access to their legal advisers and to visits from their families and supporters. We have facilitated in every way that we could such visits from family and friends.

Our embassy in Mexico, which is also accredited to Colombia, has assisted family members and observers in arranging visits to the men and meetings with Colombian ministers. We have also interceded with the Colombian authorities on several occasions to support the men's wish to remain in La Modelo prison in Bogotá.

We have stressed to the Colombian authorities the importance of ensuring that the men receive a fair trial in accordance with Colombian law. That they were acquitted on the charge of

training terrorists, despite a number of public statements by senior figures in Colombia to the effect that they were guilty of this offence, vindicates the approach taken by the Irish Government in this case.

The judgment provides for the men to be released on fulfilment of certain conditions under what the Colombian legal system terms "conditional freedom". One of these conditions is that they are required to pay a bond, which will be repaid by the court at the end of their sentence. We understand that this bond, which amounts to 50 times the annual minimum wage in Colombia for each of the three men, comes to approximately €17,000 in total.

To minimise any delay and at the request of the men's defence team, the Department of Foreign Affairs has indicated its willingness to advance funds to cover this cost on the basis of a firm undertaking to repay this sum. This system of advancing funds to Irish citizens abroad, on condition that it is repaid, is a normal feature of the consular service provided by the Department of Foreign Affairs where people are unable to access their own funds easily.

In addition to their release from prison, the judge has the power to permit the men to return to Ireland after they have paid this bond. We await confirmation from the men's legal representatives that the bond has been paid and that the formal request for the men's return to Ireland has been submitted to the judge.

I understand that the men's representatives are in discussion with the Colombian authorities as to appropriate security arrangements, including accommodation, on their release from prison. We hope that these issues can be resolved as a matter of urgency and the Department of Foreign Affairs remains available to assist in any appropriate way that it can in this matter.

We understand also that the Colombian Attorney General has indicated his intention to appeal the judgment, to which I think Deputy Crowe referred, and has called for the men to be kept in Colombia pending the appeal. However, it is not yet clear if he will lodge such an application.

As from the outset of the case, the Department of Foreign Affairs' major concern remains the safety of the three men. Since the judgment was delivered, our embassy in Mexico, which is also accredited to Colombia, has been in direct and continual contact with the Colombian foreign ministry and the Vice-President's office, as well as with the Dutch ambassador in Bogotá, who is acting on our behalf in this matter, the Irish honorary consul, and the men's supporters and families.

In all our contacts, we have strongly emphasised the importance of ensuring the men's safety and that of their supporters and facilitating their quick return to Ireland. From our contacts, the Colombian authorities have made it clear that they share our concerns to ensure the safety and well-being of the men, and are willing to provide

them with appropriate protection for any time they may spend between leaving the prison and returning to Ireland. In our view, the Colombian authorities are best placed to advise on the most appropriate security measures to take in consultation with the men's representatives. Naturally, we share the men's desire to see their release from prison and subsequent return to Ireland as soon as possible. In the meantime, we will remain in close contact with the Colombian authorities, the men's representatives and their families.

I express my appreciation for the interest that many Members have taken in this case. It has been long and complicated and has attracted considerable public interest and attention. The House may rest assured that, as from the beginning, the Department of Foreign Affairs will provide all possible consular assistance to the men, their families and supporters and will do its utmost to assure the men's safety and well-being.

Drug Treatment Programme.

Mr. English: I thank the Ceann Comhairle's office for the opportunity to raise this important matter. As I speak, the Aisling group's Bradán day programme is closing down. It is the only voluntarily run drugs support and prevention group in the north-east. I understand that it is the only such group of its kind for treating addicts in the country. For the want of a few measly euro, it will be obliged to close its doors at 5.30 p.m. or 6 p.m. All that is required is a grant of approximately €50,000. In recent years the centre has depended on a grant from the local health board which has varied from €45,000 to €50,000 to €55,000. The group could do with €150,000 to enable it to provide a better service but such funding will not be provided. All it needs to keep its doors open is €50,000.

It will be disgraceful if the centre is allowed to close. Everyone in the House is anti-drugs and it is very easy to say so. However, we must back up such statements with action and funding. The Aisling group has taken such action. It receives over 500 hundred telephone calls each year and it treats approximately 70 or 80 addicts in its counselling programmes. It has cured that number of people for each of the past four years at a mere cost of €50,000.

Many of the people cured by the programme have returned to education or gone back to work. They have stated that if it was not for the Aisling group they would be dead. Many would be in prison or in juvenile centres. What would be the costs involved if that was the case? The minimum amount it would cost for each individual would be €50,000 and the maximum would be €250,000. I am only asking for one grant of €50,000 to be paid through the North Eastern Health Board. I hope the Minister of State will not say that this is a matter for the health board to provide the funding. On a *per capita* basis, the health board has a shortfall of between €50 million to €60 million in its funding. It receives the lowest

[Mr. English.]

amount of funding of all health boards throughout the country. There is no point in stating that this is the health board's problem, it is one with which the Government must deal.

There are drug strategies for various areas throughout the country and it is planned to spend €13 million in Dublin, Cork and Bray. However, the north-east region, which, as recognised by the Minister of State, Deputy Noel Ahern, has the second highest rate of drug abuse in the country, will receive no money. The excuse given is that the regional strategy group has not reported. That group was two years late in establishing its operations and it will be reporting towards the end of the year or early next year with its plans. However, the fact that those plans are not ready does not excuse the failure to grant €50,000 to €100,000 which is proven to do excellent work.

I know many of the young people, some women but mainly men, who have been cured by the Aisling group. It is a joy to talk to and work with these individuals who also help others. They are not addicted to methadone and are completely off drugs. The day programme teaches them how to return to living and coping with their lives. It is one thing to come off drugs, but one must then try to survive for the next number of years.

The Aisling group, through the Bradán programme, is doing an excellent job, on a mainly voluntary basis and at a minimum cost to the State. We have a duty of care to do what we can to ensure that it remains open. It will be a great shame and it will be wrong if it is obliged to close. Many old age pensioners in various counties have been abused by drug misusers and they have been tied up, beaten and robbed. There are many more who live in fear of being robbed by people on drugs as well as others. However, it is recognised that the drug problem is causing fear among ordinary decent citizens. It is not acceptable to say that we cannot donate €50,000 to €100,000 to a project to help solve this problem. I accept that the group cannot cure everybody but it is the only voluntary group which is actively working hard in this area. It would be madness, it would be wrong and it would be a shame if we told it to close its doors. If the centre closes, Members would no longer be able to claim to be anti-drugs. The centre is doing excellent work and we cannot turn our backs on it.

I could speak at length about the money that is being saved etc. There is no point in doing so because it is clear what the centre is doing. We must provide it with assistance. The people who have left the centre have either returned to work or full-time education and are again making headway in their lives. We need more of that and I ask that the Department do what it can to keep the centre open.

Mr. Kitt: I thank the Deputy for raising this matter, the importance of which I appreciate as a result of his contribution. As he is aware, the

provision of drug treatment services is the statutory responsibility of the health boards. However, the Minister for Health and Children has been advised by the North Eastern Health Board that the Bradán day programme, which is a day care facility run by the Aisling group, provides a valuable service for drug users in the region and the health board wishes to continue working with this organisation. The Minister is further advised by the North Eastern Health Board that it has been funding Bradán House for a number of years. In 2002 Bradán House received €27,000 from the North Eastern Health Board, while it received €35,000 in 2003.

The North Eastern Health Board has informed the Minister that since the middle of last year negotiations have been ongoing with the Bradán day programme in respect of developing a service level agreement for referral of drug free clients from the North Eastern Health Board addiction service to the Bradán day programme and also the after-care programme. Last October, the Bradán day programme was informed that, due to a number of concerns that the health board addiction service had, the board would fund clients that had been referred from the health board service on a per client basis.

Mr. English: Which is nil.

Mr. Kitt: This is based on the premise that the services offered by the Bradán programme would enhance those of the North Eastern Health Board and not replicate what was already being provided. The board has engaged in discussions with the Bradán day programme to establish a practical and agreeable protocol of referral which will eliminate duplication and provide value for money. The board believes that this protocol of referral may indeed result in a greater number of clients being referred to the Bradán day programme because there will now be clarity with regard to the services that are being provided. This will enhance the services of the health board and meet the needs of the wider community of the north-east.

The overall objective of the Government's strategy regarding drug misuse is to significantly reduce the harm caused to individuals and society by the misuse of drugs through a concerted focus on supply reduction, prevention, treatment and research. In respect of treatment, the objective is to provide a range of options to encourage and enable drug misusers to avail of treatment with the aim of reducing dependency and improving overall health and social well-being. Voluntary organisations such as the Bradán day programme form part of the delivery of the strategy aims and their important contribution is acknowledged by all concerned, including health boards.

I again thank the Deputy for raising this issue. The Minister will be made aware of the points he has made.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 4 May 2004.

Written Answers

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 11, inclusive, answered orally.

House Prices.

12. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government the measures that are being planned by the Government to tackle ongoing house price increases; and if he will make a statement on the matter. [12266/04]

19. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the average cost of a new house in Dublin, a secondhand house in Dublin; a new house outside of Dublin and a secondhand house outside of Dublin in 1997, the latest year for which figures are available; the plans he has to ensure availability of affordable housing, in view of the recent surveys showing that house prices are continuing to rise; his estimate of the likely increase in house prices during 2004; and if he will make a statement on the matter. [12195/04]

30. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government the percentage increase in house prices from 1997 to date; if he is concerned regarding the impact of these increases on the ability of persons within this State to secure housing; and if he will make a statement on the matter. [12311/04]

48. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government his views on the increasing fear regarding the development of a bubble or over valuation in the housing market in this State. [12308/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 12, 19, 30 and 48 together.

The unprecedented demand for housing, fuelled mainly by rapid economic growth and demographic changes, has been the major driver of house price increases in recent years. The Government's strategy is to increase housing supply to meet demand and to improve affordability, particularly for first time buyers, and in this way to seek to bring moderation to house price increases. The measures introduced by this Government to boost supply, including significant investment in infrastructure, improving planning capacity and promoting

increased residential densities, are having effect. The year 2003 was the ninth record year for house completions, with 68,819 units completed, an increase in output of 19.3% on 2002 and an increase of 10.5% in output in the greater Dublin area during the same period. Ireland is building at the fastest rate in Europe — 17 houses per 1,000 population — which is an outstanding achievement.

While the rate of house price increases is still problematic, this has moderated considerably since the late 1990s when price increases peaked at 40% per annum in 1998. Detailed information on house prices are set out in my Department's housing statistics bulletin, copies of which are available in the Oireachtas Library. A number of market commentators, including the Central Bank, are now predicting greater balance in the housing market over the next few years, as increased supply has a restraining effect on house prices. Indicative data available to the Department shows that first time buyers continue to have a significant presence in the housing market.

The Government will continue to focus on measures to maintain a high level of housing supply. The investment in the servicing of land has led to a strong stock of land available for residential development. At the same time, the Government is concerned to ensure that the broad spectrum of housing needs is met. Almost €5.17 billion has been spent in the first four years of the national development plan on social and affordable housing measures, over 7% ahead of the forecast for that period, reflecting the strong commitment of the Government to continue to meet the needs of low income groups and those with social and special housing needs. The housing needs of over 13,600 households were met in 2003 compared to almost 8,500 in 1998, which is the highest level of housing provision under the full range of social and affordable housing measures for over 15 years.

The Government is committed to continuing with measures to boost the supply of housing and ensuring that the demand for housing is met in a sustainable manner. It will continue to monitor and review housing developments and policies as necessary.

Social and Affordable Housing.

13. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the number of houses completed as a result of the promise given by him under the programme for Sustaining Progress that 10,000 social and affordable houses would be constructed. [12185/04]

60. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the progress which has been made

[Aengus Ó Snodaigh.]
to date with regard to the 10,000 houses promised as part of Sustaining Progress; and if he will make a statement on the matter. [12327/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 13 and 60 together.

The affordable housing initiative under the Sustaining Progress partnership agreement is designed to meet the needs of persons currently priced out of the housing market. In response, the Government has committed to an ambitious scale of delivery of affordable housing through this initiative and the provisions of Part V of the Planning and Development Act 2000, as amended. In 2003, 88 affordable units were delivered under Part V and last Monday the Taoiseach turned the sod on the site at Finglas Road marking the commencement of the first affordable housing initiative project on State or local authority lands. The project, which consists of more than 150 affordable residential units, senior citizen units, private residential units, a medical centre, a crèche facility and a hotel building, is real evidence that the initiative is being progressed as a priority by the Government.

This project is a significant milestone in delivering the initiative and adds to the considerable progress made so far, one year after signing the Sustaining Progress agreement. First, the identification of sites for the initiative last July and December has been a critical step in ensuring early mobilisation of affordable housing for the initiative. There are now 24 individual projects on the lands identified to date for the initiative. Together with affordable housing coming through Part V arrangements, the sites so far identified have the potential to deliver 6,100 housing units. The fact that these sites are being released by both local authorities and a range of other State authorities indicates the broad commitment at Government level to facilitate the earliest delivery of housing at affordable prices.

Second, working with the parties to the pay agreement, we have developed a delivery model which builds upon the existing expertise of local authorities, while at the same time ensuring that there is no impact on general Government finances, as this is one of the parameters set by the agreement. The housing will, therefore, be delivered through arrangements between local authorities and the private sector. Third, we have agreed, in principle, eligibility criteria with the parties to the pay agreement subject to further discussions on the detail.

The time scale for delivery and the precise number of units to be delivered on each site is being determined in planning the projects. There are 24 projects involved and they vary in terms of key site characteristics such as zoning status and

servicing. Allowance must also be factored in for the procurement of specific developers to deliver the projects through competitive tendering and for obtaining planning permission. These processes, while involving a time element, are necessary to ensure the effective delivery of housing and the creation of housing in good quality environments. We will, of course, parallel activities as necessary to ensure early delivery of units.

The contact group on the affordable housing initiative, which is chaired by the Department of the Taoiseach and comprises representatives of my Department, the Department of Finance and the Central Statistics Office, plays an important role in ensuring the effective implementation of the initiative. Its work includes overseeing the effective and early implementation of the projects already identified, addressing any policy issues arising in implementing the initiative within the parameters of the agreement and continuing with the process of identifying State lands for use in the initiative. Furthermore, an implementation team within my Department and project managers at local level are all working to ensure the success of the initiative.

Considerable work has been done to date on the initiative, the fruits of which will emerge during this year and into the future as projects are brought to the market, and further work on implementing the initiative is progressing as a priority. This, I believe, is firm evidence of the Government's determination to make measurable progress in the implementation of the initiative. We will also work to ensure that the output from all affordable housing schemes is maximised while ensuring the continuation of measures to maintain the overall supply of new houses.

Local Authority Housing.

14. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the total number of persons on local authority housing lists at the latest date for which figures are available; the way in which this figure compares with the corresponding figure for the equivalent dates in each of the previous five years; the total number of local authority dwellings completed or acquired in 2002 and 2003, and the anticipated number for 2004; and if he will make a statement on the matter. [12196/04]

69. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the way in which he proposes to resolve the increasingly serious housing problem, with particular reference to meeting the accommodation needs of the 60,000 families on housing waiting lists in various local authorities throughout the country, some of whom have been

on such lists for ten years or more; and if he will make a statement on the matter. [12314/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 14 and 69 together.

The results of the statutory assessment of local authority housing need, which was undertaken by local authorities in March 2002, indicated that a total of 48,413 households were in need of housing, compared with 39,176 households in March 1999. Detailed information on the results of the 2002 assessment was published in my Department's September 2002 quarterly edition of the housing statistics bulletin, copies of which are available in the Oireachtas Library.

Local authorities completed or acquired 5,074 units in 2002, 4,972 units in 2003 and at this stage it is estimated completions or acquisitions will be approximately at the same level in 2004.

Information published as part of the last assessment of local authority housing need undertaken at the end of March 2002 indicates that approximately 60% of households assessed as in need of local authority housing were on the local authority waiting list for less than two years. It is, however, the case that some applicants for local authority housing are on waiting lists for longer periods on the basis that their housing need has a relative lower priority compared with the needs of households that have been allocated housing. The relative priority of households on the local authority waiting lists is determined in accordance with the authorities' scheme of letting priorities, the making of which is a function reserved to the elected members.

The Government has been conscious of the increased level of social housing need and has responded actively to this situation by expanding social and affordable housing output. It is anticipated, for example, that total social housing output this year, taking account of new local authority housing, vacancies arising in existing houses and output under other social housing measures, will meet the needs of approximately 13,000 households. This compares with 7,000 households in 1993.

Decentralisation Programme.

15. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government the work undertaken to date by the internal implementation team within his Department dealing with decentralisation; if sites for decentralisation have been agreed; if the team has undertaken or plans to undertake a survey to establish the number of persons employed in his Department and in boards or agencies operating under the aegis of his Department who are willing to move to the new locations announced by the Minister for Finance in his budget speech; and if he will make a statement on the matter. [12194/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher):

The internal implementation team in my Department is co-operating actively with the decentralisation implementation group, the Department of Finance and the Office of Public Works on the decentralisation programme announced in budget 2004. The Department's implementation team is committed to developing innovative approaches to information management, communications and logistics so as to maintain and improve the quality of service to be delivered under decentralised arrangements and to minimise disruption. A detailed implementation plan is being prepared, in accordance with the recommendations of the report of the decentralisation implementation group, covering all aspects of the decentralisation process for my Department. It is intended to finalise this plan by the end of May 2004. The team is also facilitating full and timely communication with staff of the Department on the progress of the decentralisation programme, through the Department's partnership committee and otherwise.

The Office of Public Works is responsible for the selection of suitable sites for Departments' offices and is currently consulting my Department on the property aspects of the decentralisation programme. The provision of high quality office accommodation will be a primary consideration in the selection of a property in all locations.

My Department considered that a survey of its staff would most valuably be undertaken when greater clarification on detailed arrangements was available following, *inter alia*, publication of the Flynn report on 31 March 2004. In accordance with the report's recommendations, the Department of Finance is developing an integrated transfer system or central applications facility which will allow people to apply for transfer to decentralised locations and rank their preferences for different locations. This system will begin to be deployed in May 2004 and will enable my Department determine interest in transferring to its designated south eastern locations.

Traveller Accommodation.

16. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the progress which has been made to date on the implementation of Traveller accommodation programmes. [12328/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):

Under their five year Traveller accommodation programmes, local authorities provide accommodation for Travellers in Traveller specific accommodation, such as group houses and halting site bays, and in standard local authority houses. Local authorities also assist Travellers in providing their own accommodation

[Mr. N. Ahern.]

through the shared ownership and tenant purchase schemes and the special Traveller house purchase grant. Local authorities also refurbish existing accommodation to modern standards.

In the first four years of the accommodation programmes, 2000 to 2003, local authorities provided or assisted in the provision of permanent accommodation for an additional 1,369 Traveller families. This includes an additional 487 families in Traveller specific accommodation, 681 families in standard local authority accommodation and 201 families in accommodation provided by Travellers with the assistance of local authorities. A further 236 units of permanent Traveller specific accommodation were refurbished to modern standards and 228 units of temporary or emergency accommodation were also provided.

Funding provided by my Department amounted to just under €95 million for new and refurbished Traveller specific accommodation in the years 2000 to 2003. A further €40 million has been provided in my Department's Vote for this purpose in 2004. This is in addition to expenditure on standard local authority houses, provided under my Department's local authority housing programme, allocated to Traveller families.

Since the commencement of the programmes, the number of Traveller families on unauthorised sites reduced from 1,207 families at the end of 1999 to 788 families at the end of 2003. This reduction of 419 families constitutes a significant and consistent reduction since the programmes started and I expect it will continue in the final year of the programmes.

Nuclear Plants.

17. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the latest information available to his Department on the progress made with the vitrification of the highly active liquid waste stored at the Sellafield complex; when it is estimated that the process will be completed; and if he will make a statement on the matter. [12243/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): The vitrification plant at Sellafield, which came into operation in 1991 with two vitrification lines, encapsulates the liquid high level radioactive waste held in storage tanks at Sellafield into glass blocks. This is a more stable form for storage and reduces the risk of leakages and subsequent radioactive contamination of the environment. As a result of technical problems with the vitrification plant, throughput performance has been well below that expected. A third vitrification line, aimed at increasing vitrification capacity, is currently at the final stages of commissioning and is scheduled to commence operations by the end of June 2004.

In January 2001, BNFL was directed by the UK Health and Safety Executive's nuclear installations inspectorate to reduce, by way of vitrification, the amount of liquid waste in the storage tanks to a small buffer stock volume by July 2015. The Radiological Protection Institute of Ireland, RPII, has been advised by the UK nuclear installations inspectorate that despite the ongoing problems with the existing vitrification lines, the July 2015 target date is achievable. The RPII has asked the NII to keep the RPII regularly updated on progress with vitrification.

The RPII and the Irish Government are concerned about the continuing storage of this highly active waste in liquid form in tanks at Sellafield and have been pressing, and will continue to press, the UK authorities to accelerate the rate of vitrification. This liquid waste arises from the reprocessing operations at Sellafield. As such, the need for vitrification will ultimately cease when the production of the liquid waste also ceases. The Government will, therefore, continue to use available avenues, both diplomatic and legal, to bring about an end to reprocessing operations at Sellafield.

Case Against BNFL.

18. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government the latest position regarding this country's international legal case in connection with the Sellafield nuclear plant; and if he will make a statement on the matter. [12239/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I refer to the reply to Question No. 54 of 4 March 2004.

A reply has been lodged with the European Court of Justice by the European Commission in its case against Ireland under Articles 10 and 292 EC and Articles 192 and 193 EURATOM, Case C-459/03, in accordance with the schedule of the court.

The provisional measures award and orders of the UNCLOS tribunal of 24 June 2003 and 14 November 2003 recommended that Ireland and the UK enter into dialogue to improve co-operation and consultation between the two Governments and report to the tribunal on specified dates. A further report to the tribunal is due to be made by 31 May 2004. While these discussions are ongoing, they remain confidential to the parties and to the tribunal, pending outcomes. It is my intention to report on any initiatives arising from this process in due course.

Question No. 19 answered with Question No. 12.

Local Authority Housing.

20. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the additional provision he intends to make from within resources available to his Department

within 2004 for the provision of accommodation for lone parents and other persons on low incomes, particularly in view of the decision by the Minister for Social and Family Affairs to impose severe restrictions in eligibility for rent supplement and her views that the housing needs of such persons should be met by local authorities; if he will confirm that his Department received only one day's notice of the intentions of the Department of Social and Family Affairs; and if he will make a statement on the matter.
[12229/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Lone parents and persons on low income who are unable to provide housing for themselves from their own resources are entitled to apply for social housing which is provided by either a local authority or a voluntary housing body. The Government's positive commitment to the social housing programme is shown in the increased provision for social and affordable housing in 2004. The total housing provision, Exchequer and non-Exchequer, in 2004 of €1.884 billion represents an increase of 5.4% on the 2003 provision.

The increase in the housing provision will allow for 5,000 starts under the main local authority programme, an increase of 500 above 2003 levels, and a further 500 commencements under area regeneration programmes in 2004. In addition, the voluntary and co-operative housing sector will provide some 1,800 units of accommodation in 2004. Many of the housing units being provided by local authorities and voluntary and co-operative bodies in 2004 will be let to lone parents and persons on low incomes.

The regulations made by the Minister for Social and Family Affairs regarding changes in the SWA rent supplement scheme provide a number of exemptions. These are also reflected in guidelines issued by her Department to health boards regarding implementation of the new rules. My Department has advised housing authorities about the changes. The Minister for Social and Family Affairs gave specific assurance about the recent changes in the rent supplement scheme. She indicated, for example, that people who have particular problems and difficulties will be cared for, including people who are at risk of becoming homeless and other vulnerable people. In addition to the specific exemptions in the regulations, health boards have wide discretionary power to award rent supplement where the circumstances warrant payment. Accordingly, the question of additional provision in this context does not arise.

The regulations providing for the changes to the rent supplement scheme were made on 18 December 2003. The Minister for Social and Family Affairs informed me on 12 November of the proposal to introduce changes in this area in

the context of the 2004 Estimates. During the intervening period there was a considerable amount of interaction between the two Departments, particularly on the need for adequate safeguards and exemptions to ensure that people with genuine needs would not be adversely affected and to monitor closely the effects of the changes. These matters have been reflected in the regulations and guidelines.

Greenhouse Gas Emissions.

21. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the reason the Government decided to attach a use it or lose it clause to the emissions trading certificates that power generation companies will receive under the new European emissions trading arrangements; and if he is concerned that this clause will encourage power generation companies to maintain older power plants which have high CO₂ emissions in operation.
[10301/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): Under the national allocation plan, NAP, for emissions trading in the period 2005 — 2007, withholding the issue of allowances in respect of future years to companies that close will apply in respect of closures and potential closures in the two years 2005 and 2006 only, with the Exchequer benefiting from the auction of any such allowances. All elements of the emissions trading scheme and its impacts will be subject to an evaluation prior to the finalisation by June 2006 of the NAP for the Kyoto period 2008-2012.

The provision for a clawback of the free allocation of allowances to installations that close is part of the overall NAP which forms a balanced package between competitiveness and environmental protection and which is an important "learning by doing" element prior to a more rigorous allocation necessary for achieving our Kyoto target. I am satisfied that the overall balance will encourage greater efficiency and cleaner production of electricity and, therefore, a reduced greenhouse gas intensity in its production.

Planning Issues.

22. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he intends reviewing the position of An Taisce under the Planning Acts; if he intends to provide sufficient funding for the organisation to carry out its remit adequately under the Planning Acts; and if he will make a statement on the matter.
[12279/04]

24. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if he is considering change in the role of An Taisce as a prescribed body under the Planning Acts;

[Mr. Quinn.]
and if he will make a statement on the matter.
[12224/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 22 and 24 together.

Section 33 of the Planning and Development Act 2000 provides that regulations regarding applications for permission may be made requiring, *inter alia*, that planning authorities must notify prescribed bodies of the receipt of certain classes of development. Article 28 of the Planning and Development Regulations 2001 lists the bodies prescribed for this purpose. An Taisce is given notice of planning applications only in circumstances where it appears to the planning authority that the proposed development might impact on matters such as areas of special amenity, protected structures, national monuments and nature conservation. The current list of bodies prescribed for the purposes of planning applications is kept under review.

An Taisce is an independent voluntary body whose financing, through membership subscriptions and otherwise, is properly a matter for itself. In 2001, my Department agreed to pay An Taisce an annual grant of €69,836 for the three year period 2001-2003 to assist it in its role as a prescribed body under planning legislation. There was no commitment to a continuation of this funding and there is no provision in my Department's Vote to provide similar funding in 2004.

My Department provides grant aid to An Taisce under a number of initiatives, namely administration expenses of the blue flag scheme in Ireland — €75,156 in 2003; an An Taisce led anti-litter initiative national spring clean — €250,000 in 2003; local agenda 21 from the environmental partnership fund — €6,875 in 2003 and core funding of €1,000 in 2003. In addition, An Taisce was given financial assistance of €500 in 2003 towards anti-litter advertising.

23. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the latest position regarding the threat by the EU Commission to take legal action arising from the decision of the Government to introduce a €20 charge for making a submission on a planning application; and if he will make a statement on the matter. [12217/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): On 23 January 2003, the European Commission issued Ireland with a reasoned opinion to the effect that the €20 fee for the making of a submission on a planning application which requires environmental impact assessment is contrary to the public participation provisions of Directive 85/337/EEC on environmental impact assessment, EIA. A reply, responding to each of the points raised in the

reasoned opinion and issued to the European Commission on 16 May 2003, set out our contention that the imposition of a €20 participation fee is not in conflict with the provisions of the directive.

On 22 July 2003, the European Commission issued a press release in which it stated its intention to refer the case to the European Court of Justice. No official communication has been received from the Commission to date. I have no proposal to amend the relevant regulations, which reflect an approach endorsed by the Oireachtas in the context of the Planning and Development Act 2000.

Question No. 24 answered with Question No. 22.

Archaeological Sites.

25. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government his plans to raise awareness about the value and importance of Ireland's archaeological heritage; his further plans to prevent damage and destruction of archaeological sites; and if he will make a statement on the matter. [12315/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): My Department operates a number of initiatives to assist in raising awareness of the archaeological heritage. Approximately 120,000 monuments receive protection as part of the record of monuments and places, RMP. The RMP is available for public viewing on a county by county basis. As part of its current work programme, my Department has started to update the RMP and to consider making it available on CD-ROM and via the Internet. My Department is also responsible for the Archaeological Survey of Ireland, ASI, which produces an inventory of all known monuments on a rolling basis. Surveys in 14 counties have been published in book format.

My Department is considering using the tool of the Internet to make its resources on the archaeological heritage available to a wider audience. Along with the RMP and the ASI inventories, the making available by Internet access of site excavation reports held by my Department is also being considered. In the meanwhile, my Department provides funding for an annual publication summarising all excavations in the country. Funding is also provided so that this information can be available on the *excavations.ie* website. The Department's archaeological archive, which contains the original RMP fieldwork files and copies of reports submitted on foot of archaeological licences, is available to the public.

The focus of awareness with the farming community is through Teagasc. My staff give talks to farmers who are participating in the rural environment protection scheme. The Department has also published a booklet, "Good Farming

Practice and Archaeology”, which will be distributed through Teagasc offices. The Department is actively engaging with the development sector to ensure that archaeological issues are considered at the earliest stage in the development process and, to this end, I have agreed codes of practice for the protection of the archaeological heritage with a number of development bodies such as the National Roads Authority, Bord Gáis, the Irish Concrete Federation, Coillte and the ESB national grid. These codes are published and are available publicly. Furthermore, staff of my Department regularly give their time to make presentations to local historical groups and societies.

Overall, I am happy that good progress is being made to raise awareness of our archaeological heritage and I hope to build on this to generate further awareness. On the issue of damage to archaeological sites, there is evidence to show that this is low and reducing. I believe also that a revision and consolidation of the National Monuments Acts, which is now in hand, will strengthen protection.

Nuclear Safety.

26. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the role the Radiological Protection Institute of Ireland will play in monitoring emissions from Sellafield, specifically with regard to the new TPP process to be used at Sellafield; if the RPII has been fully briefed on the TPP process; if the RPII will visit Sellafield to inspect the process; and if he will make a statement on the matter. [12310/04]

54. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if he will give his views of the recent announcement of new practices by British Nuclear Fuels aimed at reducing, by about 90%, discharges into the Irish Sea; if he will raise with the British authorities the need for international monitoring to ensure that this commitment is honoured; and if he will make a statement on the matter. [12242/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I propose to take Questions Nos. 26 and 54 together.

The new TPP process, a chemical treatment which removes up to 97% of the technetium-99 from one of the waste streams at Sellafield, is something I welcome as the first step towards zero radioactive discharges from Sellafield into the Irish Sea. In so far as international monitoring is concerned, these discharges fall *inter alia* under the reporting and monitoring requirements of the OSPAR strategy with regard to radioactive substances.

I am informed by the Radiological Protection Institute of Ireland, RPII, that the RPII's extensive marine monitoring programme readily detects technetium-99 and a range of other

radionuclides discharged by Sellafield in seawater and seaweed from coastal locations and in a number of fish and shellfish species from commercial landings. The reduction in technetium-99 discharges from Sellafield will also reduce concentrations in the Irish Sea, but the transit time of about six months to Ireland's east coast means that this effect is unlikely to be observed until 2005.

Over the past six months the RPII has been in regular contact with the UK Environment Agency and has been briefed on a number of occasions on the outcome of the TPP trials. The RPII will be further strengthening its relationship with the Environment Agency and will also maintain its existing monitoring programme to ensure that the reductions that have been promised do, in fact, materialise.

Access to Sellafield by Irish experts has been sought by the Irish Government on an ongoing basis and I have raised this matter directly with relevant UK Ministers, most recently in my meeting with a number of UK Ministers in December last. Further access for the RPII to Sellafield is also one of a number of issues that have been raised in the context of discussions with the UK following the provisional measures award of the UNCLOS Annex VII tribunal of 24 June 2003. These discussions are ongoing and are confidential to the tribunal and the parties pending outcomes to the process. However, under the terms of the order, there is an obligation on both parties to improve co-operation and co-ordination arrangements and discussions are continuing on this basis.

In welcoming this technical development to reduce discharges, I expect this new situation to be reflected appropriately in the UK statutory annual discharge authorisation for technetium-99 from Sellafield.

Greenhouse Gas Emissions.

27. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to concerns expressed by the ESRI that the Government's recently announced proposals to reduce greenhouse gas emissions was self defeating because it rewarded dirty firms and encouraged them to stay in business; his response to the concerns raised by the ESRI; and if he will make a statement on the matter. [12215/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I am satisfied that the Government has appropriately implemented the terms of Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the community and amending Council Directive 96/61/EC. This directive includes a requirement that at least 95% of the allowances being made available to installations are to be allocated free of charge.

[Mr. Gallagher.]

Within these limits, the national allocation plan provides that 0.75% of allowances will initially be auctioned by the Environmental Protection Agency. The agency will also auction any unissued allowances from the new entrants' reserve — 1.5% of allowances are being made available for this category — and from unissued allowances in respect of closed installations. These additional auctions will be subject to the overall requirement of the directive that not more than 5% be charged for and any allowances that cannot be auctioned will be cancelled.

I am satisfied that an appropriate balance under the terms of the directive has been achieved in Ireland and that emissions trading creates a market value on greenhouse gas emissions allowances that will internalise the environmental cost of emissions and set a powerful incentive for industry to become cleaner, with companies having to identify and implement emissions reductions measures at or below the prevailing market price. The ESRI concerns referred to in the question are essentially addressed to the provision of the EU emissions trading directive rather than to the method of implementing this by the Irish authorities.

Development Contribution Schemes.

28. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to efforts by the local authority in County Donegal to adopt controversial development contributions that could add thousands of euro to school building costs; the action he intends to take to remove schools from being subject to these levies; and if he will make a statement on the matter. [9790/04]

70. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the warning from the Construction Industry Federation that new homes across the country will rise in price by thousands of euro due to the development levy; his views on the projections made by the CIF; his plans to assist those on lower incomes to cope with the higher house prices arising from the levy; and if he will make a statement on the matter. [12197/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 28 and 70 together.

Development contributions are attached as conditions of planning permission by local authorities in accordance with schemes adopted democratically by them. While the development contribution system was reformed in the Planning and Development Act 2000, planning authorities have been levying contributions since the enactment of the 1963 Planning Act.

In a circular letter issued on 27 June 2003, planning authorities were advised that while it is expected that the planning authority should ensure that developers make an appropriate contribution towards the costs of public infrastructure and facilities, care should be taken to avoid development contributions that are excessively high. Authorities were also advised that a scheme can allow for a reduced contribution or no contribution in certain circumstances, for example, for particular types of community infrastructure, shops and so forth, in areas in need of regeneration, in brown field areas or for charitable developments. However, it is ultimately a matter for the elected members of each planning authority to determine the level of contribution for their own functional areas and the classes of development to which contributions will apply, having regard to the actual cost of providing infrastructure in that area.

It is not anticipated that the contributions levied will unduly affect the price of houses. The major driver of house price increases in recent years has been the demand for housing, fuelled by rapid economic growth and demographic changes. The Government has responded to this unprecedented demand by focusing on measures to boost supply as the most appropriate way to bring moderation to the rate of house price increases. The key component of this strategy is ensuring a supply of serviced land for housing which the development contribution system helps fund.

Waste Disposal.

29. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government if he will introduce legislation to ban incineration. [12312/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): National and EU policy both recognise that thermal treatment, with energy recovery, licensed to the highest environmental standards, has a role to play as one element within the integrated approach to waste management, based on the internationally recognised waste hierarchy. The operation of such facilities in Ireland is subject to rigorous licensing by the Environmental Protection Agency under the Waste Management Acts 1996 to 2003, taking account of the requirements of the EU incineration directive which has been transposed into Irish law. Accordingly, I have no plans to introduce a ban of the kind mentioned.

Question No. 30 answered with Question No. 12.

Environmental Policy.

31. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the plans he has to ensure that the TEN-T guidelines that threaten Nature 2000 sites here

and in the extended EU are rejected and strong environmental provisions are incorporated in the guidelines. [12300/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I am informed by the Department of Transport that the European Parliament has approved the proposed EU guidelines for the development of trans European networks in the transport sector, thus enabling their formal adoption this week before the enlargement of the Union.

The guidelines fully recognise the importance of respecting the protection of the environment in planning and developing projects, *inter alia*, through use of environmental impact assessments and observance of the requirements of the habitats directive. These concerns are already appropriately incorporated into Irish law and practice.

Waste Management.

32. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the progress made to date in regard to his consideration of the report of the Health Research Board study commissioned by his Department into the likely effects of landfill and thermal treatment; the specific steps he intends to take to deal with the finding in the report that Ireland has insufficient resources to carry out adequate risk assessments for proposed waste management facilities; and if he will make a statement on the matter. [12213/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I refer to the reply to Question No. 834 of 27 April 2004.

Question No. 33 answered with Question No. 10.

Environmental Policy.

34. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government his plans to encourage food processors and poultry and pig farmers to reduce the levels of pollution, as listed in the European pollution emission register; and if he will make a statement on the matter. [9165/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): The Irish food processing, pig and poultry facilities in question are listed in the European pollutant emissions register, EPER, by virtue of the fact that they hold integrated pollution control, IPC, licences from the Environmental Protection Agency, EPA, in accordance with the Environmental Protection Agency Act 1992. The inclusion of these facilities in the EPER demonstrates the progress already made in Ireland with the licensing of activities with significant polluting potential.

IPC licensing is a modern and sophisticated system with an emphasis on pollution prevention techniques, including cleaner technologies and waste minimisation. EPA monitors compliance with licence conditions and, in carrying out this task or on request, may provide advice and assistance to licence holders on any aspect of their operations.

The Protection of the Environment Act 2003 provides for the revision of the IPC licensing system to bring it fully into line with the requirements of Council Directive 96/61/EC concerning integrated pollution prevention and control. I will commence shortly the remaining provisions of the Act. This will, *inter alia*, extend licensing requirements to additional activities in the sectors referred to in the question and require EPA to review each existing licence to ensure compliance with the directive by its relevant target date in 2007.

Housing Aid for the Elderly.

35. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government if he will obtain adequate funding for the special housing aid for the elderly scheme; and if he will make a statement on the matter. [10854/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): In recognition of the valuable work being done, funding for this scheme has been maintained at a high level with a provision of €11.6 million for 2004. This will enable health boards to continue a high level of activity. An initial allocation of €11 million for the operation of the scheme in 2004 has been notified to the health boards. The remaining €0.6 million of the funding provided for 2004, based on activity within the health board areas, will be allocated to the boards later in the year.

Funding for this scheme is provided through the national lottery and there is no further funding available for 2004.

Archaeological Sites.

36. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if he will list all excavation licences issued to a company (details supplied) indicating the locations at which and when the excavation took place; its purpose; and if a statutory report has been lodged, if this report may be inspected. [11595/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): Excavation licences are issued to individual archaeologists and no licences have been issued to the company referred to by the Deputy. In addition, my Department cannot find any record of an excavation licence issued to an archaeologist working on behalf of the named company.

Service Charges.

37. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the rising cost of water supply for schools across the country in general and the campaign being launched by parents against these charges in Killarney specifically; the efforts he will make to ensure that local authorities do not levy the same charges on schools as on businesses in their areas; and if he will make a statement on the matter. [9796/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government's national water services pricing policy framework requires local authorities to recover the cost of providing water services from the users of these services, with the exception of households using the services for domestic purposes. It is a matter for each local authority to set the appropriate level of charges for non-domestic users of water services. While my Department does not collect information on individual charges, the policy framework provides only for the recovery of actual costs and charges should be determined having regard to this principle.

At present, local authority water services charges and the process used for calculating non-domestic costs vary. Local authorities are, in accordance with Government policy, moving to a more uniform system for determining and applying these charges. In this regard, the policy framework requires full recovery of the cost of providing water services to the non-domestic sector by means of a meter based volumetric charge. The framework does not provide for the exemption of any non-domestic users, including those engaged in the provision of educational services, from the charging policy. The policy is being progressively implemented in the period to 2006 and is in accordance with an appropriate application of the polluter pays principle and the requirements of Article 9 of the EU water framework directive.

Proposed Legislation.

38. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the main provisions of the proposed national infrastructure Bill; if the heads of the Bill have yet been brought before Government and approved; when the Bill is likely to be published and brought before the House; if it is intended that incinerators will fall within the remit of the national infrastructure board; and if he will make a statement on the matter. [12216/04]

67. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if the proposed national infrastructure board Bill will make provision for the fast tracking of incinerators; if so, the impact this will have on planning applications already

submitted for incinerators; and if he will make a statement on the matter. [12309/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I propose to take Questions Nos. 38 and 67 together.

The preparation of draft legislative proposals to streamline the consent process for major infrastructure projects is at an advanced stage. I will seek priority for the drafting of the legislation, once approved by the Government, to ensure the Bill is published at the earliest opportunity this year.

In advance of the Government making a decision on these proposals, it would be inappropriate to elaborate on their details, including details on the types of national infrastructure that might be included in the proposed legislation. In general terms, however, it is intended to reduce the time required for obtaining development consent for necessary major public projects and to co-ordinate and streamline the different procedures now involved, while respecting the requirements of environment and heritage protection and the need for adequate public consultation.

Election Management System.

39. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government if he has completed his consideration of the implications of the judgment of the Supreme Court given on 29 November 2002 in regard to the possible implications for legislation governing the European and Presidential elections; if amendments to the legislation are planned; and if he will make a statement on the matter. [12193/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): Section 32 of the Electoral (Amendment) Bill 2004 deals with expenditure limits for presidential elections in light of the judgment referred to. With regard to European elections, the judgment has already deemed paragraphs 2(a) and 2(c) of the Schedule to the Electoral Act 1997 to be invalid having regard to the provisions of the Constitution; further legislative provision is not considered essential at this stage.

Local Government Reform.

40. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the plans he has to reform local government here; the further plans to enhance the role of locally elected representatives; and if he will make a statement on the matter. [12553/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Recent years have seen a major local government modernisation programme with constitutional recognition and guaranteed local

elections; record levels of funding; strengthened political and management structures; an updated legal framework as well as an efficiency agenda focused on improved corporate planning, IT, human resources and customer service. Updated financial management systems, facilitating better financial management and planning, have also been introduced and a new initiative to improve service standards with an extended range of performance indicators and independent verification was launched recently. A major independent study to identify future funding requirements and options for local government is also under way.

Local authorities have a lead role and wider sphere of influence in the county or city development board system aimed at a more integrated approach to economic, social and cultural development and it has recently been strengthened. The role of the locally elected representative has been strengthened by the elimination of the dual mandate by legislation last year; the improved financial support framework for members; better training/information opportunities; the development of the partnership model via the strategic policy committees and the local authority role in promoting the CDB system.

It is my aim, over the lifetime of the Government, to build on progress to date and to carry forward a significant change agenda which allows for proper democratic input, with an enhanced role for the elected council, secure funding and improved performance.

Planning Issues.

41. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the progress made to date in the review of the retail planning guidelines relating to the floor space cap on retail warehouses; when he expects that the process will be completed; and if he will make a statement on the matter. [12234/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The retail planning guidelines prescribe a maximum floor area of 6,000 square m gross retail floor space for large scale single retail warehouse development. This aspect of the guidelines is being reviewed taking account of the need to ensure effective competition in this sector of retailing and ongoing developments in retail formats. The review will also have regard to issues of proper planning and sustainable development. To assist in carrying out the review, I invited interested parties to make submissions to my Department. Some 71 submissions were received and have been assessed. They will be fully taken into account in considering further whether any changes are needed in the guidelines. I expect the process to be completed shortly.

Waste Management.

42. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government when the judgment of the European Court of Justice is expected in the case being taken by the European Commission against Ireland arising from this country's inadequate administrative response to illegal waste disposal activities; and if he will make a statement on the matter. [12210/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I refer the Deputy to the reply to Question No. 146 of 3 February 2004. The position is unchanged.

Water Quality.

43. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself regarding the adequacy of the domestic drinking water supply throughout the country; if sufficient storage exists or is planned and the extent of which; and if he will make a statement on the matter. [12313/04]

143. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if adequate provision has been made to ensure sufficient ongoing supply of domestic drinking water; and if he will make a statement on the matter. [12419/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I propose to take Questions Nos. 43 and 143 together.

The national development plan provides €4.4 billion for investment in water services infrastructure up to the end of 2006. This is approximately three times the amount expended during the 1994 to 1999 period. Expenditure by my Department on water services infrastructure this year will be of the order of €450 million. Substantial increases in water treatment and storage capacity are being achieved as a result of this increased investment. Schemes completed since 1997 have produced additional drinking water treatment capacity equivalent to the needs of a population of 968,000. The increase in water treatment capacity in the period 2000 to 2003 was sufficient to meet the requirements of a population of 560,000 people. The increase in storage capacity produced between 2000 and 2003 was sufficient to meet the requirements of a population of 765,000, representing 89% of the corresponding output in the 1994-1999 period.

Details of approved proposals for further new and upgraded public water supply schemes are set out in my Department's Water Services Investment Programme 2003-2005, a copy of which is available in the Oireachtas Library. The schemes included in the programme are mainly derived from regular assessments of needs undertaken by local authorities, at my Department's request, as an input to the overall

[Mr. Gallagher.]
strategy for meeting additional water supply requirements. The assessments will continue to be taken into account in future phases of the programme.

Earlier this year, I announced a record allocation of €110 million for the 2004 rural water programme. The main focus of this allocation is on the provision and improvement of water supplies in the private group water schemes sector. Overall, I am satisfied that the resources being put in place are sufficient to ensure that the coverage and quality of the national water supply infrastructure adequately caters for all demands placed on it.

Election Management System.

44. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government if all polling stations to be used in the June 2004 elections will be fully wheelchair accessible; if he will make it a legal requirement for future elections that all such polling stations will be fully wheelchair accessible; and if he will make a statement on the matter. [12190/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): The appointment of polling stations at an election is a matter for the appropriate returning officer in accordance with electoral law which already provides for a number of measures relating to accessibility. The Electoral (Amendment) Act 1996 provides that local authorities in making polling schemes shall endeavour to appoint polling places where at least one polling station is accessible to wheelchair users. The Act also requires that the returning officer shall, where practicable, provide polling stations which are accessible to wheelchair users and must, where practicable, give public notice of all polling stations which are inaccessible to wheelchair users, not later than eight days before polling day. If an elector has difficulty gaining access to a polling station, the person may apply in writing for authorisation to vote at another polling station in the same constituency or local electoral area.

Once in the polling station, persons with a physical disability may avail of companion voting or may seek the assistance of the presiding officer. Alternatively, if a person has a physical disability or illness which prevents him or her from going to the polling station, the person can vote by post if he or she applies to be included in the postal voters list which is drawn up each year as part of the register of electors. My Department has also arranged for the procurement of customised tables for the electronic voting machines with a tilt facility for easier access for people with a physical disability, and in particular, for persons using wheelchairs. The accessibility of the polls and of polling stations is being kept under review as part of a policy of continuous improvement in this area.

Question No. 45 answered with Question No. 11.

Proposed Legislation.

46. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government if he has received the results of the research the Institute of Public Administration was asked to carry out into the regulation of lobbyists in other countries, which he told the Dáil on 4 March 2004 was expected before the end of that month; if it is intended to publish the results of the research; if the Government remains committed to introducing legislation to control or regulate political lobbying; when the promised code of conduct for staff and members of local authorities will come into operation; and if he will make a statement on the matter. [12231/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): The report of the Institute of Public Administration on this matter has recently been received and I am currently considering it. Copies will be placed in the Oireachtas Library in due course. The report is being examined along with other current legislative proposals and initiatives in this area and the question of possible further legislation will be considered in this context. It is intended that codes of conduct for staff and members of local authorities will issue under Part 15 of the Local Government Act 2001 in June this year.

Planning Issues.

47. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the steps he intends taking to improve planning enforcement (details supplied) following a programme which detailed serious failings in the Irish planning system principally in the area of planning enforcement; and if he will make a statement on the matter. [12278/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I refer to the reply to Priority Question No. 1 on today's Order Paper.

Question No. 48 answered with Question No. 12.

Waste Management.

49. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government if he expects that the environmental Council will complete consideration of the draft revised regulations to Government waste shipments, prior to the conclusion of the Irish Presidency; and if he will make a statement on the matter. [12211/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): It has been an important objective of the Irish EU Presidency to advance

discussions on the European Commission's proposal for a revised regulation to govern waste shipments. The proposed regulation was published in June 2003. There have been substantial discussions on the matter since the beginning of this year, including a debate on a number of key points at last month's Environment Council. It remains my objective to conclude these discussions in time to facilitate the reaching of a political agreement on the regulation at the June 2004 Environment Council.

Funding of Political Parties.

50. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government his view on the report of the Standards in Public Office Commission into the operation of the Electoral Act; his views on the argument made by the commission that there is no case for increasing spending limits for general elections and its warning of the dangers of increasing donation limits; and if he will make a statement on the matter. [12192/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I am considering the report, Review of the Electoral Acts 1997 to 2002, of the Standards in Public Office Commission, which was prepared at my request. The report will provide an input to the review of the Electoral Act 1997 which I have initiated and intend to advance.

EU Directives.

51. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government if he will list the number of cases in which the European Commission has initiated legal action or announced that it intends to take legal action, arising from the failure by this country to implement EU directives for which his Department has responsibility; the steps he is taking to ensure that all of these directives are implemented in full; and if he will make a statement on the matter. [12235/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): There are currently five cases in respect of which the European Commission has initiated legal action relating to non-implementation of EU directives in areas for which my Department has responsibility. The first four cases relate to directives concerning dangerous substances in water; the assessment of the effects of certain public and private projects on the environment — commonly known as environmental impact assessment or EIA; the keeping of wild animals in zoos, and end-of-life vehicles. The fifth case relates to a number of waste issues.

Legislation is in place in respect of each of the above five directives. The legal actions relate to issues regarding elements of transposition and

implementation. The European Commission recently indicated its intention to withdraw the case relating to the zoos directive and confirmation of that decision is awaited. Legal action has also been taken by the Commission against Ireland on reporting requirements under an EU regulation on ozone depleting substances. A defence has been lodged in this respect.

The European Commission announced on 22 July 2003 its intention to take legal action against Ireland regarding the proposed decision by the Government to introduce a €20 charge on citizens wishing to make submissions on development consent procedures. The Commission also announced on 29 January 2004 its intention to take legal action against Ireland for alleged failure to designate a sufficient number of special protection areas for wild birds and adequately to protect sites that have or require special protection area status. No communication has been received from the European Court of Justice on either matter.

Election Management System.

52. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the steps that have been taken to date to ensure that all those entitled to vote in the June 2004 elections, including non-nationals, have had their attention drawn to their rights to exercise the franchise; the position of those from the EU applicant countries, now residing here, in regard to the European elections; if they will be allowed to register to vote for the European elections after their countries become member states on 1 May 2004; and if he will make a statement on the matter. [12191/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): A number of measures have been undertaken and further measures are under way and planned for encouraging voter turnout in the forthcoming polls. In November 2003, my Department undertook a publicity campaign to advertise the draft register of electors and advising people to check whether they were correctly registered. In addition, the form used by registration authorities to compile the 2004-2005 register contained general information on registration and specific information for non-nationals about their eligibility to vote at and contest the 2004 European and local elections. A further information leaflet for non-nationals will be distributed by my Department to interested organisations and the public. Advertising on the supplement to the register containing information for Irish citizens and non-nationals will also commence shortly. Citizens of new EU member states will be eligible to apply for inclusion on the supplement following formal accession on 1 May 2004.

Finally, the voter education and awareness campaign being undertaken as part of the nation wide roll out of electronic voting and counting

[Mr. Gallagher.]
will contain a major element to encourage the electorate to vote. The referendum commission which was established on 22 April 2004 will also have a specific remit to encourage the electorate to vote at the referendum.

House Prices.

53. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if he has received the report commissioned by him from consultants regarding the hoarding of building land in the greater Dublin area; and if he will make a statement on the matter. [12186/04]

64. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government if he has completed his consideration of the results of the research he has commissioned from Goodbody economic consultants into the ownership or control of building land in certain development areas, particularly Dublin, to determine whether current practices are retarding the overall delivery of building land or impeding long-term market stability; when the results of the research will be published; and if he will make a statement on the matter. [12226/04]

71. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he has considered the report of the All-Party Committee on the Constitution on property rights; his views on the findings of the committee that legislation can be introduced to cap the price of building land without the requirement for a constitutional amendment; if he intends to introduce legislation to give effect to this recommendation; and if he will make a statement on the matter. [12187/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 53, 64 and 71 together.

My Department continues to examine possible measures aimed at moderating land costs for housing and other essential public infrastructure. The report on ownership and control of building land, which was commissioned by my Department from Goodbody economic consultants, forms part of that process. It remains under consideration and will be published when that examination is complete. I welcome the ninth progress report of the All-Party Committee on the Constitution on the subject of property rights. My Department will give detailed consideration to all its recommendations as part of that examination in consultation with other Departments as appropriate. I have noted the committee's view that capping the price of building land does not require a constitutional amendment and the Attorney General will be consulted on this and other related matters.

The National Economic and Social Council is currently undertaking a major study on housing and land policy which, I understand, will be

finalised shortly. All three reports and any other relevant analysis and research will be considered in finalising a policy response to these issues.

Question No. 54 answered with Question No. 26.

Waste Management.

55. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government if he will clarify his recently expressed view that the regions which block the construction of incinerators and other waste management facilities could suffer economically; and if he will make a statement on the matter. [12214/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): On a number of occasions I have expressed the view that sustainable development, in economic, environmental and social terms, is crucially dependent on there being in place a fully developed infrastructure through which waste can be managed in a sustainable manner. This is of particular importance in terms of the ability to attract inward investment, given the priority which companies attach to ensuring that they will have access to suitable infrastructure for managing their waste. Given the regional approach to waste management planning in Ireland, it is important each region has access to the broad suite of waste infrastructure envisaged by the integrated approach to waste management underpinning both national policy and waste management plans adopted by local authorities.

Water and Sewerage Schemes.

56. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if he has plans to introduce a grant scheme to upgrade septic tanks, prioritising areas in which group sewerage schemes are not viable; and if he will review the grant scheme for group sewerage schemes to the same levels available to water schemes. [12184/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): There are no proposals at present to introduce a scheme of grants for septic tank improvements. The national rural water monitoring committee is currently overseeing the implementation of a pilot programme by local authorities to test a range of new, small scale waste water collection and treatment systems. In all, 12 villages in six counties have been selected as locations for the pilot programme under which appointed contractors will design, build and operate the infrastructure over a 20 year period. Construction is expected to commence later this year.

Subject to a satisfactory outcome to the pilot testing, the national rural water monitoring committee envisages a potential role for group

sewerage schemes in the collection of domestic wastewater from households outside the immediate catchment of such treatment systems. Confirmation of such a role for group sewerage schemes and any review of related grants must await the outcome of the pilot programme.

Waste Management.

57. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government the investigation that has been held into allegations of widespread illegal dumping of waste from here in Northern Ireland; and if he will make a statement on the matter. [12212/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I have emphasised that there can be no excuse for illegal waste activities, either in the form of illegal movements of waste to another jurisdiction or illegal dumping within the State. I have identified the effective operation of the regulatory regime for the waste sector as a key priority and I have introduced a number of significant initiatives designed to achieve more vigorous enforcement of the waste code.

First, I took the opportunity in the Protection of the Environment Act 2003 to provide new enforcement powers for the environmental authorities concerned and to increase the maximum fines that can be imposed for contravention of the waste code. Second, I have recognised the need for improved structural arrangements to underpin the enforcement effort. I announced last October details of the establishment of a new office of environmental enforcement, OEE, to be located within the Environmental Protection Agency. While it has a wide remit, the OEE, at my request, is focusing on waste related enforcement activities as a priority. Third, I have allocated €7 million from the environment fund to support the first year of a major five year programme of local authority waste enforcement activities. The aim is to provide a stronger and more visible local authority enforcement presence on the ground and to ensure more frequent inspections and speedier responses to reported instances of illegal dumping.

I am not in a position to comment on individual cases of suggested illegal dumping in this jurisdiction as the investigation of such complaints is a matter for the relevant local authority, the OEE and, in certain cases, the Garda. As regards reported cases of illegal cross-Border dumping in Northern Ireland, I am aware that there are ongoing contacts between the relevant authorities, North and South. In addition, I met with the Parliamentary Under-Secretary of State at the Northern Ireland Office, Ms Angela Smith, MP, earlier this month and we discussed, amongst other environmental issues, the need to ensure effective co-operation between the respective authorities in dealing with illegal cross-Border movements of waste. I agreed

with Ms Smith MP that a meeting of all the key authorities concerned, North and South, would be convened to establish how, collectively, we can address this problem more effectively. I expect that arrangements for this North-South meeting will be finalised in the coming weeks.

Homeless Agency.

58. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government the reason the findings of the street count of rough sleepers carried out by the homeless agency in conjunction with the voluntary sector between 12 and 29 January 2004 have still not been published; when he expects this data to be published; and if he will make a statement on the matter. [12267/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The publication of the outcome of the count in question is a matter for the homeless agency. It is a matter in respect of which I have no function.

Litter Pollution.

59. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the plans he has to address the litter problem caused by cigarette butts and discarded gum. [12290/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): Under the Litter Pollution Acts 1997-2003, primary responsibility for management and enforcement responses to litter pollution generally, including problems caused by discarded cigarettes and chewing gum, lies with the local authorities. It is a matter for each local authority to decide on the most appropriate clean up, enforcement and public awareness actions for litter in their respective functional areas. On foot of the success of the environmental levy on plastic bags, which was introduced in March 2002 and has resulted in a reduction in the dispensing of plastic shopping bags at retail outlets by over 90%, the agreed programme for Government contained a commitment to consider the extension of the levy on plastic bags to other materials which may be problematic from a waste management and, or, litter perspective.

A report issued by the litter monitoring body, which is co-ordinated by my Department, in July 2003 provided valuable statistical data on litter pollution in Ireland. Chewing gum is identified in the report as the single largest litter component in the food litter category and the second largest litter component, at 18.49% of total litter, after cigarette related litter. Fast food packaging and automated teller machine, ATM, receipts were also identified as problematic litter items.

In light of the findings of the litter monitoring body report, the Minister announced his intention to take measures to tackle litter caused by

[Mr. Gallagher.]
chewing gum and the other two items mentioned. To this end, a consultancy study was commissioned in September 2003 to carry out an analysis and recommend appropriate economic instruments, including environmental levies and negotiated agreements with the relevant sectors, that might be implemented with regard to these items. I am considering the consultants' report which was completed recently.

Question No. 60 was answered with Question No. 13.

Water and Sewerage Schemes.

61. **D'fhiafraigh Mr. Gogarty** den Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil cathain a bheidh córas uisce nua ag an gCeathrú Rua, Co na Gaillimhe, agus an nglacann sé leis gur práinn atá i gceist leis an méid truaillithe atá i Loch an Mhuilinn, as a dtagann an soláthar uisce don phobal sin. [12294/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): Tá scéim uisce réigiúnach chasla, a chuirfidh soláthair uisce nua ar fáil don Cheathrú Rua, sa Chlár Infheistíochta Uisce 2003-2005 de chuid mo Roinne. Tá tógáil na scéime le tosú an bhliain seo chugainn. In Aibreán 2003 ghlac mé le moltaí ó Chomhairle Chontae na Gaillimhe chun an Réamhthuirisc ar an scéim a thabhairt suas chun dáta agus tá mo Roinn ag feitheamh anois leis an tuairisc sin. Deimhníonn an tuairisc is deireanaí ón Ghníomhaireacht um Chosaint Comhshaoil (EPA) nach sáraíonn soláthair uisce na Ceathrún Rua na tomhaisí sláinte poiblí atá leagtha síos d'uisce inólta. Tuigim gur de bharr faidhb theicniúil, a réitíodh chomh tapaídh as a b'fhéidir, a bhí an córas uisce seo as eagar go sealadach i mí na Feabhra seo chaite. De réir tuairisc ón gComhairle chuig an Roinn, bhí torthaí ó tástálacha ag an am ar uisce ag teacht ó Loch a' Mhuilinn sásúil. Ghlac mé le Réamhthuirisc maidir le scéim séarachais na Ceathrún Rua i mí na Samhna, 2003. Tá mo Roinn ag feitheamh anois ar doiciméad conartha ón gComhairle don scéim seo a fheabhsóidh go mór caighdeán an uisce sa cheantar.

Homeless Strategy.

62. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government if he remains committed to the objective of the three year homeless strategy agreed by the managers of the Dublin local authorities and the Dublin area health boards; the reason there is a shortfall of €20 million in the funding for the strategy for this year; the reason voluntary housing agencies are unable to commission projects which have already been approved by his Department; and if he will make a statement on the matter. [12198/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Government is firmly committed to tackling the issue of homelessness. I am not aware of a shortfall of €20 million in the funding for the strategy in 2004. My Department's provision for the recoupment to local authorities of 90% of the cost of providing accommodation and related services for homeless persons in 2004 is €51 million. This brings to €190.6 million the total provided for this purpose since 2000.

The continued involvement of the local statutory and voluntary agencies is essential in facilitating the implementation of the homelessness strategies. The requirements for accommodation and related services provided by these agencies in 2004 were assessed by the homeless agency. I have received no indication that the amount I have allocated for the provision of these services in the Dublin area this year is insufficient. Further funding is provided by the local authorities and, in the case of care related services, by the health boards.

Since the publication of "Homelessness — An Integrated Strategy" in 2000, €22.63 million additional funding has been made available by the Department of Health and Children to meet care related commitments under the strategy. This is ongoing funding and will remain available to health boards for the provision of care related services to homeless persons. I have asked the Minister for Health and Children to ensure that there are sufficient resources available to meet the care related costs of homelessness services arising in 2004.

Planning Issues.

63. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the exchange of information which has involved his Department regarding the hotel proposal for Castle Street, Trim, County Meath. [12276/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I assume the question refers to correspondence between my Department and Trim Town Council regarding an application for planning permission to develop a hotel on the site in question. Under the heritage, transfer of departmental administration and ministerial functions, order 2002, the Minister for the Environment, Heritage and Local Government is a statutory consultee on any proposed development which may have an impact on the natural or built heritage. In accordance with the relevant planning regulations, Trim Town Council forwarded to my Department on 6 March 2003 a copy of a planning application for a hotel development in the vicinity of Trim Castle.

My Department responded to Trim Town Council on 27 March 2003 stating, *inter alia*, that the scale of the proposed development could have a negative visual impact on the castle and

suggested that further information should be sought by the planning authority prior to any decision on the application being made. This further information was sought by the planning authority and submitted to my Department. My Department responded to this further information on 13 August 2003 reiterating its view that the development should not be permitted to impact negatively or detract from the visual appreciation of Trim Castle and that the proposal should be further scaled back.

On 27 August, Trim Town Council granted planning permission for the development subject to a number of conditions, including a reduced size for the development with fewer rooms and revised elevations. Conditions were also attached requiring the developers to undertake archaeological monitoring of all sub-surface works carried out within the development site. In addition, the developers were required to submit revised layouts setting the building back from where it was originally proposed.

There was no further correspondence between my Department and Trim Town Council regarding the planning permission for the hotel. However, my Department has written recently to the Town Council inquiring whether it intended to refund to my Department all or some of the contribution of €63,487 that was made towards car parking facilities at the site of the proposed hotel.

Question No. 64 answered with Question No. 53.

Emergency Services.

65. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that the attention of Irish groups responsible for civil protection, such as the fire brigades, are aware of commitments of personnel and resources they may be asked to make under the EU community action programme; if Ireland was able to respond to a recent request from the EU for assistance in the aftermath of the recent earthquake in Iran; if a request was made to the Dublin fire brigade; if it was able to provide the assistance requested; and if he will make a statement on the matter. [12237/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I assume that the question refers to the European Community mechanism adopted by Council decision 2001/792/EC on 23 October 2001 to facilitate reinforced co-operation in civil protection assistance interventions inside and outside the European Union. In this connection, I refer to the reply to Questions Nos. 954 and 955 of 27 January 2004 in which I outlined Ireland's current involvement in the EU civil protection mechanism and Ireland's response to the earthquake in Iran.

My Department informed Dublin fire brigade of the request but it was not in a position to send a search and rescue team at that time. My Department recently had an exploratory meeting with bodies, including Dublin fire brigade, that had indicated a willingness to participate in EU civil protection interventions, following their participation in training in 2004 under the mechanism. The meeting reviewed the current position and possible future development of Irish participation in such interventions.

Nuclear Safety.

66. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the progress he expects to be made during the Irish Presidency in regard to the proposed Council directive setting out basic obligations and general principles on the safety of nuclear installations and on the management of spent nuclear fuel and radioactive waste; and if he will make a statement on the matter. [12240/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): During its Presidency of the European Union, Ireland has sought actively to advance progress on these two proposed directives which together comprise the nuclear safety package. The two directives continue to be discussed in the European Council's atomic questions working group and, to date, have been discussed at numerous meetings of the group under the Irish Presidency.

In the latter role, Ireland is seeking to find a sound consensus on this package, which will enable its adoption at the earliest possible opportunity. The Irish Presidency will continue, through dialogue, to seek and develop consensus on the directives. While there will obviously be a need for flexibility to accommodate the different views of member states, the Presidency will be guided by the need to ensure that nuclear safety is not compromised. If satisfactory consensus on the matter can be found, it will be brought to the appropriate Council at the earliest possible date.

Question No. 67 answered with Question No. 38.

Nuclear Plants.

68. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government the latest position in regard to his request to the British authorities to allow Irish experts to inspect the Sellafield nuclear plant; and if he will make a statement on the matter. [12238/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I refer to the reply to question No. 51 of 4 March 2004. The position is unchanged.

Question No. 69 answered with Question No. 14.

Question No. 70 answered with Question No. 28.

Question No. 71 answered with Question No. 53.

End-of-Life Vehicles.

72. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government the current position with regard to the promised regulations concerning end of life vehicles; when the regulations will come into operation; and if he will make a statement on the matter. [12236/04]

139. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the position concerning the legal proceedings against Ireland which have been initiated by the European Commission for the non-implementation of EU Directive 2000/53/EC regarding end of life vehicles; if he will report on his discussions with the three stakeholder groups (details supplied) about this directive; the number of authorised treatment facilities he expects will be available; and when these facilities will come on stream. [12415/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I propose to take Questions Nos. 72 and 139 together.

Member states were required to transpose the provisions of European Parliament and Council Directive 2000/53/EC on end of life vehicles, ELVs, into national legislation by 21 April 2002. That was within 18 months of the adoption of the directive on 21 October 2000. My Department has been actively engaged with the Society for the Irish Motor Industry, SIMI, the Irish Motor Vehicle Recyclers Association, IMVRA, the Metal Recyclers Association of Ireland, MRAI, and other stakeholders since before the adoption of the directive with regard to its effective implementation. The delay in transposing and implementing the directive is primarily due to difficulties encountered in reaching agreement with the relevant sectors on the detailed mechanisms for the operation of the free ELV take back arrangements required, including how such arrangements will be funded.

The legal proceedings initiated by the European Commission against Ireland in this matter relate to partial transposition into national legislation and non-implementation of the directive provisions. In this regard, enabling provisions to facilitate implementation of the directive were incorporated in the Protection of the Environment Act 2003. It is intended to make regulations later this year fully transposing the directive provisions and facilitating its full implementation in 2005. It is not possible to indicate at this stage how many authorised treatment facilities will participate in the free ELV take back scheme facilitating the environmentally sound treatment and recovery of vehicles concerned.

National Monuments.

73. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the role his Department can play in helping to develop a commemorative centre at Padraic Pearse cottage, Rosmuc, County Galway. [11812/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): Pearse's cottage at Rosmuc, which is a national monument on the record of monuments and places, was previously in the care of my Department and was appropriately maintained and presented to the public during that period. The cost of visitor services and ongoing maintenance at the cottage ran to some €30,000 annually.

Following the reallocation of functions relating to heritage properties in State care, the presentation and maintenance of Pearse's cottage is now the responsibility of the Office of Public Works. I understand that preliminary development proposals aimed at expanding the role of Pearse's cottage have been formulated by Údarás na Gaeltachta. Issues that may arise from this initiative will be kept under continuing review by my Department in association with the Department of Community, Rural and Gaeltacht Affairs.

Proposed Legislation.

74. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if, in view of the perceived need for decentralisation, he has proposals to avail of Article 15(2)(1) of the Constitution to create or recognise subordinate legislatures within the State. [11622/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher): I refer to the reply to question No. 770 of 27 April 2004.

Job Losses.

75. **Mr. G. Mitchell** asked the Tánaiste and Minister for Enterprise, Trade and Employment if he will examine the case of a person (details supplied) in Dublin 12; and if this person qualifies for statutory redundancy. [12358/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): If the person concerned were put on lay off for the two week period in question, it would not break his service and all his service would be reckonable for redundancy purposes. However, if he left the employment of his own accord or was dismissed by his employer, he may be deemed to have broken his service. Disputes regarding redundancy matters are dealt with by the Employment Appeals Tribunal. If the person concerned wishes to discuss this matter further, he should contact the redundancy payments

section of my Department where my officials will be glad to assist him.

Departmental Correspondence.

76. **Ms O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so her response to same; if material was provided; the form in which it was presented; and if she will make a statement on the matter. [12378/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I have not received any such request from Fianna Fáil. My Department provides briefing material and information to Oireachtas Members when requested, irrespective of party allegiance and will continue to do so in an impartial and even handed way.

Industrial Disputes.

77. **Mr. Murphy** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will report on the case of a person (details supplied) in County Cork. [12414/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): In February 2003, the employee concerned contacted my Department requesting enforcement of a Labour Court award. The legal services unit of my Department, which deals with enforcement of both Labour Court and Employment Appeals Tribunal determinations, wrote to the former employer requesting payment of the award. No response was received.

Steps necessary to entail enforcement of the award as part of the general preparatory work for the initiation of legal proceedings were taken. Checks as to the precise legal identity of the employer with a view to ensuring legal enforceability of the determination were made by consulting the Companies Registration Office and social welfare records. In addition, legal searches were carried out in the Land Registry, Registry of Deeds, the sheriff's office and the judgment office to determine whether the company had assets against which a judgment might be enforced. The case was then forwarded to the State solicitor in Cork to seek an order of the court directing that the judgment be enforced.

On 14 April 2004, my Department was informed that an application would be made to Mallow Circuit Court on 27 May 2004 for an order directing the employer to carry out the determination. A letter advising the employee accordingly was issued on 20 April 2004. On receipt of this letter the employee informed my Department that he was unable to attend the hearing. Efforts will be made to seek an adjournment of the hearing due to the unavailability of the employee. The process will have to be revisited again in due course.

Departmental Correspondence.

78. **Ms O'Sullivan** asked the Minister for Defence if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12379/04]

Minister for Defence (Mr. M. Smith): I have not received any specific request from the Fianna Fáil Party to supply briefing material for local elections candidates nor have I provided specific briefing material to any party for local election candidates. In response to requests and queries, my Department provides material to members of the public, including public representatives of all parties and Independents, on an ongoing basis across the range of policy areas for which my Department has responsibility.

79. **Ms O'Sullivan** asked the Minister for Agriculture and Food if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12380/04]

Minister for Agriculture and Food (Mr. Walsh): I have not received any specific request from Fianna Fáil to supply briefing material for local elections candidates nor have I provided specific briefing material to any party for local election candidates. In response to requests and queries, my Department provides material to members of the public, including public representatives of all parties and Independents, on an ongoing basis across the range of policy areas for which it has responsibility. My Department receives regular requests from all political parties for information relating to its activities. It assists parties' press and research offices in the preparation of speeches and other material for Members. Dealing with these requests generally involves the provision of raw material which is already a matter of public record whether through answers to parliamentary questions, press releases, speeches and existing briefing material.

Tax Code.

80. **Mr. Allen** asked the Minister for Finance if VAT is chargeable on mobile home site licence fees at 13.5%. [12360/04]

Minister for Finance (Mr. McCreevy): The letting of caravan parks, camping sites or other similar establishments is subject to VAT at the reduced rate of 13.5%. The hire of a caravan, mobile home, tent or trailer tent is also subject to VAT at the reduced rate of 13.5%. Once-off charges for connection to electricity, water and sewerage systems are liable to VAT at the standard rate of 21%.

Departmental Correspondence.

81. **Ms O'Sullivan** asked the Minister for Finance if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12381/04]

Minister for Finance (Mr. McCreevy): I have not been specifically requested to provide briefing material for local election candidates.

From time to time, my office provides such information as is readily available in my Department, in the same way as such information is, on request, made available to members of the public, the media or the Oireachtas.

Passport Applications.

82. **Ms Burton** asked the Minister for Foreign Affairs the number of passports issued by Irish embassies to qualifying persons of Irish descent for each year from 1997 to date; the specific numbers in respect of the UK, the USA, Canada, Australia, New Zealand, South Africa; and the total numbers for all countries. [12373/04]

Minister for Foreign Affairs (Mr. Cowen): The information sought by the Deputy cannot be produced from the existing passport issuing system. The system was developed 12 years ago and does not have the capacity to produce reports of the type requested by the Deputy. The new passport issuing system, which is being developed at present and will be operational in the autumn of this year, will have a much greater capacity to produce management information reports.

Paper records of the information sought are not readily available and could only be compiled by the expenditure of a disproportionate amount of time and resources.

Departmental Correspondence.

83. **Ms O'Sullivan** asked the Minister for Foreign Affairs if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12382/04]

Minister for Foreign Affairs (Mr. Cowen): I have not received any specific request from the Fianna Fáil Party to supply briefing material for local elections candidates nor have I provided specific briefing material to any party for local election candidates. In response to requests and queries, my Department provides material to members of the public, including public representatives of all parties and no parties, on an ongoing basis across the range of policy areas for which my Department has responsibility. Dealing with these requests generally involves provision of material which is already a matter of public record whether through answers to

parliamentary questions, press releases, speeches or existing briefing material.

Special Educational Needs.

84. **Mr. Durkan** asked the Minister for Education and Science the extent to which a resource teacher can be made available to a person (details supplied) in County Kildare; if this can be done in particular approaching their leaving certificate examination; and if he will make a statement on the matter. [12359/04]

Minister for Education and Science (Mr. N. Dempsey): My Department allocates resource posts, special needs assistant posts and concessionary teaching hours to second level schools to cater for students with special educational needs. Applications for such support are made to my Department by the relevant school authorities. Each application is considered on the basis of the assessed needs of the pupil or pupils involved and the nature and level of the support provided is determined on the advice of the psychological service. Special needs assistant support is generally made available where the student has special care needs. The school in question has been allocated one whole-time equivalent resource post to cater for the special needs of students enrolled, including the student to whom the Deputy refers

Departmental Correspondence.

85. **Ms O'Sullivan** asked the Minister for Education and Science if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12383/04]

Minister for Education and Science (Mr. N. Dempsey): I am requested to include the Fianna Fáil press and research office in the dissemination of all publicly available information from my Department. I have no direct role as a Minister in the work of the Fianna Fáil press and research office. The Deputy will be aware that a parliamentary allowance is provided to political parties to employ staff to assist in the research and dissemination of information for their parties. As a Minister I do not cease to be a member of my party and I am, therefore, in continual contact with my parliamentary colleagues and they with me, both directly and through the press and research office employed to assist them.

86. **Ms O'Sullivan** asked the Minister for Education and Science if he will elaborate on the content of information packs prepared by his Department for Fianna Fáil local election candidates, county by county; and if he will make a statement on the matter. [12413/04]

Minister for Education and Science (Mr. N. Dempsey): The packs referred to by the Deputy

contained the following items of information: a list of the building projects over the past five years for the relevant county; a document regarding special needs education; a document regarding key facts about education; and a briefing document on education issues which included, among other things, references to the school building programme, school planning, the standardised school year, special needs allocations, the National Council for Special Education, the Education for Persons with Disabilities Bill and the €42 million package for third level students from disadvantaged backgrounds. The information contained in the packs was in the public domain and available to the general public.

Coastal Zone Management.

87. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources the position regarding the proposed 52 acre infill in Dublin Bay. [12370/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Certain matters relating to the application by Dublin Port Company for authorisation under the Foreshore Acts for the proposed reclamation of an area of foreshore in Dublin Bay, including queries relating to title to the foreshore in question, are being pursued with the port company. Decisions on the further action to be taken in respect of the application will be made when these matters have been finalised.

There are no proposals for the preparation of a strategic plan for Dublin Bay by my Department. Preparation of such a plan would, in accordance with the Planning and Development Acts, be a matter for the relevant local authorities in the first instance.

Departmental Correspondence.

88. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12384/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I have not received any specific request from the Fianna Fáil Party to supply briefing material for local elections candidates nor have I provided specific briefing material to any party for local election candidates. In response to requests and queries, my Department provides material to members of the public, including public representatives of all parties and no parties, on an ongoing basis across the range of policy areas for which my Department has responsibility.

My Department receives regular requests from all political parties for information relating to the activities of my Department to assist their press

and research offices in the preparation of speeches and other material for members of their parties. Dealing with these requests generally involves provision of raw material, which is already a matter of public record through answers to parliamentary questions, press releases, speeches or existing briefing material.

89. **Ms O'Sullivan** asked the Minister for Arts, Sport and Tourism if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12385/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I have not received any request from the Fianna Fáil Party to supply briefing material for local elections candidates. My Department regularly receives requests for information relating to the activities of my Department and dealing with these requests generally involves provision of material, which is already a matter of public record through answers to parliamentary questions, press releases, speeches or existing briefing material.

Grant Payments.

90. **Cecilia Keaveney** asked the Minister for Arts, Sport and Tourism when the final moneys owed to a club (details supplied) in County Donegal will issue given that all relevant documentation has been submitted; and if he will make a statement on the matter. [12428/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): A grant of €19,046 was allocated to the project in question under the 2001 sports capital programme operated by my Department. The grant was subject to the terms and conditions of the programme and to date €15,155, representing 95% of the grant, has been paid. The remaining €3,913 will be paid when my Department receives a current tax certificate for the club and for the contractor. In this regard my Department has recently written to the club outlining the documentation required in order to have the balance of the grant paid.

Drugs Payment Scheme.

91. **Ms O. Mitchell** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 18 who suffers from long-term illness and needs 24 hour oxygen has been refused a refund for oxygen equipment under the drugs refund scheme. [12346/04]

Minister for Health and Children (Mr. Martin): I presume the Deputy is referring to the drugs payment scheme, DPS, which replaced the drugs refund scheme and the drugs cost subsidisation scheme in 1999. As the provision of oxygen and oxygen equipment to persons with a DPS card is a matter for the relevant health authority, my Department has asked the chief executive officer

[Mr. Martin.]
of the Eastern Region Health Authority to investigate the position in this case and to reply directly to the Deputy.

Hospital Services.

92. **Mr. P. McGrath** asked the Minister for Health and Children when the dialysis unit at the Midland Regional Hospital, Tullamore, was set up; the cost of setting up the unit; the training that was undertaken by staff for the unit; the number of staff appointed to run the unit and their grades; when the unit became operational; the number of persons who utilise the unit weekly; and if he will make a statement on the matter. [12349/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at the Midland Regional Hospital at Tullamore rests with the Midland Health Board. My Department is advised that the dialysis unit at Tullamore is scheduled for commissioning in 2004. The detailed information sought by the Deputy is not available in my Department. The chief executive officer of the board has been asked to investigate these matters and to reply directly to the Deputy.

Health Board/Authority	Hospital
Eastern Regional Health Authority	Beaumont Hospital; Mater Hospital; St. Vincent's University Hospital; Adelaide & Meath Hospital incorporating the National Children's Hospital at Tallaght; St. James's Hospital (acute only); Children's University Hospital, Temple Street.
Mid-Western Health Board	Limerick Regional Hospital.
North Eastern Health Board	Cavan General Hospital.
North Western Health Board	Sligo General Hospital; Letterkenny General Hospital
South Eastern Health Board	Waterford Regional Hospital.
Southern Health Board	Cork University Hospital; Tralee General Hospital.
Western Health Board	University College Hospital, Galway; Mayo General Hospital.

In addition, the Deputy will be aware that funding has been allocated to the Midland Health Board to facilitate the commissioning of a new unit at the Midland Regional Hospital at Tullamore. My Department is advised that the unit is scheduled for commissioning in 2004.

Data in respect of the complement of doctors in each dialysis unit is not routinely collected by my Department. My Department has, therefore, requested the regional chief executive of the Eastern Regional Health Authority and the chief executive officers of the health boards to collate the information requested and to forward it directly to the Deputy.

Health Board Services.

95. **Ms O. Mitchell** asked the Minister for Health and Children the plan he has for a replacement dentist to be appointed to treat children of the Stillorgan area in view of the fact that the dentist covering the schools (details supplied) in the area is concluding their employment. [12352/04]

Hospital Waiting Lists.

93. **Mr. P. McGrath** asked the Minister for Health and Children the waiting period that exists at Mullingar General Hospital for children to be attended to in the ear, nose and throat clinic; the number of children who are on this waiting list; and the action he proposes to take to alleviate the unacceptable delays. [12350/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services at the Midland Regional Hospital at Mullingar rests with the Midland 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 Services.

94. **Mr. P. McGrath** asked the Minister for Health and Children the hospitals in which there are dialysis units; and the doctor complement in each of these units. [12351/04]

Minister for Health and Children (Mr. Martin): The information requested by the Deputy concerning the location of dialysis units is outlined in the following table:

Minister for Health and Children (Mr. Martin): The recruitment of dental staff in the Stillorgan area is the statutory responsibility of the regional chief executive of the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and to reply to her directly.

96. **Mr. P. McGrath** asked the Minister for Health and Children if an application for funding to extend the health centre at Kinnegad, County Westmeath, has been received by his Department; the date of this application; if funding is available for these works; and if he will give priority in view of the rapid population increase in this town. [12353/04]

Minister for Health and Children (Mr. Martin): The identification, prioritisation and provision of new health centres to meet the needs of local communities is a matter for the relevant health board or the Eastern Regional Health Authority. In the case of Kinnegad, County Westmeath, this responsibility rests with the Midland Health Board, MHB. The MHB has indicated that the

development of a new medical health centre would constitute a capital priority, in the context of the current inadequate local infrastructure and major growth in population in the Kinnegad area. This capital proposal will be considered by my Department and the MHB in the context of capital priorities under the capital investment framework 200-2008.

Consultancy Contracts.

97. **Mr. Ring** asked the Minister for Health and Children if a firm of consultants was employed by his Department to report on the theatres, theatre service and theatre equipment at Castlebar General Hospital; when this report was completed; the cost of the report; the consultants involved; when the report will be published; and the changes and improvements made at the hospital theatre arising from the report. [12354/04]

Minister for Health and Children (Mr. Martin): My Department has not employed consultants to report on the theatres, theatre service and theatre equipment at Mayo General Hospital. As the Western Health Board operates and manages Mayo General Hospital, the Deputy should make inquiries of the chief executive officer of the board regarding the matter raised.

Hospital Services.

98. **Ms O. Mitchell** asked the Minister for Health and Children when funding will be available to open the new accident and emergency building at Cork University Hospital. [12361/04]

Minister for Health and Children (Mr. Martin): The additional revenue funding required to fully open the new and expanded accident and emergency building at Cork University Hospital is the subject of consideration by my Department in conjunction with the Southern Health Board. These funding requirements will have to be considered in the context of overall funding resources available for 2004 and beyond.

General Medical Services Scheme.

99. **Ms O. Mitchell** asked the Minister for Health and Children if his attention has been drawn to a growing trend whereby general practitioners refuse to take on additional medical card holders to their lists; and if concerns regarding this issue and the possibility of an emerging two tier general practitioner system has been discussed with the IMO. [12362/04]

Minister for Health and Children (Mr. Martin): I am not aware of general practitioners engaging in activity such as suggested by the Deputy. This type of action would be at variance with the spirit and the terms of the GMS contract. I remind the Deputy that in order for the eligibility of an applicant for a medical card to be assessed, a doctor must be chosen from the list of GMS

participating doctors in the particular board area. In instances where a medical card holder is unable to secure the services of a general practitioner, the GMS contract permits the relevant health board to assign the person to a doctor. This system operates in all health board areas.

Proposed Legislation.

100. **Ms O. Mitchell** asked the Minister for Health and Children if regulations under the Organisation of Working Time Act 1997 are planned to govern the extension of the European working time directive to hospital doctors; if an amendment to the legislation is necessary; and when an amendment or regulation, if required, will be published. [12363/04]

Minister for Health and Children (Mr. Martin): Officials of my Department, in consultation with the Department of Enterprise, Trade and Employment, are currently preparing a statutory instrument in order to transpose the provisions of Directive 2000/34/EC, as it relates to doctors in training. Relevant case law of the European Court of Justice is also being considered.

Any amendment to the Organisation of Working Time Act is a matter for the Department of Enterprise, Trade and Employment and officials of both Departments are in contact regarding these issues on a regular basis. It is intended that the statutory instrument will, with the assistance of the Attorney General, be completed and put in place in advance of 1 August 2004.

Departmental Correspondence.

101. **Ms O'Sullivan** asked the Minister for Health and Children if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12386/04]

Minister for Health and Children (Mr. Martin): In response to requests and queries, my Department provides material to members of the public, including public representatives of all parties and no parties, on an ongoing basis across the range of policy areas for which my Department has responsibility. My Department receives regular requests from all political parties for information relating to the activities of my Department to assist their press and research offices in the preparation of speeches and other material for members of their parties. Dealing with these requests generally involves provision of raw material, which is already a matter of public record through answers to parliamentary questions, press releases, speeches or existing briefing material.

General Register Office.

102. **Mr. Carey** asked the Minister for Health and Children if a person (details supplied) in Dublin 11 who proposes to marry by civil licence on 24 September 2004 will be obliged to pay a fee of €750, due to the fact that he is marrying outside of the district in which he and his fiancée live; and if he will make a statement on the matter. [12407/04]

Minister for Health and Children (Mr. Martin): The new procedures for marriage are set out Part 6 of the Civil Registration Act 2004. The Act introduces universal procedures for notification, solemnisation and registration of marriages. When all civil preliminaries are completed a registrar will issue a marriage registration form to the couple. A marriage cannot proceed unless the couple produce a marriage registration form to a registered solemniser.

The Act makes a number of provisions regarding the solemnisation of marriage and provides that the venue for the marriage may be agreed between the couple and the solemniser. If the solemniser is a registrar, the venue must be approved by the local registration authority and if that venue is not the registrar's office the couple will be required to pay the appropriate fee and additional travel and subsistence expenses incurred by the local registration authority. The fee in question has not yet been established.

The new marriage provisions contained in the Civil Registration Act 2004 amount to a very substantial modernisation and updating of the provisions which currently apply, many of which date back to the 19th century. The General Register Office is committed to ensuring that the new provisions are brought into operation as soon as possible. The preparations for implementation of the provisions relating to marriage have commenced and it is hoped that the necessary measures can be put in place by late 2004 or early 2005. Unfortunately this means that the new provisions will not be in place for a marriage in September 2004. However, the additional information supplied by the Deputy would suggest that the marriage in question is not due to take place until September 2005.

Health Board Services.

103. **Mr. Carey** asked the Minister for Health and Children if the practice of carrying out assessments on children at the age of nine months has been discontinued; if so, the reason therefor; and if he will make a statement on the matter. [12408/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of child health development checks within its functional area is a matter for the relevant health board or the Eastern Regional Health Authority, ERHA.

My Department has been in contact with the health boards and the ERHA and I have been advised that the practice of carrying out

assessments on children at the age of nine months remains unchanged. However, in the North Eastern Health Board, due to the IMO industrial action in 2003 and staff shortages, development clinics in the Meath area have not yet recommenced.

Hospital Waiting Lists.

104. **Mr. Wall** asked the Minister for Health and Children when a person (details supplied) in County Carlow will be admitted to St. James's Hospital, Dublin 8. [12409/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services for people resident in County Carlow is, in the first instance, a matter for the South Eastern Health Board. My Department has, therefore, asked the chief executive officer of the South Eastern Health Board to investigate the matter and reply directly to the Deputy.

Hospital Services.

105. **Mr. Durkan** asked the Minister for Health and Children the number of patients who have contracted MRSA in hospitals here; the degree to which treatment is readily available; if he will report on the success of such treatment; if steps are proposed to reduce the incidence of MRSA; and if he will make a statement on the matter. [12427/04]

Minister for Health and Children (Mr. Martin): The National Disease Surveillance Centre, NDSC, collects data from hospitals on methicillin resistant staphylococcus aureus, MRSA, bacteraemia — otherwise known as bloodstream infection or “blood poisoning” — as part of the European Antimicrobial Resistance Surveillance System, EARSS. EARSS is a voluntary system and as such not all hospitals participate; nevertheless, the participating hospitals in Ireland represent at least 95% of the population, the highest level of participation of any country involved in EARSS. Thus the EARSS data for Ireland approximates the true total number of cases of MRSA bacteraemia in Ireland. In 2003 there were 477 cases of MRSA bacteraemia reported in Ireland.

MRSA is a resistant form of a common bacterium, known as staphylococcus aureus. The proportion of staphylococcus aureus bacteraemia caused by MRSA in Ireland in 2002 was 42.7%. The proportion for the last quarter of 2003 was 41.7%. Overall there does not seem to have been a significant increase in the proportion of infections caused by MRSA in recent years. However, the proportion is one of the highest among European countries participating in EARSS. The level of antibiotic resistance in Ireland to MRSA is one of the highest in Europe, second only to the UK and Malta. Two of the reasons for this, and the responses to date, are as follows.

One of the common strains of MRSA in Ireland is highly contagious and it is particularly difficult to control its spread. This strain is also seen in the UK and partially explains the reason why both the UK and Ireland have such high rates. The national MRSA reference laboratory, at St James's Hospital, can now identify individual strains of MRSA and reports this back to each hospital. Having this information helps each hospital to identify whether it has a problem with a particular strain of MRSA and to decide on appropriate control measures.

There is an overuse of antibiotics in hospitals. The SARI hospital antibiotic sub-committee has completed draft guidelines for hospitals on promoting prudent use of antibiotics. Many of the regional SARI committees have also appointed clinical pharmacists to individual hospitals to improve antibiotic prescribing habits. A pilot project on promoting more rational use of antibiotics has been funded by my Department, through the SARI national committee, and has recently commenced in the Midland Health Board region. The treatment of MRSA is governed by protocols developed by those experts treating the condition and involves a range of interventions such as antibiotic treatment, proper infection control and general medical management.

In 1999, my Department asked the National Disease Surveillance Centre, NDSC, to evaluate the problem of antimicrobial resistance in Ireland and to formulate a strategy for the future. The NDSC gave detailed consideration to these issues and drew up a "Strategy for the Control of Antimicrobial Resistance in Ireland (SARI)", which I launched on 19 June 2001. This report contains a wide range of detailed recommendations to address the issue of antimicrobial resistance, including a strategy to control the inappropriate use of antibiotics. The SARI recommendations can be grouped into five main categories, as follows: surveillance of antimicrobial resistance; monitoring of the supply and use of antimicrobials; development of guidance on the appropriate use of antimicrobials; education of health care workers, patients and the general public; and development of principles on infection control in the hospital and community setting.

The "Strategy for the Control of Antimicrobial Resistance in Ireland" recommended that a national SARI committee be established to develop guidelines, protocols and strategies regarding antimicrobial resistance. This committee was established in late 2002 and as part of its remit provides advice to the regional SARI committees in each health board area which were established as a result of the strategy's recommendations. The national SARI committee comprises a wide range of experts in the field.

Tackling the problem of antimicrobial resistance is a multi-faceted issue, which will

require action on a number of fronts. Implementation of the strategy is taking place on a phased basis and will take a number of years to complete. To date approximately €16 million has been allocated by my Department to health boards to enable them to put in place measures to control antimicrobial resistance. It is ultimately a matter for each health board CEO to determine the priorities in each region. These priorities should take account of the recommendations in the SARI report and also the recommendations put forward by each regional SARI committee.

Much of the funding is designated for improving hospital infrastructure for control of infection and for appointing additional microbiologists, infection control nurses and other health care professionals involved in the control of infection. Some progress remains to be made to meet the numbers of such professionals required, as outlined in the SARI report, but significant progress has been made with additional appointments over the past two years.

At national level MRSA bacteraemia is now included in the revised list of notifiable diseases, so hospitals are now legally required to report cases of serious MRSA infection to the departments of public health in the regional health boards and to the NDSC.

The SARI infection control sub-committee has recently completed a consultation process on national guidelines for hand hygiene in health care settings. Hand hygiene is a key component in the control of MRSA and the final guidelines will be available within the next two to three months. The sub-committee is also updating national guidelines on the control of MRSA and it is hoped that these will be available later this year. Each of the health boards has a regional SARI committee and these committees have been developing regional interventions to control hospital infection, including MRSA.

Departmental Correspondence.

106. **Ms O'Sullivan** asked the Minister for Transport if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12387/04]

Minister for Transport (Mr. Brennan): Neither I, my private office, the Minister of State, Deputy McDaid, his private office, nor my Department was asked to provide briefing material for local election candidates by any political party. In response to requests and queries, my Department provides material to members of the public, including public representatives of all parties and no parties, on an ongoing basis across the range of policy areas for which my Department has responsibility.

My Department receives regular requests from all political parties for information relating to the activities of my Department to assist their press

[Mr. Brennan.]
and research offices in the preparation of speeches and other material for members of their parties. Dealing with these requests generally involves provision of raw material, which is already a matter of public record through answers to parliamentary questions, press releases, speeches or existing briefing material.

Road Traffic Offences.

107. **Mr. Carey** asked the Minister for Transport if passengers who are knowingly being carried in a stolen car are liable to prosecution; if so, the offence they commit; and if he will make a statement on the matter. [12406/04]

Minister for Transport (Mr. Brennan): Section 112 of the Road Traffic Act 1961, as amended by section 65 of the Act of 1968, provides for the offence of knowingly being carried in a stolen car. Where a member of the Garda Síochána has reasonable grounds for believing that a person is committing or has committed an offence under section 112, he may arrest the person without warrant.

A person found guilty of this offence shall be liable on summary conviction to a fine not exceeding €2,500 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months, or to both such fine and such imprisonment and on conviction on indictment, to a fine not exceeding €10,000 or, at the discretion of the court, to imprisonment for a term not exceeding five years, or to both such fine and such imprisonment

Light Rail Project.

108. **Dr. Upton** asked the Minister for Transport the position regarding plans to improve the visual appearance of a bridge (details supplied) in Dublin 8 in view of the fact that the current design is very ugly. [12434/04]

Minister for Transport (Mr. Brennan): The Railway Procurement Agency has informed me that there are no plans to change the appearance of Rialto Bridge. Five designs were produced based upon reusing the old balustrades. However, these designs were not acceptable to Dublin City Council or the railway inspectorate on safety grounds. The current balustrade is the standard motorway protection barrier and is as agreed with Dublin City Council.

Departmental Properties.

109. **Mr. Crowe** asked the Minister for Transport if he will make funding available through the Iarnród Éireann property section to have the silos at the site on Carnlough Road, Cabra, demolished due to the anti-social and drugs problems in the area. [12438/04]

Minister for Transport (Mr. Brennan): Irish Rail has informed me that it has been keeping the property at Carnlough Road, Cabra, on a care

and maintenance basis since freight operations ceased in 1999. The company has previously carried out works to secure the silos and has informed me that it will re-examine them with a view to carrying out such additional works as may be required. The disposal of this site, which is intended to include the silos, is being actively pursued by the company. There are no immediate plans to demolish the silos.

Visa Applications.

110. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 346 of 6 April 2004, if a visa will be granted to the person (details supplied). [12338/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An appeal against the refusal of the visa application in question was received in my Department on 20 April 2004. The visa appeals officer who examined the application took into account the information provided in the application, the applicant's ties and general circumstances in her country of origin, her immigration history, as well as the relative attractiveness and feasibility of the applicant remaining in the State. The Department's approach in these matters is informed by past experience, including experience of abuse of the system. In this instance, the visa appeals officer formed the opinion that it would not be reasonable to conclude that the applicant would observe the conditions attached to the visa and the decision to refuse the application was upheld. It is, of course, open to the applicant to make a fresh application with up to date supporting documentation and the matter will be considered anew.

Departmental Correspondence.

111. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12388/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have not been asked by the Fianna Fáil party to provide specific briefing material for local election candidates. However, there are periodic requests from almost all political parties for information relating to the activities of my Department to assist their press and research offices in the preparation of speeches and other material for members of their parties. This information is not provided in any specially structured or tailored way and generally involves provision of material, which is already in the public domain through answer to parliamentary questions, press releases or speeches. I have also recently arranged for a comprehensive briefing by my officials of the new

justice spokesperson for the Fine Gael Party, Deputy Jim O’Keeffe.

Liquor Licensing Laws.

112. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if, since the enactment of the Intoxicating Liquor Act 2003, further changes or amendments have been made to it. [12392/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Intoxicating Liquor Act 2003 has not been amended since it was enacted last year.

Garda Equipment.

113. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the additional equipment or machinery which has been purchased or borrowed by the Garda for use over the weekend of 30 April to 3 May 2004; and if he will make a statement on the matter. [12393/04]

115. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the cost of the acquisition of additional equipment or machinery and additional training which members of the Garda have undergone in preparation for the weekend of 30 April to 3 May 2004; and if he will make a statement on the matter. [12395/04]

116. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the jurisdictions from which each additional piece of equipment or machinery has been acquired or borrowed for use over the weekend of 30 April to 3 May 2004; and if he will make a statement on the matter. [12396/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 113, 115 and 116 together.

I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that a range of recently purchased IT, telecommunications and transport equipment will be available for use over the weekend of 30 April to 3 May 2004 and in future, and that equipment has also been hired specifically for use over that weekend. The final cost will be available when the weekend operation is completed and I will write to the Deputy with the details.

Garda Training.

114. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the additional training which members of the Garda have undergone in preparation for the weekend of 30 April to 3 May 2004; and if he will make a statement on the matter. [12394/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that a number of their members have been participants in public order training courses.

In 1999, two superintendents attended a gold, silver and bronze public order commander’s course in the United Kingdom. In 2001, one of these superintendents attended a master class in public order in the Netherlands. In 2002, three sergeants attended a public order instructor’s course with the Greater Manchester Police.

From 2002 to 2004, a Garda public order course was developed and rolled out to each Garda region. A Garda public order commander’s course was also developed and delivered to public order commanders in each Garda region. Public order training has been conducted in each of the Garda regions and a total of 1,037 members have been trained to date. I am further informed that in October 2003, two members of the Garda Síochána attended an instructor’s course on first response training for chemical, biological, radiological and nuclear threats. This training is currently being delivered to 71 members of the Garda Síochána.

With regard to the specific training undergone in preparation for the weekend of 30 April 2003 to 3 May 2004, 19 members of the Garda Síochána received training in the tactical use of water cannon at the Police Service of Northern Ireland Training College.

Questions Nos. 115 and 116 answered with Question No. 113.

Garda Equipment.

117. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if each piece of equipment or machinery planned for use or availability over the weekend of 30 April to 3 May 2004 has arrived in the State and is available for use; and if he will make a statement on the matter. [12397/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, that all equipment and machinery planned for use over the weekend of 30 April to 3 May 2004 is available for use.

Garda Deployment.

118. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardai who will be on duty in the greater Dublin area on each of the days of the weekend of 30 April to 3 May 2004; and if he will make a statement on the matter. [12398/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities which are responsible for the detailed allocation of resources, including personnel, that the current assessment of policing duty requirements suggest that there will be in the region of 5,000 gardai on duty in the Dublin area over the weekend of 30 April 2004 to 3 May 2004.

[Mr. McDowell.]

All gardaí, uniform and detective, in the Dublin metropolitan region will be on duty and will be supplemented by personnel from outside the region. In addition, these members will be augmented by the operational support units. The operational support units consist of the Garda mounted unit, Garda dog unit, Garda water unit and the Garda air support unit.

119. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí who will be on duty in the State, outside the greater Dublin area, on each of the days of the weekend of 30 April to 3 May 2004; and if he will make a statement on the matter. [12399/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the following table gives details of the number of gardaí on duty, outside the greater Dublin area, on each of the dates from 30 April 2004 to 3 May 2004.

Date	Number on duty
30 April 2004	2,892
1 May 2004	2,923
2 May 2004	2,595
3 May 2004	3,586

Proposed Legislation.

120. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the steps which have been taken to implement the promise made in An Agreed Programme for Government to address judicial misbehaviour; and if he will make a statement on the matter. [12400/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Work is under way in my Department on the development of a scheme of a Bill on judicial conduct and ethics, arising out of the reports on these matters produced by the All-Party Committee on the Constitution and the committee on judicial conduct and ethics chaired by Mrs. Justice Susan Denham. Among the matters to be provided for in the Bill is a process for the investigation of complaints about judicial misbehaviour, including lay participation in the investigation of complaints. This process would not be a substitute for impeachment as the ultimate sanction available for dealing with allegations of the most serious misconduct, though the expectation is that in appropriate cases the process could result in a recommendation to the Houses of the Oireachtas that impeachment proceedings be considered.

As indicated in the Government legislation programme for the summer 2004 session, which was announced by the Chief Whip on Monday last, I expect to be in a position to seek

Government approval to publish the Bill in the current year.

Garda Strength.

121. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí assigned to the Dublin metropolitan district; and if he will make a statement on the matter. [12401/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of the Dublin metropolitan region, including those members assigned to the traffic division and the area office, as at 28 April 2004 was 3,808.

Garda Deployment.

122. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí in the Dublin metropolitan district who have been assigned to or are engaged in administrative duties; and if he will make a statement on the matter. [12402/04]

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 as at 27 April 2004 a total of 50 personnel in the Dublin metropolitan region are employed on administrative duties on a full-time basis.

This number of 50 has been calculated on the basis of those personnel who are in receipt of designated post and *ex gratia* allowances and as such are employed on administrative duties on a full-time basis.

123. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí on the beat at any time during the hours of 6 p.m. to 6 a.m. in the Dublin metropolitan district; and if he will make a statement on the matter. [12403/04]

124. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí on the beat at any time during the hours of 6 a.m. to 6 p.m. in the Dublin metropolitan district; and if he will make a statement on the matter. [12404/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 123 and 124 together.

I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the total number of gardaí on beat duty over a 24 hour period in the Dublin metropolitan region would fluctuate depending on the date, time of the week and the demand on resources. Uniform resources in the Dublin metropolitan region operate a three

relief system. This system comprises three roster tours of duty, 6 a.m.-2 p.m., 2 p.m.-10 p.m. and 10 p.m.-6 a.m., and also two flexi tours, 10 a.m.-6 p.m. and 6 p.m.-2 a.m.

Depending on the day, a different combination of units would operate between these times and therefore the numbers of personnel available for beat duty would differ.

Registration of Title.

125. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the position with a land registry application by persons (details supplied) in County Donegal; and if he will make a statement on the matter. [12405/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for first registration which was lodged on 16 May 2001. Dealing No. D2001WS003637W refers.

I understand that due to the complicated nature of this type of case, which requires examination of an applicant's entitlement to the property concerned, it is not possible to estimate a date of completion at this time. However, I can assure the Deputy that the application is receiving attention in the Land Registry.

Garda Deployment.

126. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he will allocate additional resources to target open drug dealing at an area (details supplied) in Dublin 8 in view of the fact that this problem is now out of control. [12435/04]

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 cessation of drug abuse, in any location, is a top priority for all members of the Garda Síochána and many notable successes have been achieved by the Garda district drug units within the DMR, south central division.

The locations referred to by the Deputy continue to be singled out for specific targeting by gardaí attached to the district drugs unit at Kilmainham station. A local initiative entitled "Operation Viking", aimed at targeting offenders engaged in drug abuse and-or dealing, continues to be implemented by the gardaí. In general policing terms, the specific locations mentioned are patrolled by uniformed gardaí, the local detective unit, the divisional crime task force, the Garda mountain bike unit and the special resource unit. In addition, the community policing units devote extra special attention to these specific locations.

I have been informed that local Garda management is satisfied that the current level of resources at its disposal, for the policing of the locations referred to by the Deputy, are adequate.

Proposed Legislation.

127. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the plans he has to reform legislation applying to the use of fireworks; and if he will make a statement on the matter. [12437/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, a review of the Explosives Act 1875 is ongoing within my Department. The review deals with matters relating to the manufacture, importation and storage of all forms of explosives including fireworks and consequently its review is a complex and detailed task. Pending finalisation of the review, it would be inappropriate for me to comment on any aspects of the likely outcome of the review.

I will communicate the outcome of the review when it is completed.

Citizenship Applications.

128. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the reason for the delay in deciding an application for citizenship by a person (details supplied) in Dublin 11 which was made in March 2002; and when a decision can be expected. [12439/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my answer to Parliamentary Question No. 696 of 27 April 2004.

Garda Deployment.

129. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if, in view of the serious anti-social behaviour on the part of gangs in the Tamarisk Drive area of Kilmamanagh, extra gardaí will be allocated to this area, particularly between the hours of 7 p.m. and 10.30 p.m. [12440/04]

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 while anti-social behaviour is an ongoing problem, incidents in Tamarisk Drive are comparable to other areas in the Tallaght district. Every effort is made by gardaí to respond promptly to such incidents and take the appropriate remedial action.

Currently, one garda is assigned full-time to community policing duties in the Kilmamanagh area which includes Tamarisk Drive. Uniform and plain clothes mobile units also patrol the area and are augmented by divisional crime task force and traffic patrols. Local Garda management is satisfied that sufficient resources are available to police the area.

Garda Operations.

130. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform his views on whether

[Mr. Crowe.]
it is acceptable that the residents of Tamarisk Drive, Kilnamanagh, had to wait two hours for the gardaí to respond to a call (details supplied). [12441/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that patrol cars in the Dublin metropolitan region are directed by the communications centre to respond to complaints and calls from members of the public. Depending on the nature of the call, a priority classification is allocated to it that governs the sequence in which calls are responded to. Calls of a serious nature will obviously receive priority treatment. This system can result in the accumulation of calls in each district to be responded to when vehicles become available. Beat personnel are also utilised, when available, to respond to calls.

I am further informed that a response of over an hour would be an exception and that a concerted effort is made to provide a professional speedy response to calls at the first available opportunity. Supervisory personnel at local level and at the communications centre monitor response times to complaints and calls and take remedial action if appropriate.

Garda Deployment.

131. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if, in view of the heightened vandalism in an area (details supplied), the Garda Commissioner will authorise extra uniform or undercover Garda presence in same. [12442/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply to his Parliamentary Question No. 738 of Tuesday, 27 April 2004, where this information was provided.

Garda Equipment.

132. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform his views on whether it is acceptable that, after telephoning the local Garda station, the residents of an area (details supplied) in Dublin 7 were told that there was no patrol car available and that they had to wait 40 minutes before one arrived. [12443/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 739 of 27 April 2004 on this matter.

Animal Welfare.

133. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Questions Nos. 520, 526 and 550 of 23 March 2004, the outcome of his discussions with interested parties about the proper management of kennels and the bringing into force of section 19 of the Control of Dogs

Act 1996 or other legislation in this area; and if he will make a statement on the matter. [12355/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I refer to the reply to Question No. 808 of 27 April 2004.

Water and Sewerage Systems.

134. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position in regard to the provision of a new sewerage system for Athgarvan, County Kildare; if plans have been submitted to his Department by the local authority regarding the application; if provisions have been put in place for a connection from the Kilcullen Oberstown line for the area; and if he will make a statement on the matter. [12356/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Athgarvan sewerage scheme was originally advanced through planning as an element of the upper Liffey valley regional sewerage scheme but could not proceed to construction stage in advance of the Kilcullen element of the regional scheme which has since been completed.

A preliminary report for the Athgarvan scheme was submitted by Kildare County Council in March 2001. There has been a delay in obtaining further information required by my Department in regard to the preliminary report due to a failure in communications between my Department and Kildare County Council. My Department will seek to facilitate this project as quickly as possible on receipt of the necessary information.

Grant Payments.

135. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if an application for a new house grant in the name of a person (details supplied) in County Kildare continues to be valid; and if he will make a statement on the matter. [12357/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The final deadline for occupation and receipt of claim for payment of the new house grant was 2 April 2004. This statutory condition, which was published in the main daily newspapers on 27 March 2004, cannot be set aside in any particular case. As a claim for payment was not received in this case before the deadline a grant cannot be allowed.

Social and Affordable Housing.

136. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government when he intends to review the income level limits for the shared ownership and affordable housing schemes in Dublin city; and if he will make a statement on the matter. [12371/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer to the reply to Question No. 789 of 27 April 2004.

Planning Issues.

137. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government if Dúchas will release the files concerning information on a site of land owned by a person (details supplied); and if he will make a statement on the matter. [12377/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Information regarding a preservation order affecting this property has already been provided to this person by my Department. No other request for information has been made by the person to my Department. If any specific such request is made, it will be considered.

Departmental Correspondence.

138. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; the form in which it was presented; and if he will make a statement on the matter. [12389/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I have not received any specific request from the Fianna Fáil Party to supply briefing material for local election candidates nor have I provided specific briefing material to any party for local election candidates. In response to requests and queries, my Department provides material to members of the public, including public representatives of all parties and no parties, on an ongoing basis across the range of policy areas for which my Department has responsibility.

My Department receives regular requests from all political parties for information relating to its activities to assist their press and research offices in the preparation of speeches and other material for members of their parties. Dealing with these requests generally involves provision of raw material which is already a matter of public record whether through answers to parliamentary questions, press releases, speeches or existing briefing material.

Question No. 139 answered with Question No. 72.

Election Management System.

140. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if the proposed electronic voting system has been approved in respect of the accurate recording of voter intentions in a multi-seat proportional representation system; and if he will make a statement on the matter. [12416/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The electronic voting and counting system has undergone rigorous and comprehensive testing by independent internationally accredited agencies and by expert agencies in this country. The National German Test Institute, PTB, specifically tested the vote recording and storing function of the voting machine for use in Irish elections and certified its operation in its report. In addition, an Irish software testing company, which undertook the architecture and code review of the election management software, examined the source code which dealt with the holding of combined polls under the PR-STV system and concluded that the software was fit for this purpose.

Local Authority Housing.

141. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans to meet the housing needs of those on local authority housing lists. [12417/04]

144. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his proposals to meet the housing requirements of those on the housing lists. [12420/04]

150. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of new houses allocated to local authority tenants in the past year; and if he will make a statement on the matter. [12426/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 141, 144 and 150 together.

I refer the Deputy to my reply to Questions Nos. 14 and 69 for today.

Social and Affordable Housing.

142. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the total number of affordable houses allocated to date as a percentage of the total number of persons on local authority housing lists. [12418/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The results of the statutory assessment of local authority housing need, which was undertaken by local authorities in March 2002, indicated that a total of 48,413 households were in need of housing. During 2002 the needs of over 12,700 households were met under the range of social and affordable housing measures. Included in this figure are 2,614 affordable housing units acquired or completed by local authorities, which as a percentage of households on the housing list is 5.4%.

Question No. 143 answered with Question No. 43.

Question No. 144 answered with Question No. 141.

Question No. 145 answered with Question No. 10.

Electronic Voting.

146. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has perfected his plan for electronic voting. [12422/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): On 30 October 2002 the Government decided to introduce electronic voting and counting for the 2004 European and local elections. Since then my Department has worked closely with returning officers to procure the necessary equipment and provide comprehensive training to all relevant staff on the electronic system.

My Department also commissioned a multi-media public awareness and information campaign to educate voters on the new system and demonstrate its user friendliness, security and reliability. Preparations continue on schedule for its use on 11 June.

Housing Policy.

147. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he commissioned studies on the effect of high density small houses on communities. [12423/04]

148. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his views on whether the current policy of housing families in high density developments in a cramped space is socially desirable. [12424/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 147 and 148 together.

In 1999, under section 28 of the Planning and Development Act, my Department issued guidelines on residential densities for planning authorities. An Bord Pleanála and planning authorities must have regard to the provisions. Consultants prepared a report, entitled "Planning Issues Relating to Residential Density in Urban and Suburban Locations", on behalf of my Department in advance of issuing the final guidelines. The report examined the promotion of higher residential densities and a copy is available in the Oireachtas Library.

The guidelines emphasise that higher residential densities must be coupled with the highest standards of residential environment. In existing residential areas whose character was established by their current density or architectural form, a balance must be struck between the protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide new residential development. It was noted that

there was an ongoing trend towards a smaller household size here with the consequent need for a more varied range of dwelling type and size. The guidelines provide that all schemes on sites in excess of one hectare, approximately 2.47 acres, should be required to have a mix of dwelling types. In other words, they must range between small one and two bedroomed units to large family sized dwellings.

The recent Irish national survey of housing quality 2001-2002 involved obtaining detailed information from a representative sample of over 40,000 householders on their dwellings. It indicated that 93% of dwellings have the requisite bedroom accommodation. Only 13% of householders perceive their accommodation to be too small relative to their accommodation needs.

In September 1999 my Department issued comprehensive guidelines to local authorities on the design of social housing schemes. This included recommended space provision and room sizes for dwellings. In May 2002 my Department issued another circular on floor areas and room sizes due to amendments to part M of the building regulations. All new buildings must now be accessible to people with disabilities.

Grant Payments.

149. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans to clear the backlog of disabled persons grant applications. [12425/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer the Deputy to my reply to Question No. 4 for today.

Question No. 150 answered with Question No. 141.

Water and Sewerage Schemes.

151. **Mr. Grealish** asked the Minister for the Environment, Heritage and Local Government the status of the Kilkieran and Carna regional water scheme; and the progress to date. [12432/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The scheme was approved for construction under my Department's water services investment programme 2003-2005. Contract documents are under examination and will be dealt with as quickly as possible.

Electronic Voting.

152. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government if the electronic voting road show will go to more Dublin locations than currently provided for, in view of the fact that 11 of the 13 suggested Dublin locations are in constituencies that used the system for either the 2002 general election or the second Nice referendum; if he will arrange for the

road show to visit locations (details supplied) in the Dublin South-Central constituency that have never used an electronic voting system and have a great many elderly persons. [12436/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): On 26 April the planning and logistical arrangements for the electronic voting demonstration tour began and everything has been finalised. During the next four weeks the tour will visit over 120 locations, including 13 locations in Dublin. There is no proposal to visit more venues at this stage.

The tour is one element in a campaign to improve awareness of electronic voting at the forthcoming elections. There will be advertisements on television, radio, in the national and local newspapers and cinemas and on outdoor advertising. Early next month a detailed information leaflet will be delivered to all households and a lo-call information helpline and dedicated website are available.

Local authority offices and public libraries will also have instructional videos and information stands on display for the public to access information. Some local authorities may also arrange for demonstrations of the voting machine to interested groups or through public information sessions. This multi-faceted campaign should ensure that everyone has an opportunity to access information on the new system in advance of polling day.

Election Management System.

153. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government his views on whether all persons voting in elections should be required to produce identification. [12365/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Existing legal provisions governing the right to vote already provide that the returning officer or the presiding officer may, of his own volition, or if so required by a personation agent present in the polling station, request any person at the time of applying to vote to produce a specified identity document. If the person fails to produce such a document or if the returning officer or presiding officer is not satisfied that the person is the person to whom the document relates, they shall not be permitted to vote.

The returning officer or presiding officer may, and if so requested by a personation agent present in the polling station, ask a number of questions or administer an oath or affirmation to an elector on their eligibility to vote. Electoral law also provides that it is an offence, punishable by a fine, imprisonment or both, to attempt to vote using the name of another person.

In further support of the above arrangements, provision is being included in the Electoral (Amendment) Bill 2004 to prohibit the taking of or interference with a polling card or the use of a

polling card at a polling station that is not addressed to the person presenting it.

Departmental Correspondence.

154. **Ms O'Sullivan** asked the Minister for Community, Rural and Gaeltacht Affairs if he was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so his response to same; if material was provided; and the form in which it was presented. [12390/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I have not received a specific request from the party to supply the information nor have I supplied it to any other party.

My Department provides material to members of the public and all public representatives on a range of policy areas. It receives regular requests from political parties for information on its activities to assist their press and research offices in the preparation of speeches and other material. In general the information is on public record through answers to parliamentary questions, press releases, speeches or existing briefing material.

Social Welfare Benefits.

155. **Mr. Durkan** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 400 of 6 April, the reason a person's rent supplement was reduced when their one-parent family allowance was increased after a second child was born while the allowance relates to the parent and child dependants and rent support should remain constant. [12341/04]

Minister for Social and Family Affairs (Mary Coughlan): Rent supplements are subject to a means test. In addition to a minimum contribution of €13 that all recipients must pay towards their rent, recipients must contribute additional assessable means over and above the appropriate basic supplementary welfare allowance rate.

The person concerned has two children, the youngest of whom was born recently. After her second child was born her rent supplement was reviewed but she had not received the increase of €19.30 per week in her one-parent family payment for her second child. As a result a higher rent supplement was awarded than is ordinarily paid to a lone parent with two children. This continued until she received the full amount of the one-parent family payment to which she was entitled. The review also took into account that she had an earlier overpayment that resulted in a reduction of €20 per week. Her rent supplement was reduced by €3.20 per month.

Recently the person concerned was awarded a small increase in the one-parent family payment due to the arrival of her second child following a review of her means. A higher rent supplement was no longer required because she has received her full entitlement of the one-parent family

[Mary Coughlan.]
 payment. She is now receives a rent supplement ordinarily paid to a lone parent with two children, less €20 per week to recover the overpayment.

156. **Mr. Ring** asked the Minister for Social and Family Affairs whether a person who works under 20 hours a week is entitled to claim part unemployment assistance and if their work can be carried out over a five day period instead of three days. [12343/04]

Minister for Social and Family Affairs (Mary Coughlan): The Deputy is referring to a person who is employed as a home help for five days per week.

Social welfare legislation provides that all unemployed persons must satisfy the conditions of being available for full-time employment and genuinely seeking work in order to be entitled to unemployment assistance. Any person who fails to satisfy these conditions on an ongoing basis is not entitled to an the payment.

A person who engages in part-time work for three days or less per week may qualify for unemployment assistance in respect of the remaining days of the week provided he or she continues to be available for full-time employment. They must also satisfy all of the statutory conditions connected to the payment.

Persons employed as home helps are eligible to apply for unemployment assistance for any days or weeks during which they are not engaged in home help duties provided they are otherwise available for full-time employment and genuinely seeking work. Any income deriving from participation in the home help service is not, in general, taken into account as means for the purposes of determining entitlement to unemployment assistance.

To qualify for payment, however, they must be fully unemployed for at least three days in any period of six consecutive days. A person who works for a period during each of five days in a week does not qualify for unemployment assistance in that week even if the total number of hours of work is less than twenty.

Question No. 157 withdrawn.

158. **Mr. Allen** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Cork has been refused a rent subsidy for rented accommodation in view of the fact that they cannot obtain local authority housing. [12372/04]

Minister for Social and Family Affairs (Mary Coughlan): Health boards administer the supplementary welfare allowance scheme subject to conditions. A weekly or monthly rent supplement is paid to eligible people in the State whose means are insufficient to meet their accommodation needs and who do not have accommodation available from another source.

The Southern Health Board was contacted about this case. It advised that the person

concerned was refused a rent supplement because she was deemed to be adequately housed in local authority accommodation.

Departmental Correspondence.

159. **Ms O'Sullivan** asked the Minister for Social and Family Affairs if she was asked by the Fianna Fáil Party to supply briefing material for local election candidates; if so her response to same; if material was provided; and the form in which it was presented. [12391/04]

Minister for Social and Family Affairs (Mary Coughlan): I have not received a specific request from the Fianna Fáil Party to supply the information nor have I provided it to any other party.

My Department responds to requests for material on its policies from members of the public, including all public representatives. It regularly receives requests from all political parties for information on its activities to assist their press and research offices in the preparation of speeches and other material. In general the raw material is already a matter of public record through answers to parliamentary questions, press releases, speeches or existing briefing material.

Community Development.

160. **Mr. Durkan** asked the Minister for Social and Family Affairs if funding will be made available to the Cill Dara Resource Centre, Bride Street, County Kildare or it faces closure. [12430/04]

Minister for Social and Family Affairs (Mary Coughlan): The family and community services resource centre programme is administered by the Family Support Agency. It provides financial assistance to projects and assists with the staffing and equipping of local family resource centres that provide a focal point for community development activities.

The emphasis in the projects is on the involvement of local communities in developing approaches to tackle the problems they face and on creating successful partnerships between the voluntary and statutory agencies in the areas concerned. Family resource centres involve people from marginalised groups and areas of disadvantage at all levels in the project.

The services provided and activities supported by the resource centres are designed to meet the needs of the local community. They include: the provision of information, advice and support to target groups and families in the area; practical assistance to community groups such as training, information, advice and photocopying facilities; the provision of education courses and training opportunities; the provision of child care facilities for those attending courses provided by the project; and the running of after school clubs.

The Cill Dara centre does not operate under the FRC funded programme.