



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 5 May 2004.

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DÁIL ÉIREANN

*Dé Céadaoin, 5 Bealtaine 2004.
Wednesday, 5 May 2004.*

Chuaigh an Ceann Comhairle i gceannas ar 12.30 p.m.

*Paidir.
Prayer.*

Leaders' Questions.

Mr. Kenny: Last weekend saw an unparalleled level of security and policing on the streets of Dublin. The Government had an obligation to ensure the security and safety of our citizens and visitors from Europe. The ceremonies were very important. The duty of the Government to enforce law and order applies not only when we have visitors from Europe, but for the other 51 weekends of the year also. An MRBI survey published today shows how unsafe Dublin's streets are after dark. Of every five Dubliners, four do not believe the streets of the city are safe to walk on at night. The level of fear is highest among 15 to 17 year olds, of whom 94% are afraid to venture out after dark. Of this group, half know someone who has been attacked in the city centre in the past 12 months.

Can the Minister for Defence explain on behalf of the Government why resources have not been provided to ensure that the streets of Ireland's capital city are safe at night? Can he explain why 86% of Dublin people believe the Garda presence on our streets is insufficient or offer them any consolation? Does not this statistic point to the broken promise the Government made through the Minister for Justice, Equality and Law Reform, who is absent from the House, that 2,000 extra gardaí would be provided? Of these, 121 have now been trained. Is this not devastating in its implications for public safety and level of fear felt by visitors and citizens of the capital? What does the Minister have to say about that?

Minister for Defence (Mr. M. Smith): I thank Deputy Kenny for his complimentary remarks on the security services provided over the weekend. I compliment the Garda, the Army, the OPW and everybody else who was involved in ensuring that a major international event passed off with the minimum of difficulty. It augurs very well for the capacity of our security services to deal with whatever lies ahead in this area.

Mr. Allen: Time is up.

Ms Burton: What about the battle of the Navan Road?

Mr. M. Smith: Naturally, we are all concerned with the problems of crime which affect our society. Garda strength is at an all-time high.

Mr. English: So is the population.

Mr. M. Smith: The commitment given was to be fulfilled over the life-time of the Government. The facilities at the Garda College in Templemore are operating at full stretch to train gardaí. We have invested significantly in the reform of the prison system and the criminal justice system and undertaken unprecedented criminal law reform. There is no room for complacency.

Mr. Rabbitte: That is good.

Mr. J. O'Keeffe: The master of the understatement.

Mr. M. Smith: We must be alive to the problems we face and the need to continue to make the maximum resources available to the Garda to allow gardaí make our streets and our country as safe as possible.

Mr. Connaughton: Where are the 2,000 extra gardaí?

Mr. M. Smith: On the basis of our figures, the level of crime is down.

Mr. J. O'Keeffe: Can the Minister count?

Mr. M. Smith: However, it remains at an unacceptably high level.

Mr. Kenny: Last weekend, there were 5,000 gardaí on the streets of Dublin. On St. Patrick's day there were 700 gardaí on duty in Dublin. It is clear that when the Garda is provided with the necessary resources, it can effectively police the city. Responsibility for these matters rests fairly and squarely with the Minister for Justice, Equality and Law Reform, who is not in the Chamber. If Dubliners cannot enjoy the streets of this city after dark, that responsibility is not being met. Incidents of unprovoked violence on the streets of the capital have risen by 300% to 400% in recent years. It is a frightening figure that 94% of 15 to 17 year olds will not venture out after dark. Some 78% of people are frightened of the city at night, 49% of teenagers know a crime victim, 86% of people want more Garda patrols and 56% blame alcohol abuse for violence and unprovoked attacks.

The words of Dublin citizens were published today about the places they would love to walk in and enjoy as facilities on a year-round basis. That is not possible due to what Dubliners say are strange people who hang around, the level of drunkenness in the city centre, dodgy people and

[Mr. Kenny.]
potential drug dealers who lurk in different areas.
This is the Government's responsibility.

Mr. Howlin: What ever happened to zero tolerance?

Mr. Kenny: Clearly, it represents another broken promise by a Government which told everybody that it would put 2,000 extra gardaí on the streets but has failed completely to protect citizens, including the young men and women of this city, from thugs, villains, unprovoked attacks and violence promoted by alcohol and substance abuse. It is time the Government answered to the people in respect of what it promised to do, but failed miserably to carry out.

Mr. Connaughton: Hear, hear.

Mr. M. Smith: Provisional figures for 2003 show a cumulative decrease of 2% compared with the corresponding figures for 2002.

Mr. Connaughton: Is that what they are having the Minister read out?

Mr. J. O'Keeffe: The figures in 2002 were up.

Mr. M. Smith: Members opposite should listen. Figures for murder are down by 12% on 2002. There has been a decrease of 21% in the number of assaults causing harm, which is particularly welcome as it runs counter to a worrying trend in 2001 and 2002. Public order and intoxicating liquor legislation enacted by the Government has greatly enhanced the power of the Garda to deal with public order offences.

Mr. English: And made no difference to anybody.

Mr. M. Smith: A new Garda powers Bill will be introduced in the current session to provide substantial additional powers to gardaí investigating serious crime. The Garda will continue to target the menace of organised crime, particularly through the use of the Criminal Assets Bureau and other new initiatives.

Mr. Howlin: Who prepared the Minister's script?

Ms O. Mitchell: That will stop them.

Mr. M. Smith: It is unfair of Deputy Kenny to present the city in that manner.

Mr. Cullen: Hear, hear.

Mr. Howlin: That is what the people are saying.

Mr. M. Smith: There are problems but the greater part of the city is free of crime and people are free to walk about.

Ms Burton: Where does the Minister live?

Mr. M. Smith: Members can rest assured that the Government and the Garda Síochána will do everything possible to keep it that way.

(Interruptions).

Mr. M. Smith: It is not that kind of city. The Opposition can present it that way but it is not like that.

Mr. Connaughton: One is only safe inside the gates of this House.

Mr. Durkan: Two years on, where are the extra 2,000 gardaí?

An Ceann Comhairle: Deputy Rabbitte, without interruption, please.

Mr. Allen: The dodgy characters must be Fianna Fáil canvassers.

An Ceann Comhairle: Deputy Allen's leader put the case on behalf of his party. It is not necessary for the Deputy to contribute.

Ms Burton: The Minister for Defence, Deputy Michael Smith, must live in Dublin 4 where the Minister for Justice, Equality and Law Reform lives.

An Ceann Comhairle: Deputies Burton and Howlin should allow their leader to put his question without interruption, please.

Mr. McCormack: So much for zero tolerance.

Mr. Rabbitte: There is much provocation, a Cheann Comhairle.

Can the Minister for Defence name a single private company in this country, with the possible exception of AIB, that would continue to employ a manager who frittered away €52 million? Can he give any such example? Does he believe the shareholders of a company would continue with the same board of directors that frittered away €52 million? Can the Minister advance one example in that regard?

I note the Minister's female spokesperson is in the media today stating that only €42 million has been frittered away on e-voting machines, not €52 million as suggested by the Opposition. In reply to a parliamentary question tabled by Deputy Gilmore on 29 April, the Minister stated:

Some €45 million has been advanced to date by the Department of Finance to returning officers to meet expenditure in the cost of the system. 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, of which €1.25 million has been advanced to date. This programme will also include approximately €1 million on promoting awareness.

Mr. Howlin: That is still going on.

Mr. Rabbitte: He went on to state, "An additional 300 voting machines were ordered on 14 January 2004." That amounts to €51.4 million or €52.4 million, regardless of what the Government spokespersons says. Is the Minister aware the advertisements are still running?

Mr. McCormack: Were they paid for?

Mr. Rabbitte: Yesterday, Deputy Howlin took part in a radio programme to try to encourage awareness of electronic voting among the electorate in Wexford—

Mr. Howlin: The interview was on South East Radio.

Mr. Rabbitte: —and there was a break in the programme while it ran the advertisements. I note the advertisements are still running on E4 which ran them last night following "Friends". Are the 300 additional machines ordered on 14 January included in the €52 million? Is there an opt-out clause in the contract with Q4, the contract which provides the lads in Fianna Fáil with €5 million to encourage awareness of the system?

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

Mr. Rabbitte: I would also like clarification on the €8 million for warehousing and security. Will the Minister clarify if that €8 million will be in addition to the €52 million?

Deputy Allen made a good suggestion yesterday when he said the machines might be warehoused in PuncHESTOWN which is not being used for any other purpose. It would be a good place to store them.

An Ceann Comhairle: Deputy Rabbitte should give way to the Minister.

Mr. Rabbitte: If the Minister for the Environment, Heritage and Local Government, Deputy Cullen, was free he could act as security man at PuncHESTOWN.

Mr. McGinley: The Minister for the Environment, Heritage and Local Government should be stored with them.

Mr. J. O'Keefe: Perhaps then he would do something useful for a change.

An Ceann Comhairle: Deputy Rabbitte is abusing Standing Orders.

Mr. M. Smith: The Minister for the Environment, Heritage and Local Government and the Taoiseach have firmly indicated that the investment in the machines is a long-term investment covering a 20-year lifespan.

Mr. McCormack: The money is being invested in Fianna Fáil.

Mr. M. Smith: I hope that, in time, when the commission recommendations have been dealt with, the people will be provided with the opportunity to use a modern system in terms of how they cast their votes.

Mr. Cullen: Hear, hear.

Mr. M. Smith: The new system will bring us into line with our EU partners.

Mr. Howlin: That is a new chant.

Mr. M. Smith: Ireland is computer literate by any international standards.

Mr. Rabbitte: Unfortunately, there are no such people in the Cabinet.

An Ceann Comhairle: Please allow the Minister to continue without interruption.

Mr. M. Smith: Everybody in this House knows, though they may choose to pretend otherwise, the machines are not purchased for a day, a week or a month. They have a long lifespan.

Mr. Connaughton: They were purchased for fun.

(Interruptions).

An Ceann Comhairle: Please allow the Minister to continue without interruption.

Mr. M. Smith: The Opposition will have an opportunity—

Mr. Ring: The Government is like pasteurised milk.

Mr. Durkan: What is its shelf life?

Mr. Ring: The Government has gone past its shelf life.

Mr. M. Smith: We have a longer shelf life than Fine Gael.

An Ceann Comhairle: I will have to ask Deputies Ring and Durkan to leave the House if they continue to interrupt.

Mr. Ring: The Ceann Comhairle should ask Members of Fianna Fáil to leave the House. They are the ones who should leave the House and the Government.

Mr. D. Ahern: Deputy Ring was going to jump ship if he got the offer.

Mr. Ring: Not I. I did not waste €52 million of taxpayers' money.

An Ceann Comhairle: This is Leaders' Questions.

(Interruptions).

An Ceann Comhairle: Members should resume their seats when the Chair is on its feet. This is Leaders' Questions. Deputy Rabbitte submitted a question to the Minister who should be allowed to continue without interruption. The Minister is entitled to reply and it is wrong of any Member of the House to try to frustrate Deputy Rabbitte receiving a reply to his question, particularly Members of a party which has submitted its own question.

Mr. Connaughton: The Chair should ask the Minister to speak up.

Mr. M. Smith: The television advertisements have been withdrawn. Deputy Rabbitte well knows that part of the advertising campaign is to encourage people to come out to vote.

Ms Burton: And to press the button.

Mr. M. Smith: Surely the Opposition is not objecting to that.

Mr. S. Ryan: The people are coming out to vote against Fianna Fáil.

Mr. M. Smith: The advertising is done by McConnell's Advertising, not Fianna Fáil.

Mr. J. O'Keeffe: We have gone from the sublime to the ridiculous.

An Ceann Comhairle: Deputy Rabbitte has one minute remaining.

Mr. Rabbitte: One would not get this in the Abbey Theatre.

Mr. Ring: We would have to pay for it there.

Mr. Rabbitte: Not as much as we paid for it here — €52 million and rising.

Will the Minister reply to my questions? Are the 300 machines ordered on 14 January included in the €52 million?

Mr. M. Smith: Yes, as far as I am aware.

Ms McManus: The Minister for Defence should ask the Minister for the Environment, Heritage and Local Government if they are included.

Mr. Rabbitte: I presume the €8 million for warehousing and security is in addition to the €52 million. Is there an opt-out clause or are we stuck with Q4 and the €5 million paid to it to encourage people, as the Minister put it, to come out and vote.

Mr. McCormack: For Fianna Fáil.

Mr. Rabbitte: Is that included? I will repeat my other question. Is the Minister aware of any private company in Ireland that would continue to employ a manager who wasted €52 million of taxpayers' money?

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

Mr. Rabbitte: On the matter raised by Deputy Kenny in terms of the crime figures in this morning's MRBI poll, how many gardaí could be employed for €52 million? How many nurses could be employed for €52 million? How many home help workers would be paid for additional hours? The Minister for Social and Family Affairs, Deputy Coughlan, was forced to row back on widows at a cost of almost €6 million, resulting in the cuts in social welfare amounting to exactly €52 million.

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

Mr. Rabbitte: However, the Minister for the Environment, Heritage and Local Government can waste €52 million and no action is taken by the Cabinet.

Mr. Cullen: That is not true.

An Ceann Comhairle: The Minister should allow Deputy Rabbitte to conclude.

Mr. McGinley: The Minister knows it is true.

Mr. Cullen: Deputy Rabbitte is a good storyteller.

Mr. Rabbitte: It was the Minister who was telling fairytales.

An Ceann Comhairle: I ask Deputy Rabbitte to give way to the Minister.

Mr. Cullen: Deputy Rabbitte knows well.

Mr. Rabbitte: It is incredible that the Minister, Deputy Cullen, is still bouncing around and giving cheek after wasting such an amount of taxpayers' money. The brass neck on the Government side of the House is almost beyond belief. Deputy Allen is right. The Government should put the machines into PuncHESTOWN and put Deputy Cullen minding them.

Mr. Cullen: That is what Fine Gael and the Labour Party would do. It is not what we will do. We will look after the taxpayers. Perhaps we should put Fine Gael and Labour into PuncHESTOWN.

Mr. Durkan: The Minister should remain silent.

Mr. English: He should go for a cigarette.

(Interruptions).

Mr. M. Smith: I have already made it clear, and I want to do so once more without interruption, that this expenditure is not a waste.

Mr. Stagg: It is.

Mr. M. Smith: These machines will, inevitably, be used in the future.

Mr. O'Dowd: When?

(Interruptions).

Mr. M. Smith: There are issues which must be cleared up in the interim.

Ms Burton: They do not work.

Mr. Cullen: They do work, and well Deputy Burton knows it.

Mr. Curran: Deputy Burton was elected by electronic voting machines. She did not complain.

An Ceann Comhairle: I ask Deputies on the Government side of the House to allow the Minister to reply.

(Interruptions).

Mr. J. O'Keeffe: They are embarrassed.

An Ceann Comhairle: The Chair deplores the fact that the Minister was not allowed to continue the answer without interruption.

Mr. Rabbitte: You cannot be serious, Sir.

An Ceann Comhairle: This is a serious problem which occurs every day on Leaders' Questions.

Mr. D. Ahern: The minute the Minister opened his mouth he was interrupted.

An Ceann Comhairle: I appeal to Deputies on all sides of the House to show the same courtesy to the Minister or to the Taoiseach—

Mr. Rabbitte: I agree.

An Ceann Comhairle: —as they receive when they submit questions.

Mr. Rabbitte: Now can I have an answer to my question?

An Ceann Comhairle: Deputy Rabbitte has already used almost six minutes although he was entitled to three. We will move on to the next speaker.

Mr. Rabbitte: I did not get a reply to the questions I raised.

Mr. Cullen: Every time the Minister tried to answer he was interrupted.

Mr. D. Ahern: Deputy Rabbitte has hyenas beside him who think this is a laughing matter.

Mr. Rabbitte: The Minister, Deputy Smith, sat down after one golden minute of silence. What are the answers to the questions I raised?

Mr. Durkan: There is no answer.

An Ceann Comhairle: There is no provision for a second supplementary.

Mr. Rabbitte: This is the ultimate in disrespect for the House.

Mr. M. Smith: How dare Deputy Rabbitte say that.

Mr. Rabbitte: The Minister will not even reply. He is a great man now sitting down. He is a windbag. He should stand up and answer.

Mr. D. Ahern: If the laughing hyenas surrounding Deputy Rabbitte had been quiet, he might have got an answer.

Mr. Rabbitte: The Minister should give an answer.

Mr. D. Ahern: This is a new level of political debate. This name calling is typical of the Opposition.

An Ceann Comhairle: I ask Deputy Rabbitte to resume his seat. I have called Deputy Joe Higgins. I appeal to Members of the House to allow Deputy Higgins to submit his question without interruption and to allow the Minister to reply without interruption.

Mr. McCormack: If he has a reply.

An Ceann Comhairle: We cannot have ten or 15 Deputies roaring and shouting across the Chamber so that no one can hear the reply.

Mr. J. Higgins: Over the May Day weekend the Government used thousands of gardaí to put a cordon of steel around the Phoenix Park, allegedly to deal with thousands of violent hooligans whom the Government and the usual elements in the press fraudulently claimed were going to cause mayhem on the streets of Dublin. Did it occur to the Minister that gardaí may have been facing in the wrong direction on the day? The Government had as its guests the prime ministers of the occupation powers in Iraq which were responsible only five weeks ago for the slaughter of hundreds of women and children in Falluja and for the systematic torture and abuse of prisoners. Did it occur to the Ministers that the Government ought to have directed some gardaí to question these prime ministers about war

[Mr. J. Higgins.]
crimes rather than stuffing them with duck, salmon and Chateau Lynch Bage?

The Government, for the first time in the history of the State, ordered water cannons to be used against demonstrators. Some said this was an over-reaction. In fact, a calculated decision was made that, at the slightest excuse, the Garda would test the equipment which the Government had supplied. When a few plastic bottles and empty beer cans were thrown by foolhardy individuals, and they should not have been——

Mr. Kelleher: And bricks.

Mr. J. Higgins: May I put the incident in context? Some 23 young people were arrested and all have been charged with extremely minor offences. A constituent of mine was arrested because he got off the bus to make his way home. Far more people were arrested at the rally of the lakes in Killarney during the same weekend and it did not take two thirds of the Garda force and two water cannon to take care of the situation. Most of the people arrested at the demonstration were detained in jail until today. One is charged with the serious offence of being in possession of a Garda cap — receiving stolen property.

How can the Minister justify that? Corrupt colleagues of his who have robbed the State of millions have never darkened the doorway of a courthouse, yet the Government treats young people like that. Did it occur to the Government to send the water cannon into the boardrooms of the major banks to flush out millionaire executives responsible for the real theft of €1 billion of taxpayers' funds?

The Government set out to thwart civil rights this weekend. It did it to frighten people away from their democratic right to protest and to keep numbers down at demonstrations against President Bush. It will not work.

Mr. M. Smith: Last week in the House, Deputy Joe Higgins was asked to request people who wished to dissent or protest to do it in a peaceful way but he refused, quite blankly, to do that.

Mr. J. Higgins: That is wrong.

An Ceann Comhairle: Deputy Higgins must allow the Minister to reply. He will have an opportunity to reply in due course.

Mr. J. Higgins: I cannot take up my minute correcting the Minister's representation of the record. I will have other matters to deal with.

An Ceann Comhairle: The Deputy has made his disclaimer. It is on the record of the House.

Mr. J. Higgins: The Minister must withdraw that remark. The Official Report shows that I asked that no one should throw a stone or anything else. I ask the Minister to withdraw his remark.

Mr. F. McGrath: The Minister should withdraw that remark.

Mr. M. Smith: I have always respected the law of the country and I ask Deputy Higgins to do the same. As far as last weekend was concerned——

Mr. J. Higgins: Before the Minister goes any further——

Mr. Rabbitte: It is not acceptable to allow that allegation to stand on the record of the House.

An Ceann Comhairle: It is a political charge. The Deputy's disclaimer is on the record. The practice of the House is that a disclaimer is accepted.

Mr. J. Higgins: The remark is on the record of the House and the Minister cannot employ the tactic of deliberately evading the question.

An Ceann Comhairle: Political charges have been made since the foundation of the State.

Mr. Rabbitte: That is unfair and partisan.

Mr. M. Smith: I am happy to withdraw the remark. The people to whom I have spoken in the Garda and the security forces, everything I have read and people I have met from many different countries have been complimentary of Ireland and of the way the events of the weekend were managed. It is with some regret that I listen to Deputy Higgins decry people who worked overtime——

(Interruptions).

Mr. J. Higgins: They were paid the overtime.

Mr. M. Smith: A number of the people involved gave up their weekend holiday.

An Ceann Comhairle: I remind Deputies that they are not in the school crèche. This is the national Parliament. The Minister is entitled to have his contribution on the record.

Mr. M. Smith: Again, I compliment the Garda, the Defence Forces and everyone associated with the handling of a wonderful weekend for this country. No one in this House has the right to decry it or present it in any other way. The problem associated with the dissent of protesters was dealt with in an efficient and speedy manner, with minimal problems for protesters. On behalf of the Government and people, I am proud of the manner in which the security services handled the situation over the weekend.

Mr. Allen: It is the last good weekend the Government will have for a while.

Mr. J. Higgins: I notice the Minister withdrew the allegation. I insist that, in fairness, the thousands of members of the security forces on duty over the weekend should be paid their overtime.

For a full month before May Day, there was a deliberate and orchestrated campaign by the Government, members of the security forces and sections of the media to terrify the citizens of Dublin, particularly families, so they would not exercise their right to peaceful protest. This was because the Government was seriously embarrassed on 15 February last year when more than 100,000 people came out in protest against the impending invasion of Iraq. In response to this protest, the Taoiseach tried to convince the Dáil that the 100,000 protesters were virtually card-carrying members of Fianna Fáil who took to the streets to support him. That did not work and will not work on the occasion of the Bush visit when, I have no doubt, massive numbers will want to protest against the outrageous atrocities taking place in Iraq and the disaster which Bush has brought on its people.

The Government campaign is to stop peaceful protest and to do so on the occasion of the Bush visit. This is why the Government brought in water cannon and used them without legitimate excuse, and had a ring of steel around the Phoenix Park. Despite this, I call on the people not to be frightened out of their right to peaceful protest and to come out again in large numbers.

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

Mr. J. Higgins: The Minister said nothing about the fact that 20 young people have been scandalously kept in jail for the most minor of offences. Will he address this?

Mr. M. Smith: The Government has no problem whatsoever with peaceful protest.

Mr. Stagg: That is great to hear.

Mr. M. Smith: While it will always happen, it should be conducted peacefully.

Mr. D. Ahern: It should be democratic.

Mr. M. Smith: However, it is wrong of the Deputy to present members of the Garda and Defence Forces as having over-reacted in any way over the weekend.

Mr. Stagg: They do what you tell them.

Mr. M. Smith: They acted appropriately, speedily and effectively

Mr. J. Higgins: The Government abused the gardaí.

Mr. M. Smith: I stand over all their actions.

Mr. J. Higgins: Will the Minister justify keeping young people in jail for three days?

Mr. M. Smith: That is for those who break the law.

Mr. D. Ahern: This country has division of powers. We do not live in a Stalinist regime.

Ceisteanna — Questions.

Births to Foreign Nationals.

1. **Mr. Cuffe** asked the Taoiseach the number of births to foreign nationals in the State in the past five years for which figures are available; the breakdown by births to United Kingdom nationals, European economic area nationals, United States nationals and nationals from elsewhere; and if he will make a statement on the matter. [12724/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): Official statistics on vital events, including births, are compiled by the Central Statistics Office on the basis of information collected through the civil registration system. Up to September 2003, statistics on births were compiled solely on the basis of a paper-based birth notification form, which did not include a question on nationality. Since last September, a new electronic birth notification system, which provides for recording of nationality, has been introduced on a gradual basis, but it only covers a minority of births. Accordingly, the information requested by the Deputy is not available from the CSO.

Mr. Cuffe: It seems absurd that we are proceeding with undue haste to a referendum when we do not even have statistics available to justify the proposed measures. When I was at school, I was told, by a teacher that facts were the essence of debate and discussion. We are now told the Government does not have the facts on—

An Ceann Comhairle: A question, please. The purpose of Question Time is to obtain information from the Minister.

Mr. Cuffe: Are we now to be told the Government does not have the facts on the nationality of those coming to Ireland or born in Ireland? If so, why are we proceeding with such haste to a referendum?

An Ceann Comhairle: The first question is in order. The referendum is the responsibility of another Minister and does not arise from this question.

Mr. Cuffe: Does the Minister agree that we should have such facts at our disposal, that the

[Mr. Cuffe.]

Government should have an immigration policy in place before holding the referendum and that the referendum should be withdrawn?

An Ceann Comhairle: The referendum is the responsibility of another Minister.

Mr. Cuffe: I respect your judgment, a Cheann Comhairle.

An Ceann Comhairle: It is your question, Deputy.

Mr. Cuffe: Does the Minister agree that the facts should be provided before this debate is initiated? Will she outline the measures she intends to take to ensure such facts are available, given that facts will be at the heart of the wider political discussions over the next month.

Ms Hanafin: As the Deputy will be aware, I answer on behalf of the Central Statistics Office in regard to statistics compiled by it. In September of last year, a new automatic civil registration system was introduced which includes a question on nationality. Prior to that, such a question was not asked on the manual forms. While only approximately 16% of all birth notifications are dealt with by the automatic system at present, as time goes on we will have better information on this.

However, there are exceptions. The Rotunda Hospital and the National Maternity Hospital, Holles Street, have recorded data on nationality for the majority of births as they introduced their own notification forms since 2001. While I answer on behalf of the CSO, there is also factual information from the three Dublin maternity hospitals, which I obtained from the Department of Justice, Equality and Law Reform and would like to share with the Deputy. The three Dublin maternity hospitals deal with the majority of births in the country. There was a total of 5,471 births to non-Irish nationals for 2003, of which 4,407 were to mothers from outside the US, UK or European Union. It is interesting to note that in the past two years births to non-nationals in the three hospitals totalled more than 10,000. In 2002, 20% of all births were to non-nationals and the figure was 24% for 2003.

The census of population shows that non-nationals accounted for 9% of the population in Dublin city and county yet accounted for 24% of births. Despite the fact that EU nationals represent approximately 60% of non-nationals resident in the State, they account for just 18% of births to non-nationals. Further statistical information that would be of interest in the context of the question asked is that births to Nigerian and Romanian nationals in the Dublin maternity hospitals in 2003 totalled 1,984, approximately 44% of births to non-EU nationals.

It is clear there is factual information from the three Dublin hospitals dealing with the issue. While we do not have the same facts and statistics from all the hospitals in the country because the CSO does not at present compile such information, it will be in a position to do so when the automatic registration system is extended throughout the country.

Mr. Durkan: Has the Minister information on the place of residence of mothers of various nationalities? How many are already registered or still registered in the State? The statistics do not indicate from whence they came other than that they were non-nationals.

Ms Hanafin: The information is as I have outlined and refers only to non-nationals. However, information on late bookings and mothers who simply turn up at maternity hospitals might aid the debate.

Mr. Howlin: Nobody asked about that.

Mr. Cuffe: Many Irish mothers also present late.

An Ceann Comhairle: Allow the Minister to reply without interruption.

Ms Hanafin: I stress that my interest is with the Central Statistics Office and I have limited information in this regard.

Mr. Rabbitte: Of course.

Ms Hanafin: However, information is available for 2003 in respect of the National Maternity Hospital, Holles Street, and the Rotunda Hospital. Holles Street had 251 late bookings, either not booked or booked in the last ten days before birth. Of those, 70 were to Irish nationals, the majority having been transferred from other hospitals throughout the country, eight were to EU nationals and 163 were to non-EU nationals. There were 271 late bookings in the Rotunda, of which two were to EU nationals and 269 of the 271 were to non-EU nationals. The only information I have relates to the nationality of parents, not the address, plus the information I have just given.

Mr. Rabbitte: It is the first time in my memory I have heard the Minister of State answer for the CSO, proffering information that does not come from the CSO. Does she know the number of cars driven by non-nationals which went in for the NCT last year?

An Ceann Comhairle: That does not arise out of this question.

Mr. Howlin: Neither does the Minister of State's response.

Mr. Rabbitte: That is very interesting. My question does not arise but the Minister of State's answer, which goes way outside the scope of the question, is perfectly in order.

Mr. Dempsey: She was answering a supplementary question.

Mr. Rabbitte: She was not. If I were the Minister, Deputy Dempsey, I would stay quiet for at least a week.

(Interruptions).

Mr. Dempsey: The Deputy certainly will not bully me into it.

Mr. Rabbitte: Perhaps I will send you a folder when I go back to my office.

An Ceann Comhairle: The Deputy should address his remarks through the Chair.

Mr. Rabbitte: I would never try to bully a Meath man. I am not trying to bully the Minister. I am saying I will send it to him by civilised folder.

Is the Minister of State saying that she does not have this information from the CSO, that the figures she is proffering are from the maternity hospitals? Is she saying that non-nationals are more prolific in the matter of giving birth, or is she saying that many people are arriving here to give birth and leaving again? Which is she saying? There is no point her feigning innocence that she is just giving statistics. What exactly is she saying? Are the 46,500 people to whom the Tánaiste, Deputy Harney, gave permits last year included in that figure for non-national births and, if so, how many are in that category? Precisely what is the CSO doing about being enabled to provide this information officially?

Ms Hanafin: My initial answers related to official statistics. I made it clear that the Central Statistics Office does not have the information sought in the question. In response to the supplementary question, which went far beyond the remit of the original question which related to the referendum, non-nationals, births and any other information which might be available, I am sharing with the House the information available from the Department of Justice, Equality and Law Reform. I am doing it without comment. I am giving the facts and figures available. The statistics and figures are simply compiled on the basis of nationality. As Deputy Rabbitte knows, and I will confirm, the statistics do not make clear why the mother of the child is in the country. I am sharing the simple facts with the House.

Mr. Sargent: Unlike the Minister of State, I will stick with the CSO by asking her if the CSO will be asked to differentiate between the issue of nationality of mothers giving birth in Irish hospitals and the citizenship of these mothers? Is

she aware that the question asked in maternity hospitals is leading to the collection of extremely misleading information? The question is not about citizenship, even though the citizens may be Irish in many cases. It asks about place of birth, which for someone who came from another country as a child may be irrelevant in the overall scheme if they are Irish citizens. This is what is referred to, not citizenship.

Does the Minister of State accept that the CSO, therefore, is not just giving inadequate information but it is giving misleading information in compiling facts based on place of birth? Is she not concerned that the father of the child appears not to be of interest in gleaning this information, even though the father can quite often be an Irish citizen? Is it not a cause of great concern to the Government that the information on which it is basing policy does not reflect the reality of people attending maternity hospitals? Will she confront that issue and realise that children of Irish citizens are effectively known as children of non-nationals on the basis that the birthplace rather than citizenship is what is asked about in the hospitals? Is this not a matter of great concern to her?

Ms Hanafin: As all Deputies have agreed in the House in the past, the CSO works on the basis of best international practice. It gathers statistics so that they can be compared not just to information gathered in previous or future years, but with European countries and countries throughout the world. The question, which is asked traditionally and internationally in regard to these matters, relates to nationality. It also ties in with the question on the Census of Population, which allows for comparisons to be made.

Mr. Sargent: What about place of birth?

Ms Burton: Has the Minister of State statistics from the CSO on the number of Irish born people married to non-nationals? At this stage most Deputies would have one or more members of their family married to a non-national. An Irish person could have married to a non-national when they lived abroad or they could be married to a non-national whom they met here. Are births to Irish people married to non-nationals included in the Minister of State's non-national birth statistics? While I know she is very caring and compassionate, this is a cause of great concern to people married to non-nationals.

An Ceann Comhairle: A question, please, Deputy.

Ms Burton: Has the Minister of State got that information? I listened with care to what she said about numbers. She referred to 163 non-national births in one hospital and 269 non-national births in another hospital, which comes to a total of 432 births. The Tánaiste said last year that 46,500

[Ms Burton.]
work visas were issued to people. The 432 non-national births——

Ms Hanafin: Late bookings.

Ms Burton: The Minister said he was concerned about this in regard to the referendum. The 432 late bookings amount to less than 1% of the 46,500 visas issued. Does the Minister of State consider these late bookings, relative to population movement, to be very high? They amount to less than 1% of visas issued. Is this the reason for the referendum?

An Ceann Comhairle: The referendum is the responsibility of another Minister. I suggest the Deputy submits a question to the Minister for Justice, Equality and Law Reform. The Minister of State will reply on the statistical question.

Ms Burton: I accept what you say, a Ceann Comhairle, but the statistics involved are the subject of important——

Ms Hanafin: I gave the number of births to non-nationals in 2003 as 5,471. The figures the Deputy quoted related to late bookings. Anyone would be concerned about a heavily pregnant mother turning up in a maternity hospital, irrespective of where she came from. Many of these people are putting themselves through a great deal of hardship to get to this country. We would like to see these women being better protected against having to take these steps, irrespective of where they come from.

The question which was tabled to me, related to births, not marriages. If the information is available in the Census, I will arrange to have it forwarded to the Deputy.

Mr. Boyle: On the question posed by Deputy Sargent in regard to the nationality and citizenship of fathers, in the statistics the Minister of State quoted from the Dublin maternity hospitals. Is it true that the CSO has no statistics in this regard and the information she has supplied to the House contains no information about the citizenship of the fathers of children born in these maternity hospitals? The question asked was not about the nationality or citizenship of the mother but about her place of birth. My birth certificate states that I was born in Chicago, Illinois, United States of America. My father was born in Edinburgh, Scotland, United Kingdom, and my mother was born in Cork, Ireland. This information, given in the current context in Ireland some 40 years later, would give spurious statistics such as those just quoted to the House by the Minister of State.

Ms Hanafin: The information is as I have given it.

Mr. Boyle: It is how the Minister of State wants it be.

Ms Hanafin: The information I have given comes from the hospitals and is based on the system they have devised.

Mr. Boyle: It is not national information.

An Ceann Comhairle: The Deputy should allow the Minister of State speak without interruption.

Ms Hanafin: This is the information the hospitals have given. The Central Statistics Office can gather more information on the new automatic civil registration system but it is only used on a very limited scale at present.

Mr. Boyle: Does the Minister of State accept that fathers are not taken into account and that the place of birth rather than nationality is recorded?

Ms Hanafin: People should be encouraged to ensure that the details of fathers are put on birth certificates and so on.

Mr. Rabbitte: Is the answer to the question place of birth or nationality? Does the CSO or the maternity hospitals seek any information relating to paternity? Do we have any information about who the father is in any given case? Is it not likely that most of the 40,500 people who have work permits and are here legally are sexually active? It must also be likely that a proportion of babies born to mothers from this group have Irish fathers. Is the Minister of State aware if the CSO or any other Government agency is engaged in economic research about the implications of the additional births per 1,000 head of population in the context, for example, of the pension problem which some of the Minister of State's colleagues say we will have in the years ahead?

Ms Hanafin: I am open to correction but I understand the answer is the question to which the Deputy referred is nationality. The collection of information on the nationality of the parents and new-born children is not a requirement of the Civil Registration Act 2004. The question is asked on the statistical form but only for the purpose of compiling vital statistics and registrars do not have to answer it. Some particulars must be registered, among them answers to questions asked by Deputy Rabbitte. They include the forename, surname, birth surname, address and occupation of the father, the former surname, if any, of the father, the date of birth of the father, the personal public service number of the father, the birth surname of the father's mother and other such relevant information.

Mr. Durkan: I will try again to get the information, which would be beneficial to this side of the House. Is it possible to ascertain the place of residence at the time, or for the previous

year, of non-national mothers presenting at national maternity hospitals?

An Ceann Comhairle: I am not sure that arises out of this question.

Ms Hanafin: The information from the CSO is based on manual forms and the information is not uniform throughout the country, which is why the CSO is not issuing any documentation in that regard. However, that will change with the new automatic civil registration system. The information required under that system is listed under the Civil Registration Act and includes the date and place of birth, time of birth, sex of the child, forename and surname of the child, personal public service number of the child as well as the forename, surname, birth surname, address and occupation of the mother, former surname of the mother, date of birth of the mother, marital status of the mother, personal public service number of the mother, birth surname of the mother's mother, date of registration and the signature of the registrar.

Mr. Cuffe: We were told that 16% of registrations are carried out automatically. Therefore I presume the other 84% are still done on the manual paper-based system. Surely we can get some kind of breakdown of the 16%, which could well be as valid a breakdown as the information from the two hospitals, which the Minister of State has cited. Will she give us a breakdown?

In light of the remarks made in the House today, what message will the Minister of State give to the CSO about changing the methodology by which it collects its statistics? I suffer from the same issue as my colleague Deputy Boyle in so far as my late mother was from Chicago but I was born in Baggot Street and I am curious as to what the CSO would have made with my details.

Mr. Rabbitte: The Deputy is definitely a non-national.

Mr. Cuffe: I am looking behind me for the immigration police at this stage.

Mr. Eamon Ryan: He would have to be born of an Irish mother.

Mr. Cuffe: What message is being given to the CSO arising from this debate and does the Minister of State have any breakdown of the 16% from September 2003 onwards?

Ms Hanafin: As I said at the outset, the CSO does not have sufficient information from throughout the country to be able to release composite information on the matter because it only gets the 16% registered under the electronic system. The CSO has the information from non-automatic registration and the paper-based system but, in many cases, the paper-based offices are still using a form, which has been in place

since before September 2003, which did not have a question on nationality. In many offices in which the new forms are being used, the information on nationality is not being given. True to form, the CSO will wait until it has more comprehensive data before it issues further information. The information which the CSO has on this matter is limited, but there is additional information which I gave in response to supplementary questions.

Ms Burton: Will the Minister of State supply information on the number of passports issued by Irish embassies to qualifying people of Irish descent abroad? For instance, in South Africa, an average of 2,000 passports are issued every year to people of Irish descent. If people like that come to live in Ireland, how do they count in the statistics? In many cases people such as this are like Deputies Boyle and Cuffe in being from mixed marriages in that one parent is of Irish nationality and the other is of a foreign nationality. How do they count in the statistics? It is important information for this debate because we live in a society in which many people are married to people of Irish descent and subsequently take an Irish passport or are married to non-nationals.

Ms Hanafin: The Deputy's first question is more relevant to the Department of Foreign Affairs which is responsible for the matter. In regard to the second question, I stress that it is not a requirement under the Civil Registration Act 2004 to give the information on nationality, and the forms to which I have referred and which are used in the maternity hospitals have been devised by the hospitals themselves.

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 and I will call on Deputies in the order in which they submitted their notices to my office.

Ms O. Mitchell: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the collapse of the proposed Neary inquiry and the need for revised terms of reference to ensure the co-operation of the women concerned and to avoid the unthinkable situation whereby the circumstances which allowed such atrocities in what should have been a caring and curing environment could go unexplained and unexplored.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the urgent need for this State to cease its ongoing shameful collusion in the illegal occupation of Iraq following revelations that the US and British occupation troops have tortured and murdered Iraqi

[Aengus Ó Snodaigh.]
 prisoners of war in their custody, and the need to afford the House an opportunity to vote for an immediate end to overflight and landing privileges for the US military.

An Ceann Comhairle: I call Deputy Gogarty.

Aengus Ó Snodaigh: Tá sé as láthair.

An Ceann Comhairle: I suggest that when Deputies will not be in the House they should not submit matters under Standing Order 31. It shows disrespect to the House. This is happening on a recurring basis and I appeal to Deputies and Whips to ensure that those who submit proposals under Standing Order 31 or on the Adjournment are in the House to take the matter when they are called.

Mr. Rabbitte: What would happen if they were called? Is there any chance of that? If you called them, we would have a serious problem, would we not?

Mr. Cuffe: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: in light of the discovery of a 1,200 year old Viking fortress at Woodstown, near Waterford city, on the route of the Waterford bypass, the Minister for the Environment, Heritage and Local Government should state what steps he intends to take to ensure the impact of the road on the site is minimised.

Mr. Gormley: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the deteriorating condition of Mr. Tom Sweeney, who has been on hunger strike outside the Dáil for more than three weeks because he is seeking a meeting with the Minister for Education and Science to discuss the deficiencies in the redress board, and the urgent need for the Minister to agree immediately to meeting Mr. Sweeney before his condition worsens and his health is permanently affected.

Mr. O'Dowd: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the decision of Patient Focus, which represents former patients of Dr. Neary, to withdraw from the Government inquiry into his actions, the failure to compel Dr. Neary to attend, and the urgent need now, in the interests of true transparency and justice, for the Minister for Health and Children to change the terms of reference of this inquiry so that witnesses will be compelled to attend.

Mr. Sargent: Did the Minister for Education and Science hear the matter raised by Deputy Gormley? I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the national crisis of asthma in Ireland, which has the second highest prevalence

of the condition in the EU with 274,000 sufferers in the country, and the need to implement a specific strategy to bring the illness under control, to research the causes and measures to prevent and treat the illness, and to implement the recommendations of the Green Party research on this crisis.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the feasibility study into an all-Ireland helicopter emergency medical service or HEMS, which has just been released, two years overdue, and which makes the case very strongly for a dedicated inter-hospital helicopter emergency medical service which could be up and running for all of Ireland, as well as three additional helicopters, for approximately half the price of the electronic voting fiasco. For a capital cost of €16 million for the HEMS service, which would include a helipad at Beaumont Hospital, and €4 million in annual running costs we would save many lives which are being lost and prevent disability.

Mr. Morgan: The Ceann Comhairle could shock us all by accepting one of these some day. I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter: the disgraceful but not surprising racist and sectarian attacks in the Sandy Row area of east Belfast which are orchestrated by Unionist paramilitary gangs against residents of a block of apartments, the defence of these attacks by Unionist politicians in direct contravention of the Good Friday Agreement, which seeks to guarantee the right of all people in the six occupied counties to live free from intimidation, and the need for the Department of Foreign Affairs to be more active in highlighting these attacks and to raise the issue more forcefully with the British occupiers until action is taken to end all such attacks.

An Ceann Comhairle: Having considered the matters carefully, I do not consider them to be in order under Standing Order 31.

Mr. Gormley: There is a man on hunger strike outside the Dáil and the Chair says that is not an urgent issue.

An Ceann Comhairle: That has been raised on the Adjournment and in other ways. It is not appropriate under Standing Order 31.

Mr. Gormley: It has not been addressed. The Minister is over there.

Order of Business.

Minister for Defence (Mr. M. Smith): The Order of Business today shall be as follows: No. 17, Electoral (Amendment) Bill 2004 — Report Stage (resumed) and Final Stage and No. 18, Equality Bill 2004 [*Seanad*] — Second Stage

(resumed). Private Members' business shall be No. 39, motion re commitment permanently to end hospital waiting lists within two years (resumed), to conclude at 8.30 p.m.

An Ceann Comhairle: There are no proposals to put to the House on the Order of Business.

Mr. Kenny: On the Electoral (Amendment) Bill, I am glad the Government lifted the guillotine on this. When is it proposed to continue with Report and Final Stages? Will it be next week? My recommendation was that it be withdrawn altogether and that we set up a proper independent electoral commission to deal with all elections, but the Government does not seem willing to do that.

Mr. M. Smith: It depends on the degree of co-operation and what happens for the rest of the day. If it goes on until tomorrow there can be discussions among the Whips as to how to do this.

Mr. Kenny: When is it proposed to take the continental shelf Bill? That Bill will update and consolidate the Continental Shelf Act 1968 and is due for publication in 2005. Will the Minister explain what this is about?

Also, "regret" does not seem to be a word in the Fianna Fáil vocabulary. The Taoiseach confirmed that the Minister for Education and Science and the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Fahey, were out of line when it comes to the ethics in government—

An Ceann Comhairle: That does not arise.

Mr. Kenny: It does arise. I do not expect an apology from the Minister for the Environment, Heritage and Local Government but I would have thought it appropriate that the three Ministers, the three musketeers, might say sorry—

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

Mr. Durkan: Will the Ministers consider saying sorry?

Mr. M. Smith: The earliest date I have for the continental shelf Bill is 2005.

Mr. Rabbitte: What exactly is the Minister saying about the Electoral (Amendment) Bill? We got two different Orders of Business this morning and the second one drops the guillotine. The rest of us are completely mesmerised as to the point of the exercise at all, as it is redundant. When is it proposed that we will revert to this? The Government brought the House back early to discuss two pressing matters, electronic voting and the citizenship referendum, but it looks as if we could have all stayed away and done

something useful. When are we coming back to this matter?

Is there any prospect of the Minister for Education and Science meeting representatives of the unfortunate man outside the gate who feels so wronged that his life is now at risk? I am not suggesting the Minister has any responsibility for that, but its resolution depends on him and on his office being available. Are there any plans to put forward a formula which will aid someone whose life, frankly, is trickling away? I do not know if anyone has spoken to him today but he is exceptionally ill. He is also exceptionally convinced that his case is right. He has been badly treated all his life and no successful effort has yet been made to facilitate a resolution of his personal crisis.

Mr. M. Smith: The reason the redress board was established in the first instance was to take matters like this out of the political arena but the Minister for Education and Science has agreed to meet Deputies from the person's area. I hope that meeting will take place later today.

Mr. Rabbitte: With respect, I know all about that.

Mr. N. Dempsey: Maybe the Deputy should wait for the meeting.

Mr. M. Smith: Let the meeting take place.

An Ceann Comhairle: The Minister without interruption.

Mr. N. Dempsey: Deputies opposite know the situation as well as I do. The board was set up to be independent.

Mr. Rabbitte: If we are to—

An Ceann Comhairle: Deputy Rabbitte, we cannot have a discussion on the matter here. A question was asked and I am allowing the Minister for Defence to answer it as he is taking the Order of Business. I would prefer if the Deputy did not carry on a conversation with the Minister for Education and Science across the floor of the House.

Mr. Rabbitte: There is a situation outside the gate.

An Ceann Comhairle: The Deputy has made his point and I ask him to allow the Minister for Defence to answer.

Mr. Rabbitte: There is no point in either Minister—

An Ceann Comhairle: I appreciate that Deputy. There are other ways of raising that matter in the House.

Mr. Rabbitte: We will get another opportunity to raise it. I do not think there is an appreciation of the gravity of the situation on that side of the House.

Mr. M. Smith: The reason for proceeding with the Electoral (Amendment) Bill 2004 is that we need to give statutory recognition to the commission to allow it to continue its work and to publish its further detailed reports, as referred to in its first report. There are other items in the Bill which need to be enacted, in respect of personation and the facilitation of a number of existing councilors who are council employees standing in the forthcoming local election. There is no great argument about that.

In regard to today, let us see how the debate progresses. If it is not completed, the Whips will meet to decide the way in which to proceed thereafter.

Mr. Rabbitte: The Government would not do that when we first asked because it was trying to rush it through for 11 June.

Mr. M. Smith: I am trying to be helpful.

Mr. Rabbitte: Such contempt for the House is disgraceful.

Mr. Crawford: That is some interpretation of what is being done.

Mr. Sargent: If we did not have respect for the House, most of us on the Opposition would have withdrawn our Report Stage amendments, given that they are effectively bogus in respect of the elections on 11 June. In all honesty, there are many other issues the House should deal with other than the Electoral (Amendment) Bill 2004.

An Ceann Comhairle: If we got on with the Order of Business we might get on to the Bill.

Mr. Sargent: If there is any point in it. The promised legislation I want to ask about relates to issues pertaining to the foreshore Bill which were raised by Dr. John Sweeney, who coincidentally has the same surname as Mr. Tom Sweeney. It is probably fate that we are raising it today. I do not know if the Minister saw an article in yesterday's edition of *The Guardian* which stated, "If a man is allowed to die on the parliament's doorstep, large numbers ... will rise up in revolt." Is the Government prepared for the political fall-out?

An Ceann Comhairle: The Minister to reply to the question on legislation.

Mr. Sargent: The foreshore legislation that Dr. John Sweeney from Maynooth—

An Ceann Comhairle: I have asked the Minister to respond to the Deputy's question.

Mr. Sargent: Given that there is no date for publication, is serious consideration being given to the issue? The coastal zone management Bill appears to have been scrapped. Dr. John Sweeney of Maynooth, is serious in warning about the inundation of the foreshore.

An Ceann Comhairle: The Chair will have to move on to the next business if the Deputy continues to frustrate the Order of Business.

Mr. Sargent: Is there a publication date for that Bill?

Mr. M. Smith: The coastal zone management Bill is being incorporated in a marine services Bill which will provide for comprehensive new legislative provisions for a seafood sector and a marine coastal zone. It is not possible to indicate when the foreshore Bill will be published.

Mr. Crawford: In light of the grave difficulties in getting a driving test, when will the driver testing and standards authority Bill be published? What is the position in regard to alcohol products, control of advertising, sponsorship and marketing practices, sales promotions Bill, in light of the ongoing problems with alcoholic drink discussed here today? What is the position in regard to the medical practitioners Bill? The Minister was about to get extra practitioners for the hospital in Nenagh.

An Ceann Comhairle: The Deputy should confine himself to questions appropriate to the Order of Business.

Mr. Crawford: It is very appropriate to the Order of Business that we get a few extra practitioners in Monaghan.

An Ceann Comhairle: I want to facilitate Deputy Durkan and I cannot do so if the Deputy continues.

Mr. M. Smith: The driving testing standards authority Bill will be published this session. The second Bill will be published in late 2004 and in the case of the third Bill it is not possible to indicate when it will be published.

Mr. Howlin: I seek clarification from the Minister for Defence on promised legislation. I have asked for over a year about the promised health and safety at work (amendment) Bill. It is contained in the priority list for this session. I was informed previously that it would incorporate the recommendation from the Law Reform Commission on corporate manslaughter. I understand the Minister of State with responsibility for labour affairs made a statement today that corporate manslaughter is proving too complicated to incorporate into this legislation. When will we see the health and safety Bill? Will there be separate legislation to outlaw corporate

manslaughter, this new offence, or will both Bills be incorporated into one?

Mr. M. Smith: I will have to communicate with the Deputy in regard to the second matter. I hope the Bill will be introduced this session.

Caoimhghín Ó Caoláin: I welcome the fact that the Government has withdrawn the guillotine in respect of the Electoral (Amendment) Bill 2004. Would there not be greater sense in deferring further consideration of the Bill until all the salient matters have been properly addressed?

An Ceann Comhairle: Has the Deputy got a question appropriate to the Order of Business?

Caoimhghín Ó Caoláin: I do. All the face loss has occurred. We should be big and bold enough to say we have been——

An Ceann Comhairle: I call Deputy Neville.

Caoimhghín Ó Caoláin: On the second matter, there is a precedent in relation to the Minister for Education and Science, Deputy Dempsey, meeting the unfortunate man outside the gates of the House. Far be it from me to eulogise on any of the actions of the Minister for Justice, Equality and Law Reform but I believe there was a precedent for this in the course of this Dáil. The Minister for Justice, Equality and Law Reform either intentionally or in a casual way happened to meet a previous hunger striking party outside the gates of the House and it diffused the situation.

An Ceann Comhairle: The Deputy has made his point.

Caoimhghín Ó Caoláin: I wish to ask a question. I commend the action outlined to the Minister for Education and Science, Deputy Dempsey.

An Ceann Comhairle: Deputy Dan Neville. We cannot have a debate on this matter now.

Caoimhghín Ó Caoláin: It is worth exploring and pursuing in order to avoid a tragedy. My question is——

An Ceann Comhairle: I will come back to the Deputy for his question. I have called Deputy Neville.

Caoimhghín Ó Caoláin: Will you allow me to finish my contribution?

An Ceann Comhairle: Sorry, Deputy, I will come back to you. Deputy Dan Neville. The Chair wants to move on to the next business and be fair to other Deputies who wish to ask a question on legislation.

Caoimhghín Ó Caoláin: Can the Chair not be fair also to this Deputy?

An Ceann Comhairle: The Deputy has been on his feet for three or four minutes and he has not asked one question relevant to the Order of Business.

Caoimhghín Ó Caoláin: As a leader of a party I have made the same references as every other leader has but I was not called in sequence. I wish to ask a question, as others have indicated, relevant to the Order of Business and I will be brief. The customs and excise (mutual assistance) (amendment) Bill was promised in the January programme, with publication expected in 2004. I note from the most recent publication of intended Government legislation that it does not appear on the list. Will the Minister clarify what has happened to the Bill and what are the Government's intentions regarding same?

Mr. M. Smith: That Bill is not being progressed at present. It has come to Revenue's attention that meetings have been held at EU level. Further protocols may arise and each would require primary legislation. If they arise, it is Revenue's intention to take them all together in one instrument.

Caoimhghín Ó Caoláin: When will that be?

Mr. M. Smith: There is no time as yet.

Mr. Neville: For a considerable period concern has been expressed in regard to the operation of coroners' courts. When will the coroners (amendment) Bill be published. It has been stated that publication is expected in 2004. Can the Minister be more precise about the date of publication?

Mr. M. Smith: I hope, by the middle of this year the heads of the Bill will be ready.

Ms McManus: Quite a number of young women were subjected to the most barbaric treatment and procedures by Dr. Neary in the North Eastern Regional Health Board. The Minister for Health and Children undertook to hold an inquiry into this terrible medical scandal. The non-statutory inquiry appears to have run into the sand and the victims have withdrawn from the inquiry because they feel it will not——

An Ceann Comhairle: That matter is the subject of an Adjournment debate this evening. In fairness to the Deputy who submitted it I suggest that Deputy McManus submit a question to the Minister for Health and Children.

Ms McManus: Is the Government considering setting up a statutory inquiry?

An Ceann Comhairle: I suggest the Deputy submit a question to the Minister on the matter.

Ms O'Sullivan: When will the Report Stage of the Education for Persons with Disabilities Bill be taken in the House? The House dealt with Committee Stage in January. The Bill seems to have completely disappeared from the priority list. When will the disabilities Bill be published?

Mr. M. Smith: The Deputy is correct. It is a priority and it is hoped that it will be taken in the next couple of weeks.

Ms O'Sullivan: It is a long time since the disabilities Bill was promised. When will it be taken?

Mr. M. Smith: I do not have a date yet. It is still under consideration.

Mr. Boyle: Today the Combat Poverty Agency published a report on housing poverty and wealth in Ireland which showed that those reliant on the private rented sector spend a higher proportion of their income——

An Ceann Comhairle: Has the Deputy a question appropriate to the Order of Business?

Mr. Boyle: We have been waiting a long time for the return of the Residential Tenancies Bill which at least will address many of these issues. When will it be back before the House?

Mr. M. Smith: The Government is anxious to give priority to that Bill over the next couple of weeks.

Mr. Gilmore: My question is about the same Bill.

Mr. M. Higgins: What progress has been made on the diplomatic relations and immunities (amendment) Bill, will proposes to amend the legislation of 1967 and 1976 because of the constitutional difficulties and the urgency to have the Bill drafted ahead of the granting of immunity, for example, in the case of future presidential visits?

Mr. M. Smith: I regret I am not able to indicate a specific time at this stage.

Mr. Durkan: Now that the Minister for the Environment, Heritage and Local Government has on his hands a lot of obsolete electronic equipment, will he consider alternative means for its use or disposal?

An Ceann Comhairle: Has the Deputy a question on legislation appropriate to the Order of Business?

Mr. Durkan: He might consider having an auction——

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

Mr. Durkan: ——to sell it off and restore the €52 million to the taxpayers or perhaps he might deal with it in the context of the petroleum Bill, which is promised legislation. He could perhaps deal with it under that heading.

Mr. Allen: It is a burning issue.

Mr. M. Smith: It will be dealt with in 2006.

Mr. Allen: That will be long before the electronic voting machines are used. In view of press reports today that the European Commission is to investigate the high level of illegal quarrying and dumping operations, what legislative steps has the Minister for the Environment, Heritage and Local Government taken to ensure that local authorities and his Department will carry out their responsibilities under the planning laws?

An Ceann Comhairle: Is legislation promised?

Mr. M. Smith: No. I suggest the Deputy put down a parliamentary question to the Minister.

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed An Bord Bia (Amendment) Bill 2003 and the Tribunals of Inquiry (Evidence) (Amendment) Bill 2003, without amendment.

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

Debate resumed on amendment No. 1:

In page 5, line 5, after “TO” to insert the following:

“ESTABLISH A BODY TO BE KNOWN AS AN COIMISIÚN UM VÓTÁIL LEICTREONACH, OR IN THE ENGLISH LANGUAGE, THE COMMISSION ON ELECTRONIC VOTING, AND TO”.

—(Deputy Gilmore).

An Ceann Comhairle: The Minister for the Environment, Heritage and Local Government, Deputy Cullen, is in possession.

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I made the position clear on amendment No. 1. The amendment is not considered necessary. The parliamentary counsel is the expert in drawing up the Long Title of Bills. The Long Title of the Bill was prepared by the parliamentary counsel and is considered satisfactory.

Mr. Gilmore: I will begin by complimenting the Minister on his performance on television last night — I saw him on “Prime Time” on RTE. For a Minister who left this House yesterday evening with calls from the Opposition for his resignation

still ringing in his ears, it was a remarkable performance for him to conclude his interview on "Prime Time" with a satisfied grin on his face, telling the nation that these electronic voting machines would be used at some stage. This did not particularly surprise me, however, since the Minister had the programme item all to himself. He managed in the course of the solo run which he was permitted to tell the nation that the amount of money he had wasted on this system was not €52 million but €42 million. As Deputy Rabbitte pointed out in the House this morning, that is in flat contradiction of what the Minister told the House last week, where the figure clearly comes to €52 million, although that point was not put to him in the interview.

He also managed to tell the nation that the waste of the €52 million on the electronic voting machines is a prudent investment, although he was not asked anything about the estimate for depreciation on the equipment, something which the House will no doubt return to at a later date.

It would be of interest to know whether the solo run which he was permitted was at his request or insistence. It is known that Ministers have in recent times taken to insisting that they will not appear in the same studio as their Opposition counterparts. It could perhaps have been RTE's latest interpretation of what constitutes political balance.

The programme was also of interest for the fact that one would assume by looking at it that there was no political opposition in the country. It is an interesting case study. I recommend its study to students of journalism or to those interested in broadcasting as an example of what happens to a State broadcasting organisation in a country where one party holds power for far too long. This is a political issue where the Opposition parties have made the running to the point where the Government has been forced into a reverse position and the State broadcaster completely ignores the Opposition. The question could be asked as to why in this country, unlike in Britain, a Minister will not resign over the kind of error that the Government made on the electronic voting issue. Part of the answer might well be that BBC's "Newsnight" would hardly have handled the issue in the same way.

The purpose of the amendment is to change the Title of the Bill. At this stage I think it does not matter a great deal what the Title of the Bill will be. This Bill is no longer about what it set out to do, which was to impose electronic voting against the wishes and will of the Opposition and those who have commented on it. That now cannot be done, thanks to the work of the commission. Nevertheless, provision should be made for the Irish title of the commission.

Amendment put and declared lost.

Mr. Gilmore: I move amendment No. 2:

In page 5, between lines 14 and 15, to insert the following:

1.—This Act (other than *Part 3*) shall not come into operation until such time as the Commission established by *Part 3* certifies that the other provisions of this Act are in accordance with the highest standards of transparency and accountability and fully safeguard the integrity and privacy of the voting process in a verifiable manner.

This is a particularly relevant amendment, given the report of the commission. The Bill sought to allow the Minister to introduce electronic voting by ministerial order at the European and local elections initially and then at any election that he so chose thereafter. Again, thanks to the work of the Commission on Electronic Voting, we will not have electronic voting at the European and local elections. However, the Bill still allows the Minister, if he so chooses, to introduce electronic voting for any by-elections or referendums that may arise, or the presidential elections in the autumn and the next general election. It also allows any type of system to be used for casting or counting votes as electronic voting systems are not confined to the system under scrutiny by the commission. The amendment proposes that the legislation, which would enable the Minister at his discretion to introduce electronic voting for any election, would not come into operation until such time as the commission had given the all clear for the system to be introduced.

The commission's report on the system the Minister believed he could unilaterally introduce for the local and European elections is damning and clearly underscores the requirement that electronic voting must not be introduced until the commission has satisfied itself that the system is safe and capable of being used. Nor should the system be introduced before general political agreement has been reached on the issue. The problem we now have arose directly from the Government's desire to proceed unilaterally and its failure to listen to the views of the Opposition, members of the public and experts who commented on the system. If it had listened, we may have made more progress towards the introduction of electronic voting.

The Minister was not disposed to accept this amendment on Committee Stage. Having had the benefit of the commission's report in the meantime, I hope he has changed his mind.

Mr. McCormack: I strongly support the amendment. If it is not accepted, it will provide further proof of the determination of the Government and the Minister to introduce electronic voting one way or the other. I hope all we have heard about the €52 million not being wasted and the voting machines being stored temporarily until electronic voting is introduced is not indicative of the attitude of the Minister and the Government.

[Mr. McCormack.]

If we are to continue to have faith in the work of the commission, whose preliminary findings the Government has accepted, the legislation cannot be allowed to pass without this amendment. In light of the commission's report, I presume the Minister will accept the amendment and I would be astonished to hear otherwise. If he does not accept it, it will add to our belief and concern that one way or another, come hell or high water, the Minister and the Government want electronic voting introduced, regardless of whether the people want it or the system is proved. In this regard, I will quote from the summary of the commission's interim report:

In addition, the Commission recognises that the threshold of proof required to support its recommendation against the use of the system is much lower than that which would be required to recommend in its favour. It is for this reason that, although its work is incomplete, the Commission is in a position to make its recommendation within the time frame of this report.

In that connection, the Commission has not been able to satisfy itself as to the accuracy and secrecy of the system for the following main reasons. . . .

The report then sets out the legitimate reasons the commission was not prepared to give the go ahead to electronic voting at this time. If the amendment is rejected, the Minister will have power, by regulation, to introduce electronic voting or any other voting system any time he so wishes.

Yesterday evening, I asked the Minister to apologise for scathing remarks he made about Opposition spokespersons in an address to the House on 31 March, which have since been proved to be unfounded. He stated:

I have no doubt that at certain times in recent debates, Fine Gael spokespeople genuinely have not known what they were talking about. . . . This will not have been the first time Fine Gael have looked through the wrong end of the telescope . . .

These remarks were completely uncalled for. Opposition spokespersons have not opposed electronic voting but its introduction without necessary paper checks or proof that the system is in order. We were doing our duty in pointing out inadequacies in the system which members of the public had raised with us. For the Minister to throw such remarks at people who are genuinely doing their job deserves an apology, particularly in light of the commission's interim report, which contains nothing that Deputies Gilmore, Allen, Morgan and I did not raise on Committee Stage.

One would almost imagine that the commission's report was written on the basis of the proceedings of the meeting of the Committee on Environment and Local Government of 18 December 2003, as reported in the Official

Report. The commission's interim report repeats all the concerns raised at that meeting and during the Second Stage and Committee Stage debates on the Bill. The Minister's statement that the Fine Gael Party spokespersons, namely, Deputy Allen and I, did not know what we were talking about deserves an apology and lowered the esteem in which I hold him.

Deputies, as democrats, are elected by the people to represent them in the Dáil on an equal basis. Like the Minister, Deputy Allen and I were elected by the ballot box, not by electronic voting, to do a job, not to listen to guff of this kind from the Minister. I demand an apology for his comments about the spokespersons for the Fine Gael Party on 31 March.

Mr. Sargent: I speak from a slightly different point of view from Deputy McCormack because I was elected by electronic voting, which was a deflating experience compared to the excitement of the paper based system. Having said that, I will not argue with the result in my case, except to state that the standards of transparency and safeguards in terms of integrity and privacy referred to in the amendment were taken completely on trust and not verifiable. It was impossible to—

Mr. Cullen: The commission stated it in its report that it fully stood over the conduct of the elections in 2002.

Mr. Allen: The Minister continually misrepresents the report. He is a disgrace.

Mr. Sargent: If he were to read the report, and I believe he has read it, the Minister would find that the commission did not state anything of the sort. It is very important that we deal with those aspects of the report directly relevant to the amendment. In the constituencies in which the electronic voting system was used at the previous election, everyone, including staff, had to have complete trust in the system and take or leave the result because there was no way of checking, calling for a recount or knowing how the outcome would be presented. The appalling fracas at the count in my constituency certainly attested to that and overall confidence in the system was completely absent.

Mr. Cullen: It is very simple, a candidate obtains enough votes to get elected or he does not.

Mr. Sargent: I promise I will not interrupt the Minister. The commission has given us a thought-provoking and thorough assessment and it is what we have been trying to say without the expertise that it has at its disposal, other than the submissions that were made. We had the intuition and the common sense to see that this system was flawed. The commission has not been able to give assurances on the veracity of the system because it could not obtain access to the full source code

of the system. Its report reads like a damning litany of doubt. It even claims that it is not possible to certify the accuracy of the software proposed for use at the forthcoming elections. That should put a brake on the Minister as it was obvious that this would be a problem once the commission was asked to do its work.

I was amazed when I read the assessment and the recommendations by the commission. It claimed the testing was impossible and there was an error in the count software and a possibility that there could be errors in the use of the machine by electors, especially in the context of a number of simultaneous polls. That would have been the case on 11 June, with four different polls taking place.

Mr. Cullen: How many hours will it take voters to cast a vote in June? People get confused with different ballot papers. Would the Deputy like to bet on it? Could he try to put a figure on it? That is sanctimonious claptrap.

Mr. Sargent: Apart from good manners, the Minister is forgetting a basic rule. The public has to have confidence in the electoral system.

Mr. McCormack: They do not trust Fianna Fáil.

Mr. Sargent: No matter how much the Minister spouts about his smug expertise and that everything he says is correct, he is——

Mr. Cullen: Unlike the Deputy, I never said I was an expert.

Mr. Sargent: You constantly decry anyone who takes a different view from yours.

An Leas-Cheann Comhairle: The Deputy must address the Chair.

Mr. Sargent: I am addressing the Chair. The Minister has been interrupting me.

Mr. Cullen: He is misquoting the commission.

Mr. Sargent: I am reading from the commission report as it is important that people know what the commission has said verbatim. The Minister must realise that the commission has a different view from his. It does not matter that he welcomes its report.

Mr. Cullen: It wants more time to do its job, and that is fine.

Mr. Sargent: I remind the Minister that the commission has a different view from that of the Minister. He wanted to rush this through before the elections on 11 June. The commission stated that that was not the best thing to do because the system was full of flaws and the possibility of errors would destroy the public confidence.

Mr. Cullen: Will the Deputy point out where in the report is it stated that the system is full of flaws?

Mr. Sargent: I am reading from page 21.

Mr. Cullen: I cannot find that.

Mr. Gilmore: The Minister should read pages 20 to 24.

Mr. Sargent: I am reading from page 21.

Mr. Cullen: No, he is not.

Mr. Sargent: The report points out problems again and again. If that is not full of flaws, the Minister needs to look again at the report.

Mr. Cullen: I cannot find the words “full of flaws” anywhere.

Mr. Sargent: I was paraphrasing when I said “full of flaws”. I will read from the report if the Minister would like me to do so. People who have an interest in the process of electoral reform and the Minister’s misguided plans should read this report. It is important people realise that Fianna Fáil is not the party that should be charged with amending the democratic system. It has a very bad name in that respect. It tried in the past, by way of a referendum, to amend the way in which the people elect their representatives, and the people rejected it at that time.

Mr. Cullen: God help us if the day comes when the Green Party is in power.

Mr. Sargent: The Green Party has been in power in many countries where there is a trustworthy voting system.

Mr. Cullen: The Green Party here is an embarrassment to green voters in Europe.

Mr. Sargent: The Minister is incapable of listening to any opinion that differs from his. It is a particular flaw of his.

Mr. Cullen: Fianna Fáil has nothing to do with the running of elections, and the Deputy knows that.

Mr. Sargent: If the Leas-Cheann Comhairle will not protect my right to speak, he should remind the Minister that he will have his turn.

Mr. Cullen: The Deputy is trying to denigrate the presiding officers and returning officers. It is as simple as that. He should withdraw such remarks as those officers are absolutely independent.

Mr. Sargent: I have done nothing of the sort and have not denigrated any returning officer. They are caught between a rock and a hard place.

[Mr. Sargent.]

An arrogant Minister insists on foisting a system upon them that they neither asked for nor were trained to operate. Like the commission, they were unable to test the system. This amendment from Deputy Gilmore is timely as the commission has just published its report. If the Minister was serious about taking on board the work of the commission, he would accept this amendment. It does nothing except attempt to reassure people that no system will be introduced that is without transparency, integrity and privacy and is not verifiably so. That is a modest request and the Minister should accept it.

Mr. Allen: The Minister has been incompetent, negligent, arrogant, dismissive, evasive and now unrepentant.

Mr. Gilmore: He is hungry as well.

Mr. Allen: By the looks of things he needs a cigarette.

Mr. Cullen: I need a cigarette at any rate.

Mr. Morgan: We need a derogation of the smoking ban here.

An Leas-Cheann Comhairle: The Deputy should speak on amendment No. 2.

Mr. McCormack: It is significant that the doctor came into the House.

Mr. Allen: This morning I heard a number of comments by a female spokesperson from the Department of the Environment, Heritage and Local Government. She spoke about the consequent costs of running the elections in June. I do not know who she is but the Minister should inform us in the House of the consequences in June.

An Leas-Cheann Comhairle: The Deputy should speak on the amendment.

Mr. Allen: The Minister is not giving answers to the relevant questions. He was afraid to go on radio last Friday. He laid down ground rules for the “News at One”. They would not go on head to head.

Mr. Cullen: The Deputy has to stop.

Mr. Allen: He obliged last night with a free run on “Prime Time” where he spun and spun, giving a slanted version of the commission’s report. He was allowed to mislead the people.

Mr. Cullen: I was very calm and I had a cogent argument.

An Leas-Cheann Comhairle: The Deputy should speak on amendment No. 2.

Mr. Allen: I am addressing that.

An Leas-Cheann Comhairle: The Deputy has not done so yet.

Mr. Allen: Will the Minister answer a number of questions on the taxpayer—

Mr. Cullen: What are we talking about?

Mr. Allen: Will the Minister keep quiet and listen for a change? If he stayed quiet and listened over the past few months he would not be in the pickle he is in. He has led the taxpayers up the garden path and dug a hole for himself.

Mr. Cullen: That is what the Deputy hopes. Fine Gael hopes that the machines do not work, but it will be disappointed.

Mr. Allen: The Minister does not know to which party he belongs, the Progressive Democrats or Fianna Fáil. I knew the party to which I belonged, and I stuck with it through thick and thin.

Mr. Cullen: The Deputy is not on solid ground.

Mr. Allen: I never jumped ship. He should not talk about political parties.

An Leas-Cheann Comhairle: The Deputy should talk about amendment No. 2.

Mr. Allen: I will talk about the amendment if I am allowed, and I would like your protection, a Leas-Cheann Comhairle to allow me to speak.

An Leas-Cheann Comhairle: The Deputy should address amendment No. 2.

Mr. Allen: Why did the Minister sign a €40 million contract on 19 December—

An Leas-Cheann Comhairle: That is not relevant to amendment No. 2.

Mr. Allen: —when the Joint Committee on the Environment and Local Government raised major questions?

An Leas-Cheann Comhairle: It is not relevant to amendment No. 2. I ask the Deputy to—

Mr. Allen: When can I ask those questions?

An Leas-Cheann Comhairle: Not on amendment No. 2. Questions relevant to amendment No. 2 are in order but others are not.

Mr. Allen: The Minister will have the flexibility and freedom to do whatever he likes regarding the commission and the running of elections. He is incompetent and, worse still, arrogant in the performance of his duties and hides behind his spin doctors and anonymous female spokespersons who put a spin on the stories they pro-

vide to the newspapers. We have no confidence in his ability to run anything and therefore I fully support the amendment before us.

Mr. Morgan: I support the amendment. The Minister should note the difference between a terrible system that may be responsible for systematic corruption and individuals making a series of mistakes. I accept that the latter happens on a grand scale but it is much fairer than the former. We have already advised, through our debate on our amendments on Committee Stage, on what the Minister should be seeking to achieve in terms of a voting system.

Now that the Opposition parties have been vindicated by the Commission on Electronic Voting regarding the preservation of an electoral system that has the confidence of the public, it is important that we maintain this confidence. Therefore, the Minister should accept this amendment and ensure that, irrespective of the makeup of Government, nobody is put in a position where a conflict of interest arises between that person's roles as officer in charge of running the election and as director of elections for a Government party. Clearly, such a conflict of interest exists. This amendment seeks to deal with it and it is worthy of acceptance by any reasonable Minister. I cannot for the life of me understand why it should not be accepted. The opportunity to begin to correct the errors in this Bill lies in this amendment. If the Minister is not prepared to accept it, it will be a rather telling judgment.

Mr. Cullen: I thank the Deputies for their contribution on this amendment. It will be only too clear to anybody listening to this debate where the Opposition has come from. The only thing it is trying to hang on to is the forlorn hope that, after the €42 million——

Mr. McCormack: Anybody watching the Minister would be ashamed of the place.

Mr. Cullen: ——or €52 million that has been spent on the voting machines——

Mr. Sargent: Which is it?

Mr. Cullen: ——and on the new electoral system——

Mr. Gilmore: Which is it?

Mr. Cullen: ——the new electoral system will not come into being. I am happy to tell the Members opposite that the direct capital cost was €42 million. The rest comprises additions in VAT and taxes, as the Deputies well know.

Mr. Gilmore: What is the total?

An Leas-Cheann Comhairle: Order, please.

Mr. Allen: It is all taxpayers' money.

Mr. Gilmore: What is the total?

Mr. Cullen: I am happy——

Mr. Gilmore: Will the Minister give way for a question?

Mr. Cullen: I will not give way. I have less than five minutes left.

Mr. Gilmore: I am entitled to ask a question.

An Leas-Cheann Comhairle: The Deputy will be entitled to do so later in the Minister's contribution.

Mr. Gilmore: I am entitled to ask the Minister a question.

An Leas-Cheann Comhairle: He has only been speaking for a couple of minutes.

Mr. Gilmore: I am entitled to ask a specific question——

An Leas-Cheann Comhairle: Under Standing Orders——

Mr. Gilmore: ——to put the record of the House straight.

Mr. Cullen: The record of the House is straight.

Mr. Gilmore: What is the total spend?

Mr. McCormack: It will be €100 million before the Minister is finished.

Mr. Cullen: The record of the House is straight and the Deputy knows it. The question has been answered for him about three times.

An Leas-Cheann Comhairle: Allow the Minister to speak without interruption.

Mr. Gilmore: What is the total spend?

Mr. Cullen: The reality is that——

Mr. Morgan: We do not know.

An Leas-Cheann Comhairle: Please allow the Minister to make his contribution.

Mr. Morgan: Which figure is it?

Mr. Cullen: The reality is that the members of the Opposition are intent on seeing the system fail for their own political gain.

Mr. Allen: The Minister is the man that allowed it fail. He torpedoed it.

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: I am happy to inform the Opposition that I have read the report in detail on many occasions.

Mr. Allen: I would say he cried also.

Mr. McCormack: He cringed.

Mr. Cullen: No, I did not. It is quite clear that there is one difference between me and the commission, namely, the commission needs more time to do its testing, as opposed to all the international testing that has been carried out on this system. I am equally happy—

(Interruptions).

Mr. Sargent: It identified errors.

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: I am equally happy that the Dutch, Germans, French and Indians can use this system. However, the Opposition has ensured that the rest of the world is laughing at us.

Mr. McCormack: They are laughing at the Minister.

Mr. Allen: They are laughing at the Minister.

Mr. McCormack: This country is laughing at the Minister, whatever about the others.

An Leas-Cheann Comhairle: Order, please.

Mr. Allen: The taxpayer is not laughing, however.

Mr. McCormack: The Minister should listen to the Joe Duffy show or any other show and he will note that they are laughing at him.

Mr. Cullen: We cannot oppose the introduction of a system that the rest of the world has been happy to use for the past ten to 15 years.

Mr. Allen: That is also untrue.

Mr. Cullen: The reality is that this is a positive investment on behalf of the taxpayers. The Government, comprising the Fianna Fáil Party and the Progressive Democrats, will ensure that we bring this country into the 21st century in many different ways—

Mr. Allen: We are all for that.

Mr. McCormack: We are in it.

Mr. Cullen: —not alone in the use of the modern electoral system but also across a range of issues with which we have been dealing for some time.

Mr. Sargent: Dictatorship.

Mr. Cullen: It is not a dictatorship, it is called democracy. The Deputy just does not like it.

Mr. McCormack: It is an ego trip for the Minister at the expense of the system.

Mr. Cullen: Deputy Gilmore's amendment, which would insert a new section into the Bill, is unnecessary. The commission's terms of reference in Schedule 5 to the Bill, together with sections 21 and 22, clearly state that the commission's reports will comprise recommendations on the secrecy and accuracy of the system, including the application or non-application of the electronic voting and counting of the Nedap-Powervote system for the European and local elections on 11 June 2004. In line with its commitment to accept the commission's recommendations, the Government has decided not to use the system at the polls next month. Obviously, we must await further reports that the commission has said it will deliver to us. It should be noted that the commission stated its experts reported that the system accurately records and counts the votes. In particular, it stated that it did so at the pilot polls in 2002.

Mr. McCormack: Why is it not going ahead with it if that is true?

Mr. Cullen: I am sure Deputy Sargent is delighted this is the case given that he was elected by way of the electronic voting system.

Mr. Sargent: I am reading that it identified errors.

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: It is understandable that once the commission decided on its own testing regime, it would find it difficult, if not impossible, to complete the testing given that the experts engaged by my Department took months to complete their work. Once the commission went down that road—

Mr. McCormack: They were not able to answer the 40 questions on 18 December. They were not able to answer anything.

Mr. Cullen: The provisions in the Bill adequately provide for the intent of the amendment and therefore I cannot accept it.

Mr. Gilmore: Can I deal specifically with the amendment? The terms of reference of the commission, which is now to be established on a statutory basis, are set out in Schedule 5. Under these terms of reference, the commission is confined to looking at the Nedap-Powervote system, and it drew attention to this in its report. Under section 5, however, the Minister is entitled to introduce any kind of electronic voting system. If, when this Bill is passed, the Minister decides to use some other system, a variation of the

existing one or a different type of software for the county, the commission will have no function at all in this regard under the terms of the Bill.

The purpose of amendment No. 2 is to ensure that, if electronic voting is to be introduced, two conditions, at a minimum, are met. First, there should be general agreement across the political spectrum. The Labour Party, as we have said before, is open to reaching agreement on this issue, as it has been all along. Second, the commission should give the system the all-clear. We are now in a fortunate position because the commission has greatly enhanced its credibility among the public as a result of the report it published last week. It emphasises its independence and, as I said yesterday, has done a good job in trying circumstances. If electronic voting is to be introduced and operated for a future election, will the Minister give an assurance that it will be done with general political agreement?

Mr. Cullen: I always like to achieve that.

Mr. Gilmore: Second, will he give an assurance that it will only be done after the commission has given it the all clear?

Mr. McCormack: Would the Deputy trust him? I would not.

Debate adjourned.

Ceisteanna — Questions (Resumed).

Priority Questions.

Minister for Justice, Equality and Law Reform (Mr. McDowell): Before giving the replies to today's questions, I wish to refer briefly to the written answer given by me to Question No. 172 on 7 April. The reply to Deputy Cassidy indicated that representations on the part of a named individual had not been received when, in fact, they had. I am informed that the correspondence in question had been misfiled.

When the error came to my attention, I corrected the misinformation by writing to Deputy Cassidy and I notified the Ceann Comhairle's office of the matter. I am glad to correct the record for the House. It arose from an innocent error.

Proposed Legislation.

2. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform when he will introduce legislation to fulfil the commitment made in the programme for Government to legislate for judicial misbehaviour; the reason the matter has not been addressed to date; and if he will make a statement on the matter. [12871/04]

Mr. McDowell: As I indicated in my written response last Thursday to a question tabled by Deputy Jim O'Keeffe, 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 Oireachtas Committee on the Constitution and the committee on judicial conduct and ethics chaired by Ms 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, although 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 26 April, I expect to be in a position to seek Government approval to publish the Bill in the current year.

Mr. J. O'Keeffe: Does the Minister accept this issue should have been tackled with some degree of urgency? It is over four years since the Sheedy affair but we are in the same position now as we were then. What is being proposed? There was an abortive effort to change the Constitution in 2001. Is the Minister proposing merely legislation at this stage? What will that legislation do? Will it underpin Article 35 of the Constitution with regard to impeachment or is a separate constitutional Bill proposed, as was envisaged in 2001?

Mr. McDowell: A proposal was canvassed in the House but it was withdrawn due to the absence of an all-party consensus on holding a referendum which would copperfasten the establishment of a judicial council. A report was received from the Denham committee, to which I referred earlier. That report included proposals for legislation. It was implicit in the report, and clear from the report's terms, that amendment of the Constitution was not necessary for the establishment of a judicial council, one of whose functions would be to investigate allegations of misbehaviour against judges. It is my belief that it is not necessary to amend the Constitution to provide for such a mechanism, provided it is consistent with the terms of the Constitution and does not infringe on the clear constitutional function of the Oireachtas with regard to the ultimate sanction of removal from office.

Short of that ultimate sanction, there can be circumstances in which a judge could, for example, be reprimanded for inappropriate behaviour, cautioned about his or her behaviour or, in certain circumstances, advised on his or her behaviour. An example would be if a judge's

[Mr. McDowell.]

performance was being adversely affected by an addiction to alcohol or the like. There are a number of actions far short of impeachment with which the council could deal.

It is envisaged by the Denham report and by me in my legislative programme that a judicial council approach will consist of a body in which there will be lay participants. It will not be a question of judges investigating themselves. There will be a genuine lay element so the public will be satisfied that an objective and non-self serving inquiry, if one can describe it that way, will take place on every occasion.

Mr. J. O’Keeffe: Does the Minister accept it might be useful to have all-party discussions on the proposals? The judicial council proposed in the Denham report consists solely of judges. All judges would be members of the judicial council and only in the case of one of the committees, the committee on ethics and conduct, is there a proposal for lay membership. This would be appointed from a pool of three persons by the judicial council, following advice from the Attorney General. Bearing in mind the problem we have to deal with, it might not be appropriate to have a judicial council where all judges are members of the council. That would be the body charged with responsibility in this area.

Mr. McDowell: I accept the Deputy’s point that different models or approaches within the broad framework of some form of judicial council or college are possible. If there were a college of the Judiciary, for example, it would be possible to have a council of that college which would have lay participation. Lay participation in respect of matters such as judicial studies and the like might be qualitatively different from lay participation with regard to misbehaviour allegations. I have an open mind on that.

I agree that all-party consideration of this issue would be desirable. When the heads of the Bill are in a reasonable format, it is my intention to do what I did with other important legislation, namely, bring it before the joint committee on justice so Members of both Houses can have a pre-emptive look at how the legislation is developing.

Mr. J. O’Keeffe: That would be a wise move. A degree of urgency would also be wise.

Victims of Crime.

3. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he is considering measures to ensure the victims of crime and the families of victims are treated in a more sensitive way by the legal system; if he will consider the establishment by the Garda and the Courts Service of victim liaison units which would be responsible for ensuring that victims and their families are kept up to date with developments in their cases and that their practical needs are given

attention during a court case; and if he will make a statement on the matter. [12762/04]

Mr. McDowell: Comprehensive provision already exists in law which requires that aspects of criminal procedure take full account of the position of victims in proceedings. Examples of this include the Sex Offenders Act 2001, which provides for separate legal representation for complainants in the situation where an application is made to the court in the course of a trial to adduce evidence or cross-examine about a complainant’s sexual history.

The Criminal Evidence Act 1992 provides for the giving of evidence by live television link in proceedings for sexual offences or offences involving violence or the threat of violence to a person. The Criminal Justice Act 1993 provides that, in determining sentence for a sexual offence or an offence involving violence or threat of violence, a court shall take into account any effect of the offence on the person in respect of whom the offence was committed. The court must hear evidence from the victim if he or she requests and may receive evidence or submissions concerning the effect of the offence on him or her. This is usually taken in the form of a victim impact statement.

Along with these legislative provisions, the criminal justice system contains a number of administrative and operational supports to the victims of crime. The victims’ charter was published by my predecessor in 1999. A partnership agreement with Victim Support commits the Garda Síochána to ensuring a better service to the victims of crime and the families of crime victims. A key aim of this agreement is to increase the number of Garda referrals to the Victim Support organisation. In cases of murder or manslaughter, a garda is assigned to the victim’s family to provide information in a caring and considerate manner. It is proposed to introduce training for that purpose.

The Courts Service is concerned with the practical needs of victims and their families during a court case. In this regard I understand the Courts Service works closely with the Victim Support organisation to provide facilities in courthouses for victims and family members. As part of the planned new Criminal Court complex in Dublin, dedicated facilities will be provided to ensure victims are adequately catered for.

Mr. Costello: The Minister has outlined a very comprehensive list of legislation and procedures. However, would he not agree that victims, who are often witnesses in criminal cases, are central to the good operation of the criminal justice system and that all the information from recent high profile cases indicates they are totally alienated from the criminal justice system? Neither the victims nor their families perceive that the criminal justice system gives them support, is concerned about them or provides any resources. It often puts them cheek by jowl with

the alleged offender against whom they must give evidence.

Would the Minister agree that his Department is not taking this matter seriously given that this year's budget reduced the allocation to Victim Support by 4% from more than €1 million to slightly less than €1 million? We need a proper administrative procedural system in which victims and witnesses, who are generally one and the same, along with their families will be treated fairly and sensitively so that they can become an integral part of the criminal justice system. Would the Minister not agree that the system seems to operate to the benefit of the legal personnel, gardaí and often the offender without the witness or victim being treated in a decent and sensitive fashion?

Mr. McDowell: I agree with the Deputy that a small economy was effected in the funding for Victim Support this year. However, the vast majority of its funding was unaffected and it was asked to effect economies. Both State and non-governmental organisations can occasionally be asked to make economies to allow me to provide extra resources, as I did in the last budget, to the Garda Síochána. It was a matter of trying to get the best value for our money. In addition to the money from my Department, Victim Support is funded by the Department of Arts, Sport and Tourism to deal with tourism victim support.

The Deputy suggests that the role of the victim is under-recognised in Irish law and that my Department is blasé about that fact. The series of changes introduced in recent years have changed the situation. Whereas there have been some high profile cases in which victims of crime have expressed dissatisfaction about the way in which they have been treated, in an enormous number of cases privately and publicly victims have expressed the exact opposite and have given praise for how they were treated by the Garda and victims' support services. I do not accept it is all one-way traffic on that issue.

The fundamental nature of a criminal trial is that it is a public trial. Under the Constitution prosecutions are brought in the name of the people as a public act against the accused. In this country, as in many other countries, we have an adversarial system of trial. In that adversarial system of trial, the two sides, so to speak, are the people — acting through the public prosecution under the Director of Public Prosecutions — on the one hand and the accused on the other. It is not a three-cornered contest in which the victim, the alleged perpetrator and the people are at opposite ends of a triangle.

Mr. Costello: While all of what the Minister has said may be true, the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights received numerous submissions during our hearings on the criminal justice system. Every organisation that appeared before the committee stated that witnesses and victims were not being

treated fairly within the system. There seems to be a lack of co-ordination. While it is quite different to ours, within the inquisitorial system that operates on the Continent, procedures and resources are built in to give victims a much greater role and support. While I am not criticising what is already in place, it is so disorganised and incoherent that the witnesses' perceptions are that they are the Cinderellas of the criminal justice system and are not being treated fairly or sensitively.

Mr. McDowell: I agree with the Deputy that the classic common law adversarial system of trial was one in which the victim saw himself or herself as being marginalised. While we should always be willing to learn from other systems, our system of adversarial criminal trial is very fair and I have no intention of casting it aside in pursuit of other models, which I do not believe to be as fair. I do not believe the Deputy is suggesting that either.

I agree with the Deputy that there is always room for improvement. Following the abolition of the dock, the accused in a criminal trial in Ireland is entitled to sit anywhere he or she likes in court. The Courts Service is minded to deal with the many courthouses where we do not have adequate rooms for or adequate separation of people. The Courts Service will find it much easier to do so in the context of a new Criminal Court complex in Dublin, which will serve as a model for the rest of the country.

Garda Operations.

4. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will consider changing the Garda Síochána Bill 2004 to ensure that community festivals and non-profit organisations are not charged for the costs of policing provided by the Garda at events hosted by them; and if he will make a statement on the matter. [12764/04]

Mr. McDowell: Section 26 of the Garda Síochána Bill 2004 provides for the possibility of charges being imposed for police services in respect of certain events and services. It is intended to give a statutory basis to the existing practice where charges are made in a limited number of instances for certain types of police services, for example for non-public duty by gardaí inside a football stadium or for escorts for certain cash transfers by banks. While the operation of the provision will be subject to regulations made by the Minister, it is not my intention that it would be used to impose a charge for non-commercial events.

If a rock concert organised for profit imposes on the community a very significant liability in terms of policing obligations, the organisers should not feel aggrieved or put upon if asked to contribute towards the cost of policing the occasion. That is a view with which most people would agree. There is no question of charging non-commercial activities such as festivals etc.,

[Mr. McDowell.]

for instance the organisers of “Reclaim the Streets”, for the services they received from the police force.

Mr. J. O’Keeffe: Or Deputy Joe Higgins.

Mr. Cuffe: I am sure the organisers of the “Reclaim the Streets” street party will be glad to hear that. At the heart of my question was a concern over not for profit and community groups. As the Minister will know, the umbrella organisation for groups of this nature, AOIFE, has stated its strong concern over section 26 of the Garda Síochána Bill. I ask the Minister to introduce into that section a specific provision excluding community and not for profit groups from the possibility of being charged for Garda time.

Not only do such groups face the possibility of section 26 becoming law and affecting them adversely, they have also been subjected to phenomenal increases in insurance prices over recent years. They will also be subject to the provisions of the Private Security Services Bill and the Licensing of Indoor Events Act which impose a great deal of bureaucracy and red tape.

It would be the ultimate irony if the Minister for Justice, Equality and Law Reform were to preside over the imposition of such a degree of bureaucracy on not-for-profit and community organisations. Is the Minister unaware of the value of the events in question to tourism and in terms of community spirit? While I acknowledge that a right-of-centre political perspective might permit the Minister to put a price on everything, it is important to remember what is of value. I would hate to think the passing of the Garda Síochána Bill would adversely affect community and not-for-profit gatherings. I hope the Minister will reconsider section 26 of the Bill and table specific amendments to address the issue I have outlined. I ask the Minister to give a commitment to that effect today.

Mr. McDowell: I agree with the entirety of the Deputy’s contribution. I will ensure that section 26 cannot be used for the purpose he has suggested. I agree with the Deputy that a right-of-centre economic or political perspective might tempt a person to put a price on everything and a value on very little in terms of community input into our society. Therefore, as a liberal who is not right of centre, I wish it to be clear that I have no intention of using the provisions in question to place an additional cost on voluntary and community activity.

Mr. J. O’Keeffe: What about the extreme right?

Mr. McDowell: I agree completely with Deputy Cuffe that it is the duty of the State to provide from general taxation for the normal policing of its citizens and their voluntary and community

activities. I have indicated as strongly as possible that I intend during the legislative process whereby the Bill is refined and improved to make it clear that there will be a right to impose charges for police services only in respect of particular kinds of event through which certain people derive very significant benefit from an unusual and unacceptable imposition of a policing duty upon the community. Therefore, it will be my intention to make it clear that the provision will not apply to non-commercial, voluntary activity. There is no question of a bill being sent to Reclaim the Streets for its street party.

Mr. Costello: The Minister is on the wrong side of the House.

Mr. J. O’Keeffe: That will change.

Garda Recruitment.

5. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will honour the commitment to recruit 2,000 additional gardaí as promised in the programme for Government; the steps he has taken to expand the training capacity at Templemore; the cost projections relating to these matters made at the time of inclusion in the programme for Government; and if he will make a statement on the matter. [12872/04]

Mr. McDowell: The Government remains committed to increasing the strength of the Garda Síochána by 2,000. As Members will be aware, progress towards this target was temporarily delayed by the introduction in the 2002 budget of a cap on public service numbers. This cap represented an important element of the Government’s prudent management of the State’s finances. I am keeping the matter under continuing review and will ask the Government to reconsider how quickly budgetary circumstances will permit progress to resume.

The recruitment of such a significant number of additional gardaí will require the capacity of the Garda College at Templemore to be enhanced. The cost and logistics of this process will be factored into the recruitment plan. In the meantime, the Government has exempted the Garda Síochána from any share in the planned reduction in public service numbers and authorised an increase in the strength of the force to a historic high of 12,200. The capacity of the Garda College is being utilised to the maximum degree. A total of 690 recruits were admitted to the college in 2003 with a view to achieving the total figure by 2004.

Mr. J. O’Keeffe: I wish to get the numbers clear. When the commitment to increase by 2,000 the number of gardaí was outlined in the Progressive Democrats and Fianna Fáil manifestos, there were approximately 12,000 members of the force.

Mr. McDowell: There were 11,800.

Mr. J. O’Keeffe: Honouring the commitment would involve bringing the numbers in the force up to approximately 13,800. Does the Minister accept that the increase in the two years since the last election has been less than 200?

Apart from political motives, will the Minister confirm that when the commitment was made, there was seen to be a real need to increase Garda resources? Does the Minister accept that the need is as great, if not greater, to provide the extra gardaí now? The country is suffering in their absence.

Mr. McDowell: I confirm that the commitment to increase the size of the Garda Síochána to approximately 13,800 was based on a perception of a real need of the community. There continues to be an objective need to increase the strength of the force. There is increased pressure on Garda resources in many areas of Irish life, including drug abuse, road traffic law enforcement and immigration law. In these areas, the community is demanding increased specialisation. Increased urbanisation is a phenomenon of which we are all aware. Crime tends to accompany urbanisation. As the balance in a community tips from rural to urban, crime tends to increase. The population is rising and there is a need to increase the representation of ethnic minorities in the force. There are a number of pressing demands on the basis of which we should increase the numbers in the Garda Síochána.

It has frequently been suggested that the promise made was cynical and immediately cast aside, but I wish Deputy Jim O’Keeffe to note that it was not. Upon my appointment as Minister, I was directed by the Taoiseach to go to my desk the following morning to set about the implementation of the programme for Government. In June and July of 2002, I was in the process of setting down the recruitment programme to immediately make progress. That summer, budgetary circumstances demanded of Government that it make certain decisions. In short, the answer to the Deputy’s question is simply that there was an objective need to increase the strength of the Garda and meeting that need continues to be a commitment.

There are many other needs including requirements to recruit, among others, more remedial teachers and doctors. While my ministerial responsibility is located in the justice sphere, I must take account as a member of Government of the national requirements of budgetary policy. I do not live in a vacuum and I cannot simply click my fingers while ignoring economic realities. To increase Garda numbers remains a commitment of the Government. It was a commitment entered into with the people at the time of the last election and it is not being abandoned.

Mr. J. O’Keeffe: While it may not have been abandoned, it is a promise made which has not been kept. As the Minister’s reply indicates

clearly, the need for extra gardaí is greater now. We cannot have a traffic corps, which has consequences, and we cannot have an organised crime unit, which has consequences also. The capacity of the Garda College is approximately 400 people on campus and 300 off campus. Were plans to increase that capacity put in place when the promise was made and has anything been done to achieve this goal? Is there greater capacity at Templemore than there was two years ago? Even if the Government were minded to keep its promise, is it not true that we are nowhere near having sufficient capacity to enable it to do so?

Mr. McDowell: I confirm that the existing capacity of the Garda College is not sufficient to bring the force numbers up to 13,800 in the lifetime of the Government. Therefore, part of the planning process to achieve that end requires that we must expand capacity at Templemore. While preliminary discussions took place within my Department on the implications of this requirement, different economic circumstances developed in the summer of 2002 and it was considered that there were more significant priorities, including Garda overtime and other expenditure programmes within the Garda Síochána, which should be considered in the short term.

In answer to the Deputy’s question, current facilities at Templemore would not be adequate to bring the strength of the Garda Síochána to 13,800 by 2007. Outsourcing of 3 o’clock student accommodation and different modalities of training would have to be put in place if that were to be achieved in that short period.

An Leas-Cheann Comhairle: I remind Members that only one minute is allowed for supplementary questions and replies.

Other Questions.

EU Presidency.

6. **Ms O’Sullivan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to concerns expressed by the chairman of the National Safety Council that the diversion of gardaí to policing EU Presidency events may have contributed to the increased death rate on the roads in recent months; the total Garda man hours devoted to Presidency related matters since 1 January 2004 in view of the confirmation by Deputy Commissioner Murphy that Garda resources had been diverted away from traffic duties to deal with Presidency events; and if he will make a statement on the matter. [12673/04]

Mr. McDowell: On the general question of Garda resources, I am committed to providing

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the Garda Síochána with the means to provide an effective policing service. This year's Garda budget, at more than €1.054 billion, represents an increase of 9.5% on last year's budget, a significant increase at any time but especially significant when careful control has had to be exercised over increases in public spending. The increase is ahead of the overall general trend of increases in public spending which is of the order of 6%. This year's budget provides in particular for an increase of approximately €7 million in overtime which translates directly into more gardaí on duty to enforce the law, including road traffic law.

On the question of the EU Presidency, it is of course the case that meetings here of EU Ministers necessarily impose security and policing demands on the Garda Síochána. While this is an unavoidable part of our duties as holders of the EU Presidency, I was conscious from the outset of the impact these demands could have on day-to-day policing. Special provision of approximately €8.5 million was made in the Garda budget this year to deal with the security and policing demands of the EU Presidency, of which €7.5 million was set aside for Garda overtime. The purpose of the special allocation was to make available additional resources rather than to divert existing resources to deal with those demands.

I accept that any given occasion or out of the ordinary event or series of events, such as the EU Presidency, which moves Garda resources to the duty of security and escort and so on is a drain on resources from other areas. As a consequence, areas which need those resources must necessarily suffer. I did my best, through the budgetary provisions mentioned, to minimise those effects. However, I do not believe security for the EU Presidency could have been handled without putting a strain on Garda resources. The situation necessitated a significant allocation of resources and those resources had to come from areas to which they would have otherwise been applied.

Mr. Costello: Deputy Commissioner Murphy when attending an Oireachtas committee two weeks ago established a link between the stress and strain on Garda resources and the EU Presidency. The chairman of the National Safety Council established a further link between the increase in road deaths in the first three months of this year from an average of 20 per month to 30 per month, a 50% increase and the shortage of Garda manpower and resources in terms of effectively implementing the penalty points system.

Having witnessed an initial reduction in road deaths, there has been an alarming increase in that regard in the first three months of this year. The lack of Garda resources available to deal with the matter was also mentioned. There is a serious shortage of staffing and resources in the

public arena even though the Minister had 18 months to put in place the extra gardaí promised. We had all expected the recruitment of a considerable number of extra gardaí for the EU Presidency. However, that has not been delivered upon which in many ways gives rise to the shortage now being experienced and the inability to properly deal with issues not just related to the EU Presidency or VIP escorts but the general level of crime which is increasing.

Mr. McDowell: I have already conceded that the EU Presidency did, in terms of the resources associated with it, eat into resources which would otherwise have been available. It is not fair to say there is a direct correlation between the security issues surrounding the EU Presidency and the increase in road deaths. It probably has more to do with the perception of general enforcement. The coming on stream of the penalty points system in the summer will drive home that element of the Government's road safety strategy.

I am often mystified, in terms of road traffic accidents about which one hears on the radio, that so many of them are, tragically, cases involving a lone driver crashing into a tree, lamppost or wall at night or in the early hours of the morning on lonely roads where, in all probability, gardaí would not be deployed. That is a puzzling pattern. We must carefully investigate the circumstances of many of these accidents.

Mr. J. O'Keeffe: The Garda Síochána, in conjunction with the Army, did a fine job in policing the EU Presidency. I am proud of them and credit must be given to them in that regard.

However, the point being raised here is somewhat different. As we did not have extra gardaí, we had to divert members of the force from tasks they would otherwise have been doing. I was horrified at the starkness of the comments of the chairman of the National Safety Council when he bluntly stated that road deaths had increased as a result of our not having increased the number of gardaí available. That must strike very hard at those who lost members of their family through accidents.

What is the current position of the traffic corps in terms of numbers? What can be done in this area, even with extra gardaí? There will always be events such as the EU Presidency which make demands on manpower. What is proposed in terms of a substantial traffic corps to deal with the significant increase in the number of road traffic deaths and accidents?

Mr. McDowell: Currently, 520 gardaí are attached to traffic units. That is a significant number.

Mr. J. O'Keeffe: Is it enough?

Mr. McDowell: No, in my view it is not enough. As I understand it, the traffic unit works on two shifts. Therefore, at any given time one has to halve that number of 520 to 260 and then has to divide that by the number of counties involved.

Mr. Costello: We have 32 counties.

Mr. McDowell: We do not have 32 counties yet. When one divides that number of personnel by each county borough and county one achieves a figure of roughly ten persons at any given stage available for traffic duties. If one sub-divides that into traffic control and surveillance duties and so on one will see that, in effect, only a small number of people are engaged in any particular aspect of the traffic corps' activities. We need to assign more gardaí to traffic duties.

I accept the Deputy's point, stark as it may be, that it is a matter of life and death. It is not simply a matter of policy choice. There are consequences, not merely regarding the traffic corps but in general policing, in terms of whether one does or does not have enough gardaí. Whether one has enough gardaí is a matter of serious consequence and not one on which economists can chew the fat in Doheny and Nesbitt's. It is a matter of life and death and of preventing terrible tragedy for many people.

Mr. Costello: Does the disappointment and shame of the matter not lie in the fact that having altered Irish behaviour on the roads by the introduction of penalty points, we have reverted to type because there has not been proper policing? Is this not because the extra gardaí who were promised have not been recruited and because of the failure to establish a transport and traffic corps?

Mr. Cuffe: Will the Minister use his influence to ensure that the traffic division does not change shift in the middle of the evening rush hour? It has been shown that a substantial number of gardaí on traffic duty change shift at the peak of the evening rush hour. Will the Minister do anything to ensure that the change of shift is done earlier or later so that full capacity is available during peak traffic times?

Mr. McDowell: That is an issue on which I will convey the Deputy's views to the commissioner and to the Minister for Transport. The Minister, Deputy Brennan, and I have been grappling with this issue for some time. It is not an easy one. In the United Kingdom an auxiliary force of traffic police has been created to keep traffic moving and to carry out lower level traffic control functions. Even if that is a desirable model — without having studied it carefully I am not sure how it will work since it only started recently in the United Kingdom — I would run into the public service recruitment ban were I to go down that road.

Mr. J. O'Keeffe: One of the problems is that half the unit is trying to get traffic moving while the other half is trying to slow it down.

Crime Levels.

7. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on whether there is international evidence that arming police has the effect of reducing gun crime. [12738/04]

24. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform if he will expand on his recently reported comments that the increase in gun crime may put at risk the unarmed status of the Garda; the number of gardaí who currently carry firearms or are authorised to do so; and if he will make a statement on the matter. [12668/04]

144. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will expand on his recently reported comments that the increase in gun crime may put at risk the unarmed status of the Garda; the number of gardaí who currently carry firearms or are authorised to do so; and if he will make a statement on the matter. [12763/04]

Mr. McDowell: I propose to take Questions Nos. 7, 24 and 144 together.

The short answer to Deputy Ó Snodaigh's question is that there is no such evidence. The Garda Síochána is one of the few remaining police forces in which uniformed members do not carry firearms. This is a tradition to be proud of. The first Garda Commissioner, Michael Staines, said: "The Garda Síochána will achieve success not by force of arms but by its moral authority as servants of the people." It is not my wish to have gardaí in uniform armed. I believe that if uniformed gardaí were armed it would entail a significant change in the culture of policing in this State and would have significant implications for the relationship between the force and members of the public. That would be regrettable. The approaches adopted by different countries to arming their police forces are deeply rooted in the cultures of those countries. It is, therefore, not useful to attempt to compare the effects their differing approaches to arming their police forces have on the rates of gun crime in those countries.

I recently published the provisional crime statistics for the first quarter of 2004. While they show a welcome reduction of 22% in incidents of possession of firearms, they also show an increase of 54% in incidents of discharge of firearms compared with the same period a year ago. Although this represents an increase in the number of incidents from 54 to a comparatively low 83, it is a matter of some concern, particularly in the context of a reduction of 6% in crime overall. It is obvious that if that trend continued for any significant period, maintaining an unarmed uniformed Garda Síochána would become more difficult.

[Mr. McDowell.]

This is not to say I will surrender to that trend. The answer is to introduce tougher sentences for armed criminals caught in possession of firearms and more effective measures to control their availability. I intend to bring forward proposals to Government to seek approval for the introduction of firearms control provisions of a more severe kind in the Criminal Justice Bill 2004, which I expect to publish during the current session. I also propose, in the context of such provisions, to examine the options in relation to penalties for firearms related offences and to consider, as part of the new tough regime, an amnesty for those who wish to surrender the firearms in their possession. This was done in the United Kingdom with considerable success.

Aengus Ó Snodaigh: My question related to a report in *The Irish Times* in which the Minister was quoted as saying that if the present trends continued indefinitely the question of maintaining an unarmed police force would arise. The Minister has a habit of taking policy decisions and introducing legislation in the absence of evidence of their effectiveness and sometimes contrary to the available evidence. We need only look at the prison escort service.

Does the Minister have plans at any stage of development or consideration to move from the current situation and to establish the Garda as a force which is armed in the course of its regular duty? On numerous occasions the Minister has raised concerns similar to mine regarding the level of gun crime in my constituency of Dublin South Central, which I believe has the highest number of armed crimes involving a fatality in this and previous years. The Government has failed to tackle this aspect of crime in working class areas. Before the Minister goes down this route he must ensure that he examines all available evidence.

Mr. McDowell: As I stated on a number of occasions, and again today, I have no intention of arming the Garda Síochána. I said that if we do not tackle gun crime effectively the question of maintaining our police force unarmed would, inevitably, arise. I posed that rhetorical question to persuade people to focus on the serious upsurge in the use of firearms, to which Deputy Ó Snodaigh referred.

The pattern of drugs and firearms being used by the same people and of the importation of drugs being accompanied by what are called lucky bags of firearms to service the enforcement needs of drugs warlords is a disturbing one. The possession of firearms is a very serious matter. It is not something which can be excused. In our society and circumstances, the possession of a sawn-off shotgun or a hand gun is inexcusable and must be punished severely. Those who are in possession of such firearms must realise that the entire community, especially the Judiciary, regard the possession of firearms as a very grave crime

indeed, regardless of whether they are used on a particular occasion, and that heavy sentencing of a condign kind will be imposed on those who are found in possession of firearms. This matter seriously threatens the integrity of our State and requires a robust response from the Legislature, the Government, the Garda and, above all, the Judiciary. There is no room for faint hearts in this matter. If we believe in an unarmed Garda Síochána we must tackle gun crime very seriously.

Mr. Costello: Does the Minister agree that a 54% increase in the discharge of firearms this year is unacceptable, that a gun for hire culture is developing, gangland killings appear to be the order of the day in a considerable number of urban areas and the response of the security forces is not adequate to deal with the problem which has increased sharply in the past couple of years? Rather than articulating toughness, the Minister must make a co-ordinated plan to deal with the underlying issues related to drugs. Otherwise, the spectre of arming the Garda will continue to be raised. It is irresponsible to raise that spectre.

However, it is responsible to recognise that the Garda has been unarmed since the foundation of the State. The fine words of the first Garda Commissioner, Mr. Staines, were spoken during the Civil War. Since then, we have experienced 30 years of very serious trouble in Northern Ireland, which overflowed into this State, yet we still did not arm the Garda. The Minister must deal with this latest serious criminal issue, namely, gangland activity of which weapons are a major component.

Mr. McDowell: I agree with the Deputy. I am not raising the spectre of arming the Garda as a serious proposition but because it is such an unthinkable result that the community must consider it a duty to take the steps necessary to counter the gun culture. Resolute action from the three arms of the State — legislative, executive and judicial — is necessary to counter this culture.

Murder, to which the Deputy referred, is an issue we must keep in perspective. For example, in the first three months of this year, there were fewer murders than in the first three months of the previous two years.

Mr. Costello: I referred to gangland murders. We must make the correct categorisations.

Mr. McDowell: However, it would be naive to assume that the threat is diminishing from drug warlords and gangs and their weapons; it is not. Possession of a pistol should not be punishable by a three or four year sentence but should be treated as seriously as crimes such as rape and serious manslaughter. It must be dealt with seriously by the Judiciary with appropriate sentences acting as a deterrent.

It is difficult to break open criminal gangs because of the climate of fear and the threat of murder which underlies them. However, those found in possession of firearms should know they will go to jail for a very long time. It cannot be a matter of short sentences or of accepting the excuse, heard so often in court, that the accused is a small cog in a big machine and is not a Mr. Big. By heavily sentencing those at the lower end of criminal organisations, there will be some prospect of breaking gangs open and providing an inducement to get at the leading criminals. It is time for a sentencing policy which does not allow those who claim to be at the lower end of a gang, or to have acted unwisely, to be treated leniently for possession of firearms.

In some parts of the country, those who regard themselves as paramilitaries hire their weapons to criminals. This pattern has been observed in regard to a close correlation between the Real IRA and Continuity IRA and ordinary criminality, in the context of the lending of firearms to ordinary criminals to carry out murders. This is another issue which must be dealt with very seriously by the Judiciary.

Mr. Costello: The Minister is responsible.

Mr. J. O'Keeffe: It is a new version of guns for hire. Does the Minister accept that ministerial musings about the arming of the Garda Síochána are not to be encouraged and divert attention from the real problems and solutions? There is no need to encourage a focus on the increased use of firearms as the figures speak for themselves. In talking of solutions, does the Minister accept that any robust response proposed in the Legislature will not pose any problems as far as the Opposition is concerned? Will the Minister go further and consider issues such as the need for an organised crime unit? If Garda numbers were high enough, would such a unit be considered? Has such an approach worked in other countries and should we try it here? Should we consider the videotaping of witness statements so those who suffer amnesia when they come to court can be reminded of their statements? We must take a broader approach if we really wish to tackle serious crime.

Mr. McDowell: On the last point, the criminal justice Bill, which I intend to publish in the next couple of weeks as soon as the parliamentary counsel has made the finishing touches which I eagerly await, will deal with the issue of the recanting of evidence in circumstances which give rise to public scandal and disquiet. However, the point I wish to get across is that we must improve our act in regard to serious crime, and I am glad of Deputy O'Keeffe's indication of support for a tougher legislative line.

When somebody is sentenced for possession or use of firearms, it is not simply a matter of that individual being dealt with as an isolated person but as part of a social phenomenon in the context

of the increased use of firearms. The consequences of this are serious. From my point of view, the use of deterrent as opposed to purely rehabilitative sentences, is justifiable in this area. Tough sentencing along such lines does have an effect. The members of the Judiciary are not isolated and do not live on another planet. I am glad there is recent evidence that serious drug dealing is attracting serious sentences.

Aengus Ó Snodaigh: What measures will the Minister take to ensure the Judiciary implements mandatory sentences? If deterrent sentences are to be introduced, they must be applied to those convicted.

Will the Minister consider instructing the Garda authorities to ensure that Garda informers who are also drug dealers are arrested and charged, and that there would be no toleration by the Garda authorities of those importing significant numbers of the lucky bags referred to by the Minister, containing weapons and drugs, which kill people throughout working class areas. Three out of four violent deaths in my area since the start of the year have been drug related.

Mr. McDowell: I agree it is important that whatever sentences are prescribed by statute are regarded by the Judiciary as the norm rather than the exception. I remind Deputy Ó Snodaigh that I have not remarked, because this is a constructive debate on the need to remove firearms from Irish society, that there are people close enough to the party of which he is a member who should take his rhetoric to heart and give up their firearms also.

Prison Regulations.

8. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the Prison Service allows prisoners to apply for, receive and vote using postal ballots; and if not, the reason therefore. [12741/04]

Mr. McDowell: The prison rules neither expressly prohibit nor expressly provide for a prisoner to apply for a postal vote, receive a postal vote or to vote using a postal vote. The Deputy will appreciate that electoral legislation is a matter primarily for my colleague the Minister for Environment, Heritage and Local Government. However, I understand there is no specific provision in the Electoral Acts that allows a person in custody apply for a postal vote.

At present, members of the Garda Síochána, diplomats and members of the Permanent Defence Force serving overseas are allowed to vote by post. Persons who are disabled and living at home may apply for a postal vote. In addition, the Electoral Act 1997 provides that where the circumstances of the elector's occupation, service or employment are such as to render it likely that he or she will be unable to go in person on polling day to vote at the polling station, the elector can apply for a postal vote. Employment and service

[Mr. McDowell.]

are deemed to include participation on a full-time basis on an educational course of study in an educational institution in the State.

The question of making arrangements for voting by persons in custody is to be reviewed in light of a recent case in the European Court of Human Rights and my Department, in conjunction with the Department of Environment, Heritage and Local Government, will have an input into that review.

On elections to this body, the Constitution requires that constituencies should be based on representation by reference to the population of that constituency. The population of a constituency are the people ordinarily resident in that constituency. In the case of people serving a long term of imprisonment, the question is whether they are ordinarily resident at the place of the prison or where they would be if they had not been sentenced to jail. I do not believe it would be desirable in any circumstance for prisoners, whether remand prisoners or convicted prisoners, to vote as a block in a constituency simply by virtue of the fact that I as Minister for Justice, Equality and Law Reform decided to locate a prison in that place.

Aengus Ó Snodaigh: Ireland is one of a small number of European states which denies incarcerated citizens their right to vote. This is done by virtue of the fact that they cannot apply for postal votes. While this is not the Minister's responsibility, he said the Government is studying the ruling. Does he agree that the current *status quo* is in violation of the European court ruling? Given the impending election, will he commit to having mechanisms in place to allow imprisoned citizens to vote on 11 June this year? I do not understand what purpose will be served by denying prisoners their right to vote. The question of the constituency where one votes can be sorted out in due course. More than likely it will be sorted out on the basis of where one resided prior to going to prison. The majority of these people will be voting in their constituencies because the prisons are located in constituencies where these people live such as the north inner city or Dublin South Central, working class areas which have a higher proportion of incarcerated people. Will the Minister explain what legitimate purpose will be served by denying these people their vote?

Mr. McDowell: I do not accept the general proposition that being sent to prison should have no consequence other than deprivation of liberty. Being sent to prison for six months would disqualify a person from membership of this House and deem his or her seat to be vacant. Going to prison has consequences. Being convicted of the offence of theft or dishonesty, for instance, involves many consequences, including ineligibility for appointment to many boards and ineligibility to take part in the affairs

of a credit union. This is an issue we must collectively think about. It would be advisable to sit around a table and discuss the issue on an all-party basis. I do not believe this is a party issue; it is an issue of fundamental principle. In that context, the balance should be struck, not on some kind of theoretical paper basis, but on what the practical consequences are likely to be. There are arguments on both sides.

The European Court of Human Rights' ruling may be subject to an appeal. That ruling is one I would like to study at great length as, I presume, would most Members of this House to see where we stand on the issue. I do not think it is necessarily the case that being sent to prison for a serious crime such as directing terrorism or whatever should leave one in a position whereby one can participate in elections. Canvassing would be a problem in these circumstances. There are all manner of complications which would need to be taken into account in a balanced discussion.

It is an interesting point which should be discussed at the Joint Committee on Justice, Equality, Defence and Women's Rights. We would be in a position of less adversarial circumstances to develop our thinking and consider at greater length some of the implications.

Mr. J. O'Keeffe: The issue must be discussed. There will be a court decision against us if we do not do something about the issue. We should accept the principle and work out the modalities.

Mr. McDowell: I agree the matter should be discussed and that the European Court convention case raises issues. However, I am not the Minister with responsibility for solving it.

Custody of Children.

9. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the steps he intends taking to ensure that the judicial system makes the presumption to provide joint residency for children of divorced or separated couples; and if he will make a statement on the matter.
[12727/04]

Mr. McDowell: I assume that by referring to "joint residency" the Deputy is referring to joint custody of a child.

Section 11A of the Guardianship of Infants Act 1964 provides that, for the avoidance of doubt, it is declared that the court, in making an order under section 11 of the 1964 Act, may, if it thinks it appropriate, grant custody of a child to the child's father and mother jointly.

Section 11D, as inserted by the 1997 Act, provides that, in considering whether to make an order under section 11 and other sections, the court shall have regard to whether the child's best interests would be served by maintaining personal relations and direct contact with both his or her father and mother on a regular basis.

Section 3 of the Guardianship of Infants Act provides that, where in any proceedings before any court the custody of a child is in question, the court shall have regard to the welfare of the child as the first and paramount consideration.

These legal provisions set out in simple form the underlying principles which should have effect in any decision in respect of a child, first, that joint custody is an option, second, that access to parents must have regard to the welfare of the child and, third, that it is the welfare of the child rather than the interests of the parents which should be the predominant consideration in the exercise of the Irish courts jurisdiction in respect of custody issues.

Mr. Cuffe: The presumption has been that the parent who has provided the greater support for the child is normally given custody of the child. However, in recent years, there has been a view that the minor parent is perhaps not given as much control over the situation as they might. At Christmas and Easter each year, there is the sad spectacle of parents, fathers in particular, protesting about the lack of access to their children. Would joint custody be acceptable so that the child could spend the major part of the week in one parent's house and the remainder in the other parent's house? I take the Minister's point that the welfare of the child is of the utmost and primary importance. Would he agree that a move towards allowing the minor caring parent to have greater access to the child and more provision for joint custody would be a step in that direction?

Mr. McDowell: This is a difficult issue. A dispute between parents in regard to the custody of their children is sad and tragic. While theirs is not an enviable task, the Judiciary must strike a fair balance between the rights and interests of both parents and the rights and interests of the children. While I sympathise with the notion that there are circumstances and scenarios in which it would be possible to ask a child to live for a number of days a week or month with one parent and the remainder with the other parent, I concede that children's interests must be taken into account in all this. They must not have to travel between two homes against their wishes. Their lives, dignity and privacy must be taken into account. It is not an exact science.

I take the point to which Deputy Cuffe alluded tangentially in that fathers, in particular, have felt that the traditional pattern of judgments in courts has minimised their role and tended to exclude them by default. However, the Judiciary is beginning to change and I hope the provisions of the Civil Liability and Courts Bill 2004 [*Seanad*], which proposes to end *in camera* rulings, will bring greater consistency and enlightenment to decisions in custody cases. Where there is a pattern of a judge operating on the default basis that the mother always gets custody, which is the perception of many fathers who are dissatisfied

with the system, it will at least be exposed to the light of day and there will be some public debate on such patterns of decisions made in our courts.

Mr. Costello: There are two parents in such situations and often there is no fault involved other than that they have separated or divorced. Consequently, there is often a perception that one parent gets entire care while the other is left on the sidelines. This has given rise to much grief and concern in recent times, especially given the changing nature of society.

The Minister alluded to the Civil Liability and Courts Bill 2004 [*Seanad*]. Is he satisfied that the new *in camera* rule and the other changes proposed in the Bill will open up this area considerably?

Mr. McDowell: I am satisfied it will open it up. My only problem is whether I have inadvertently opened it up too far and whether I will have to introduce some controlling mechanisms to achieve an adequate balance to ensure that people are not intimidated by the presence of strangers during family law cases which are difficult occasions.

I agree with Deputy Costello that these are sad cases and that sometimes there is no fault on either side other than that an irretrievable breakdown has taken place. In that context, it is important — and the Judiciary takes this into account — that no tendency to use children as bargaining counters in what are discussions about finance and the like is exhibited or has any effect. On even the most public occasions one can sometimes observe a little insight into the mind of a child. When Deputy Costello was speaking, I was reminded of the occasion of the funeral of Princess Diana when her brother made a very moving speech. One of the points he raised was the rail journeys between the parents' homes and the sad and poignant situation of the two children travelling between two homes on a regular basis. I do not wish to preach to the Judiciary on this matter but I hope its members are fully enlightened as to the sense of marginalisation many fathers feel and take it fully into account, while at all times regarding the children's interests as paramount.

Prison Security.

10. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform if an investigation has been held into the recent discovery of a number of rounds of ammunition in Limerick Prison; and if he will make a statement on the matter. [12663/04]

Mr. McDowell: I can confirm that two bullets were located on a landing of Limerick Prison on 29 March, 2004. As this issue is the subject of an ongoing Garda investigation, it would be inappropriate for me to offer any further comment or speculate on the matter pending the outcome of this investigation.

[Mr. McDowell.]

There is no indication as to what the source of these bullets or their intended purpose was. I accept there has been tension in Limerick Prison arising out of incidents involving staff and their property both inside the prison and outside it. Local gardaí are reviewing the overall position in regard to these incidents and I intend to make sure prison officers are protected by the full force of the law against violations of their rights or intimidation in their work place or outside it.

Mr. Costello: Is it not true that as well as two bullets being found in March outside an inmate's cell, two nail bombs were found in February and that staff regularly report incidents of home-made improvised weapons being discovered in Limerick Prison? Perhaps it has to do with the number of feuding families incarcerated there. Is there real concern about the security and welfare of prison staff given this new serious situation which is not experienced in any other prison?

Mr. McDowell: In October 2003, small gauge netting was established on A yard and D yard to prevent contraband items, including improvised weapons, from being thrown into the prison. In November 2003, netting was fitted over the new C yard as part of a building contract before the yard was put into operation. In December 2003, a new control room and closed circuit television system in visiting areas was put into operation. In March 2004, new high-level netting was fitted over the A and D yards to prevent objects being thrown over the prison walls from outside, and extra closed circuit television cameras are being fitted to give better security to the outside of the prison. A walk-through metal detector is being fitted in the visitor reception area which is due to open shortly. That is what is happening at the moment. I am intent on all necessary security being strengthened at the prison and the Garda carefully investigating why these incidents are happening.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

Acting Chairman (Dr. Cowley): 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 Cuffe — in the light of the discovery of a 1,200 year old Viking fortress at Woodstown near Waterford City on the route of the Waterford bypass, the need for the Minister for Environment, Heritage and Local Government to state what steps he intends taking to minimise the road's impact on the site; (2) Deputy Burton — the ongoing crisis at James Connolly Memorial Hospital, Blanchardstown, and the failure of the Government to commission the new building fully, including the accident and emergency unit, theatres and the intensive care

unit; (3) Deputy Boyle — the need to discuss the failure of the Government's so-called decentralisation programme which proposes that offices and specialised laboratories of the Department of Agriculture and Food in Cork city to be moved to Macroom; (4) Deputy Michael D. Higgins — the urgent need for the Department of Education and Science to give priority to the request for a new school (details supplied); (5) Deputy Finneran — the need for the Minister for Social and Family Affairs to explain the extraordinary circumstances in which unemployment assistance was withdrawn from a person (details supplied) and how her Department arrived at such a decision; (6) Deputy Cowley — the reason a pupil (details supplied) has not been assessed by the education physiologist when he is apparently dyslexic; (7) Deputy Morgan — the need for the Minister for Health and Children to address the serious situation which has arisen as a result of the decision by the North Eastern Health Board to downgrade Louth County Hospital; (8) Deputy Upton — the need for the Minister for Transport to agree to re-examine the design of the Rialto Bridge as part of the Luas works; (9) Deputy Neville — the need to debate funding for mental health services; (10) Deputy Ó Caoláin — the need for the Minister for Foreign Affairs to raise urgently with the British authorities the recent spate of sectarian and racist attacks against Nationalists and immigrants; (11) Deputy O'Dowd — the decision of Patient Focus, which represents former patients of Dr. Neary, to withdraw from the Government inquiry into his actions over its failure to compel Dr. Neary to attend; and (12) Deputy Sargent — the need for the Minister for Education and Science to report on his visit to a school (details supplied) and indicate how he proposes to address the inadequate opportunities for physical education and sport at this school.

The matters raised by Deputies Michael D. Higgins, Morgan, O'Dowd and Finneran have been selected for discussion and they will be taken at the conclusion of business.

Electoral (Amendment) Bill 2004: Report Stage (Resumed)

Debate resumed on amendment No. 2:

In page 5, between lines 14 and 15, to insert the following:

“1. —This Act (other than *Part 3*) shall not come into operation until such time as the Commission established by *Part 3* certifies that the other provisions of this Act are in accordance with the highest standards of transparency and accountability and fully safeguard the integrity and privacy of the voting process in a verifiable manner.”.

—(Deputy Gilmore).

Mr. McCormack: This amendment concerns section 5. It simply asks the Minister not to insert a clause which would give him the authority by regulation to introduce any type of voting system at any time. Deputy Gilmore and I want that provision deleted from the Bill because we should await the commission's full report. No such power should be given to this or any Minister to introduce by regulation any type of system. The amendment seeks to have the matter governed by the commission which would be in place at all times and report on such matters.

Acting Chairman: It is a matter of putting the question at this point. We have had the debate.

Mr. McCormack: No, it is not. Every Deputy is entitled to come back in a second time to speak for a limited period on the matter at hand, so I am in order. Page 11 of the interim report states that although the commission was established on an *ad hoc* basis, the Government indicated its intention to put the commission on a statutory footing under the Electoral (Amendment) Bill 2004, as indicated to the Dáil on 23 March 2004, which accordingly contained provisions relating to the commission as well as on electronic voting generally. The report goes on to state that the Bill was under consideration by the Houses of the Oireachtas at the time of publication of the report.

Clearly the Government indicated its intention to put the commission on a statutory footing and if the Minister does not accept this amendment he is overriding that intention and proceeding with regulation whereby he can introduce a form of voting by order.

I do not wish to be contentious about the Minister's failure to apologise to the Fine Gael spokespersons, Deputy Allen and me, for his disparaging remarks of 31 March, but I feel very insulted by it and I will mention it at every opportunity. He said here that Fine Gael had looked through the wrong end of the telescope, but as matters have transpired it was the Minister who looked through the wrong end of the telescope, given the commission's report, how far off the mark he was and public opinion on this issue.

I appeal to the Minister not to stick his head in the ground. He should accept this reasonable amendment, which would go a long way towards taking the tension out of the debate.

4 o'clock It might also help to secure all-party support, which should be the case with the introduction of a completely different voting system. All-party support is essential for this measure but the Minister is not moving an inch towards giving us a chance to offer all-party support. I appeal to him to accept the amendment as a gesture of goodwill and a gesture towards securing all-party support for electronic voting.

Amendment put.

The Dáil divided: Tá, 56; Níl, 68.

Tá

Allen, Bernard.
Boyle, Dan.
Broughan, Thomas P.
Bruton, John.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
Ferris, Martin.
Gilmore, Eamon.
Gormley, John.
Gregory, Tony.
Hayes, Tom.
Healy, Seamus.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Padraic.
McGinley, Dinny.

McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.

Níl

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.

Blaney, Niall.
Brady, Johnny.
Brady, Martin.

Níl—continued

Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Coughlan, Mary.
Cowley, Jerry.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Lenihan, Brian.

Lenihan, Conor.
McCreevy, Charlie.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
Parlon, Tom.
Power, Peter.
Power, Seán.
Roche, Dick.
Ryan, Eoin.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

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

Amendment declared lost.

Mr. Gilmore: I move amendment No. 3:

In page 5, between lines 14 and 15, to insert the following:

1.—The functions of the Minister under this Act shall not be exercisable in relation to an election by a holder of the office of Minister who is also a director of elections in respect of that election.

I do not know the reason the Minister for the Environment, Heritage and Local Government, Deputy Cullen, who is responsible for the Bill, has not returned to the House for the debate. It is remarkable that he should absent himself from discussion of the amendment which concerns his conflict of interest. In an election and in respect of the functions of the Minister for the Environment, Heritage and Local Government in regard to the Electoral Acts, there could not be a greater conflict of interest than that the Minister who is effectively responsible for the rules and regulations governing elections would also be the director of elections for one of the political parties contesting the election. That is precisely the situation that pertains. The Minister who introduced this Bill, who is now absent from the House, is the Fianna Fáil director of elections. The introduction of electronic voting has been a shambles, to say the least, but it has been made worse by the fact that the Minister responsible for the introduction of electronic voting and the introduction of this legislation governing it is

hopelessly compromised because he is a partisan participant in the election which was to be voted electronically.

Section 5 would allow the Minister for the Environment, Heritage and Local Government, “if he or she is of the opinion that the public interest so requires”, introduce any system of electronic voting in one or more or all constituencies and in one or more or all local electoral areas. Under this legislation the Minister also has the power to issue directions to returning officers regarding voting and vote counting.

The Minister has wide powers under this legislation. He can decide whether or not electronic voting is to be used and he can decide what type of electronic voting is to be used. The Minister can decide what kind of software is to be used in the counting of votes and what software is to be used in the voting machines. The Minister can decide whether that form of election is to be used in one constituency, more than one constituency or all constituencies and the same applies to electoral areas for local elections. The Minister can also give directions to returning officers as to how they conduct themselves.

The House is being asked to approve that the Minister who has this power can at one and the same time be the director of elections for one of the political parties. It is a measure of the thickness of the brass neck of this Government that it thinks it can put such a proposition through the House. Not only can it unilaterally decide, as it thought it could, to introduce

electronic voting, but it can do so by giving the ministerial powers to the very person that the party has entrusted to run the election. A greater conflict of interest is not possible. The person who will decide the rules of the election is the same person who when wearing his political hat is responsible for maximising the number of votes cast on behalf of Fianna Fáil.

I do not wish to question the motivation but I am still waiting and wondering as to what was behind Fianna Fáil's insistence on the introduction of and enthusiasm for electronic voting. My suspicions are not in any way eased by the content of the report of the commission. It states that some of the software was not available, that it had not been tested and that it was possible under this system for individual voters to be intimidated or to be corrupted in the exercising of their vote. How much more of an insider case can it be than to have the director of elections running the election system and deciding the rules under which it is to be governed and who is the person responsible for commissioning the machinery? That is some insider.

I did not invent the term "insider" in this context. The commission's report stated how an insider could override this system. The report summary states: "It may be possible for an insider to overcome the randomness of the methods used for the storage of votes in the ballot module." The director of elections is one and the same person as the Minister who is deciding on the system to be used and responsible for the contract. There could not be more of an insider than that. The Minister for the Environment, Heritage and Local Government, in the context of the electoral voting, is hopelessly compromised. I am disappointed that he has not stayed in the Chamber for this section of the debate where he might at least be in a position to offer some personal explanation as to why he insisted on proceeding in such a hopelessly compromised position.

Mr. Allen: Like Deputy Gilmore, I protest at the Minister leaving the Chamber just as the House was about to discuss his role and his conflict of interest as Fianna Fáil director of elections and his role as the Minister who introduced the system.

I wonder what the reason is for the Minister to be so determined to push through a system about which so many questions had been raised by credible people whom the Minister insulted and by Opposition spokespersons who were treated by the Minister as if they were imbeciles. The Minister used such undiplomatic and unparliamentary language in the House that he was forced to make a kind of an apology last night to the Irish Computer Society because he accused it of being an agent of anti-globalisation. He almost went so far as to state that its members were subverting democracy. In a two-sentence statement last night he made a half-hearted apology, which I believe

was made because an official complaint had been made to the Ceann Comhairle by the society.

The society complained it, had been referred to by the Minister in a defamatory manner in this House. I question the Minister's motivation in instructing his Fianna Fáil Deputies and their lap dogs, the Progressive Democrats, into folding the Oireachtas hearing on 18 December. At this hearing, important questions were raised by experts, which failed to be answered by the experts from Holland who were the hired hands of the Department and the Minister. Those questions were not answered on that day nor the following month. The House waited until February to hear some but not all the answers to the questions asked under 41 headings. The Minister persisted in questioning the motivation of the Opposition.

In his concluding speech on Second Stage of the Bill, the Minister stated: "The Deputy does not have a bull's notion." The bull seems to have known more than the Minister because it appears now that the Minister did not have a bull's notion about the system and the legislation he was introducing. He was not alone in this. The Minister for Finance, Deputy McCreevy, approved the more than €52 million expenditure. It was not approved by anyone else and that is a story for another day. In the House on 17 February the Minister for Finance stated:

Much has been written and said about electronic voting and counting in the last few weeks by politicians, computer experts, media commentators and opinion columnists. Comments have ranged from the well-informed and well-intentioned to the actively mischievous and misleading. Ill-informed comment is not unusual in public debate on reforms in this country. Certain Members on the other side of the House have jealously guarded their position at the forefront in this regard. Hardly a week goes by without them announcing loudly that they have discovered another dark conspiracy against the people . . .

The Opposition parties know that this system has already been used without complaint 70 million times. The Opposition knows that the system has been independently verified and that it will continue to be run by the same people who have always run it. . . .

This will be the most accurate and, therefore, the most democratic system we have ever had. However, the Opposition parties are committed to an era of total opposition in that everything the Government does is to be opposed in a shrill and hysterical way.

I could go on. The only shrill and hysterical utterances we have heard in the House or in committee have been from the Minister who made all sorts of allegations, which I will not repeat as Deputy McCormack referred to some of them.

One lie I want to nail, however, is the allegation of opportunism on the part of the

[Mr. Allen.]

Opposition and the claim that we fully supported the use of electronic voting in elections in 2002 and did not utter a word or raise a question about the system to be used on a guinea pig basis in Meath, Dublin North and Dublin West. I will quote a letter sent to the Taoiseach by former Taoiseach, Deputy John Bruton on 8 April 2002, and never published before because it nails the lie that no questions were raised at the time. It states:

I am writing to express my concern about the introduction of electronic voting including Meath. I have a number of problems with this upon which you should reflect.

Firstly, and perhaps least importantly, a roadshow to promote this is being launched at public expense in the run-in to the General Election by one of the candidates in the Meath Constituency who happens also to be Minister for the Environment. I would have thought that it would have been more appropriate if the Minister were not to involve himself in activity which could easily be mis-construed as electioneering as distinct from public information.

Does that not sound familiar? The old dog has been up to its old tricks.

Mr. Gilmore: He never learned.

Mr. Allen: The old dog who was caught last week publishing information packs was at the forefront of public information and education in the run-in to the general election. The letter continues:

Furthermore, I am worried that electronic voting may deter older people or others unfamiliar with electronic technology from going out to vote. That is not to say, of course, that electronic voting is intrinsically any more difficult than voting on paper, but the very fact that it is unfamiliar and new, will deter people from doing so at all. Launching an information campaign, run by one of the candidates at this late stage is an insufficient way of addressing this real problem.

One of the strengths of our electoral system, has been its manifest, almost painful, transparency. Every paper is visible. Every count is gone through manually. Everything can be observed by Party workers. At the end, everyone has to be satisfied that things have been done fairly or there will be a demand for a recount.

Now all that was previously done in the open under the gaze of members of the public will be done in a few seconds inside a computer. This is not as transparent.

Ordinary members of the public are not in a position to query errors that there might be in the software. The whole process becomes hidden rather than open. There have been no serious objections to our existing system, so

what is the necessity to change it? Some time may be saved at Counts, but that is a minor saving in comparison to what is being put at risk in terms of public confidence in the system.

Who has validated the software to be used? How well qualified are they? Who are the international authorities that are being used in this matter? How is it justified launching such a system on an experimental basis in some constituencies but not in others? Surely the uniformity of method across the country should be a characteristic of any fair voting system.

What is the meaning of suggesting that this is an "experiment"? What happens if the experiment fails? After all the general election in Meath this year is not a rehearsal. It is for real. So why have experiments? Why, if this is an experiment, is a parallel system of voting not being made available in voting, where people who want to opt to vote for paper can do so, in the same way as those with postal ballots?

To assist in ensuring that no vote is miscounted, why is the voter not being issued with a receipt for his or her vote by the machine, in the same way as people get receipts from ATM machines, to validate the transaction?

If there is to be an experiment surely it should be in all constituencies or none? Why were the public representatives in the constituencies affected not consulted?

My own view is that it would perhaps be best to have carried out this experimental technology during local authority elections, which could have taken place in all local authority election areas prior to the General Election taking place, and thereby resolved any problems regarding electronic voting, totally and completely.

How prophetic. All the core issues——

Acting Chairman: I ask the Deputy to address the amendment.

Mr. Allen: The then Minister and the current Minister failed to address all the issues raised in Deputy Bruton's letter. I question the Minister's motives. The leader of the Labour Party, Deputy Rabbitte, has repeatedly asked the reason for the hurry in introducing electronic voting, while Deputy Kenny has raised major issues about the transparency and security of the system. What was the rush? I believe the reason was that the Minister wanted to undermine confidence in the system in order that the core Fianna Fáil vote would come out while many elderly people who are regarded as highly critical of the performance of the Government and are affected by its decisions, would be put off. Perhaps that was one of the motives, although it is a guess.

Given his position as director of elections for his party, the Minister is an unfit and unsuitable person to try to introduce a major change in our democratic system. After what has happened and

the political slap on the face he has received, he does not have the confidence of the public and this side of the House to continue to introduce the proposed system.

The Minister has attempted to undermine aspects of the report of the Commission on Electronic Voting. In selective media interviews he has tried to put out a half-truth about certain aspects of the system. By putting forward his anonymous female spokesperson to give briefings to the press, he has tried to put another slant on the fall-out from the report.

If there are major costs arising from the commission's report or as a result of having to make new arrangements, the Minister must quantify them. I am told, for example, that Fingal County Council had budgeted €30,000 for electronic voting but that the final figure will be close to €250,000 or almost ten times the original estimate.

What are the implications of the report nationwide? At the weekend, for example, I met several people who had been appointed to take part in the election process on 11 June and had spent many hours in training, all of which has gone for naught. What is the cumulative cost of the Minister's mismanagement of vital legislation? I regret he has decided to leave the Chamber because we are dealing directly with his role as director of elections for the Fianna Fáil Party.

Mr. McCormack: If the Minister had a sense of decency or shame he would not remain on the Government benches, perhaps he has left the House to write his letter of resignation, nor would he take this Bill today because he would have resigned his position. When the Minister unashamedly hung on to his position as director of elections, he must have assured somebody that he would see electronic voting through. As director of elections he might have been in a better position to do that. I have gone beyond attributing motives to the Minister. I do not know what drives him. I have my own suspicions which are more serious than anything Deputy Allen suspected. I will keep them to myself for the moment, but I might articulate them in the Dáil at a later stage because this debate has developed into a complete farce.

It is not a farce on this side of the House because we are only fulfilling our democratic function as an Opposition in attempting to uncover what is going on. I am sorry that people are not taking this matter as seriously as they should. Every reasonable amendment or proposition put from the Opposition is simply ignored. When putting the previous amendment to a vote, the Minister did not even give the courtesy of a second reply to our last minute appeal to agree to the amendment. He just sat down and let the question be put. The gloves are off in this debate and I might yet indicate some of my beliefs with regard to the Minister's motives and take the consequences.

The Minister was vexed with the commission's report. That is obvious by his attitude in the Dáil where he treats serious questions with sneering replies. Not satisfied with the commission's report the Minister now says he will overrule the commission irrespective of what it says now or in the future. With the last amendment, he has claimed the authority to introduce any style of voting he chooses by regulation at any time he chooses. We are now in a serious situation unless this Bill is defeated. While this amendment is important, it is of lesser significance than amendments already passed and further amendments that will be proposed. However, it is significant that the general public are listening to what the Minister is saying and to the debate and yet he is still director of elections for Fianna Fáil in the up coming election. It is hard to believe that the Minister is allowing the general public to see the cynicism displayed in this House by the Government parties in allowing the Minister to remain as director of elections. I suspect some of the Minister's motives. There are so many suspicions attached now to the Minister that it is hard to know which ones are more important.

The Minister for Finance gave sanction to purchase these machines as he said there was nothing wrong with them. He has no more expertise on this than I do. He obviously did not listen to expertise outside the House nor of those who made submissions to the commission. All of this money was spent and accounted for long before the House debated the issue. It was spent before the signing of the contract was sanctioned on Committee Stage. We are helpless because we now realise that we can do nothing about the farce being carried on in this House in the name of politics. We can only indicate our reservations and grave concerns so that the general public can pick up some of it through the media and from the Official Report.

Acting Chairman: The Deputy should address the amendment.

Mr. McCormack: I have to take every opportunity to show that the Minister is hell bent on going ahead with this and remaining as director of elections. The Minister has energetically tried to disrupt everything we say, and I welcome the Minister of State, Deputy Gallagher, who does not seem to be as emotionally involved. We are not now being interrupted and are getting an opportunity to voice our very serious reservations.

We are not here to waste an evening or to have the satisfaction of speaking in the Dáil. We are here to represent the serious reservations of the general public. There is nothing more important than how we conduct our elections in a democratic system. The public has to have 100% confidence in that. It cannot have that confidence if the Minister, who is intent on pushing this through and ignoring the commission, is still the

[Mr. McCormack.]

director of elections for Fianna Fáil in one of the elections on 11 June. That is what people are examining.

On Second Stage I stated that the Constitution belongs to the people and we could not interfere with their constitutional right to vote in a manner in which they have confidence. This Dáil, by passing the Bill, is robbing that right from the people as they have lost confidence in the system and in the Minister. Even after the commission's report the Minister in his arrogant manner continues to say that he will plough ahead with this irrespective of the commission's views. I hope that when the Minister comes back to vote on this, he will have tendered his resignation as director of elections, if not as Minister.

Acting Chairman: All Deputies should address the amendment.

Mr. Sargent: I have every intention of doing so.

An bhféadfadh an t-Aire Stáit insint don Teach cá bhfuil an t-Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil faoi láthair? Cén fáth nach bhfuil sé anseo? Baineann an leasú seo go díreach leis an Aire féin.

Mr. Gilmore: An bhfuil freagra na ceiste ag an Aire Stáit?

Mr. Gallagher: Beidh freagra ar ball.

Mr. McCormack: Tá sé ag caitheamh tabac, is dócha.

Mr. Gilmore: Tá sé ag smaoineamh ar fhreagra.

Mr. Gallagher: Níl mé ag iarraidh na rialacha a bhriseadh.

Mr. Sargent: Is athrú é sin don Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

The rules are being breached in spirit which is one of integrity and of keeping a distance between the electoral system and the political system, which has an obvious bias. The Minister was breaching that rule.

The absence of the Minister adds to the phoney nature of the debate, especially when one considers the redundancy of the legislation before us, as identified in the commission's report. It is all the more redundant if one considers: the track record of Fianna Fáil in undermining confidence in politics; the manner in which the tribunals continually churn out further causes for cynicism among the public; and the attempt by Fianna Fáil to introduce, without any verifiable audit trail, without testing and with unseemly haste, a complete electronic voting system for the whole country, not on a pilot basis but to be used in every election although there may be four polls on the one day. These factors have further undermined confidence not only in politics but also in the electoral system.

In spite of the imperfections of the paper-based system — we are not saying it has none — at least it has the useful and critical advantage of being transparent in that people can lean across the railings, see what is happening and make up their own minds. The electorate can take ownership of the process.

An Ceann Comhairle: I am reluctant to intervene but what amendment is the Deputy discussing?

Mr. Sargent: Amendment No. 3. I am making this clear at every turn. I am making the point that the Minister for the Environment, Heritage and Local Government is adding to public cynicism by holding on to the position of director of elections. I will ensure I continue to tie my comments closely to the amendment.

The undermining of confidence in the voting system is regarded by many as a process of putting what was a transparent system into a black box behind closed doors. This in itself would be very difficult for people to accept. However, one of the individuals controlling the system behind closed doors in terms of telling returning officers how they should conduct elections and what technology should be used is also the director of elections for Fianna Fáil. This does not inspire confidence in the view that we have an impartial, independent voting system.

If the Minister is serious about making progress and helping people understand the system, as he facetiously claims, he should do the decent thing, even without accepting this amendment, and help preserve the independence of the system from the cut and thrust of party politics. He should stand down as director of elections. This would make sense but the amendment before us asks the Minister in a very formal way to accede to what is not just a request by Deputies Gilmore, McCormack and Allen, me and others, but also a request by many individuals around the country who are concerned about the independence of the voting system. If the Minister were serious about making improvements to the system, he would ensure that everybody who is entitled to vote is registered and that the blind could vote without companions. This would be an improvement over the existing system. The current register has been rightly described as a disgrace by returning officers around the country.

Will the Minister of State take on board the spirit in which this amendment is being put? It is simply to try preserve the integrity of the voting system we have or of any we introduce. I ask the Minister of State to accept the need to be truthful with the people. The Minister talks about saving the people money by introducing electronic voting, but the commission uses the word "may". The evidence points to the contrary, as Deputy Allen said. The cost of overseeing electronic voting to Fingal County Council amounted to ten times the predicted cost, in addition to the €52 million bill already paid by the taxpayer. There

are many hidden costs. An extra 6,000 people will be employed at polling stations. The Minister seems to believe these costs are paid for with fresh air by the local authorities. We will all end up paying these costs in one way or another.

Not only do we need integrity in this debate but we also need honesty. Integrity could be introduced very quickly if the Minister accepted this amendment and ensured a separation of the voting system from the political system.

Mr. Gallagher: Amendment No. 3, tabled by Deputy Gilmore, is not directly related to the Bill and does not represent a clear understanding of the role of the Minister concerning the conduct of elections. Each of the electoral and referendum legislation codes clearly provides that the conduct of an election or a referendum is the statutory responsibility of the relevant returning officer, in accordance with the legislation covering the poll. After the Minister makes a polling day order setting out the day and hour of a poll, he or she has no role in the conduct of the election unless there is an emergency. The period in which a European election must be held is determined at European level and that for a local election is determined, to a lesser extent, by legislation.

The only time a Minister may on rare occasions have a role after the polling day order is made is when he or she may have to deal with wholly exceptional circumstances where difficulty arises, such as the existence of a vacancy for a returning officer, power cuts or other natural occurrences that would interrupt the poll and regarding which a difficulty order may be required. This is dealt with in section 164 of the Electoral Act 1992. The conduct of elections is entirely a matter for the returning officer and I do not recognise any conflict of interest regarding the Minister's functions.

I did not check whether members of the Opposition, when serving as Minister for the Environment, were directors of elections for their own parties. I will not get involved in this.

Mr. McCormack: The Minister of State has just said it.

Mr. Gallagher: I did not. I am saying I did not check it, nor am I interested in doing so. If they were, I would not have felt at the time that there was any conflict of interest.

The conduct of elections is a matter for the relevant returning officer. I will not have a Second Stage debate on this issue because many of the questions raised were answered.

Mr. Gilmore: Before I make my two-minute contribution, will the Minister of State tell us why the Minister for the Environment, Heritage and Local Government is not present for the debate on this amendment?

Mr. Gallagher: I was in Derry today launching Pride of Place and have just returned. It was

decided I would deputise for the Minister. We met briefly and I understand he may be addressing the chief fire officers this evening. Everybody appreciates the important role they play so it is important that he make that address. I can seek further clarification if necessary.

Mr. McCormack: He had better be careful he is not burnt.

Mr. Gilmore: That explanation is unacceptable. On the last occasion legislation dealing with the fire services came before the House, it was the Minister of State, Deputy Gallagher, who introduced it and conducted it through all Stages. If an address is to be made to the chief fire officers, it should be made by the Minister of State, who appears to have responsibility in the Department for those services, rather than the Minister.

The business we are dealing with was ordered by the Government. I would prefer to be talking about the needs of tenants and dealing with the Residential Tenancies Bill, which is long overdue in the House, or about other more pressing matters under the remit of this Department. However, the Government insisted that we spend today dealing with the Electoral (Amendment) Bill. It is not unreasonable, particularly given the controversy that has arisen about this legislation, to expect the Minister with direct responsibility for it and who has been in the eye of the storm on this issue to be present in the House for the debate. I did not have a problem—

An Ceann Comhairle: The Deputy's two minutes have concluded.

Mr. Gilmore: I will return to this matter when I sum up. This is a discourteous way to treat the House. It is unacceptable, particularly when the House is dealing with an amendment that concerns a conflict of interest the Minister has between his role as director of elections for Fianna Fáil and his responsibilities as Minister under this legislation.

Mr. Allen: On Second Stage of the Bill, I pointed to the conflict of interest for the Minister in his role as director of elections for Fianna Fáil and his ministerial role in pushing through this legislation against the wishes of the Opposition and many experts in computer technology. We spent much time on Committee Stage dealing with the provisions of the Bill. Unfortunately, however, the Minister was missing again and we had to deal with the Minister of State, Deputy Gallagher. He is a level-headed, reasonable person but his hands were tied by the diktat from the senior Minister.

I recall spending hours one day on the Committee Stage debate and later hearing the Minister, Deputy Cullen, misrepresenting the situation on "Five Seven Live". He misrepresented the Opposition's position and

[Mr. Allen.]

attitudes. There we were, beavering away on Committee Stage of the Bill, only to hear the Minister rattling on us. Last week, the Minister was again afraid to get involved in a debate on RTE One and last night we saw him get a softer than soft interview on "Prime Time". It was as if the Opposition did not exist. Now we are dealing with a section which relates directly to his behaviour and his conflict of interest and he simply walks out of the debate and sends in the Minister of State. I hope the Minister will not be on "Five Seven Live" or has not gone to Montrose to do another television interview.

I am anxious to know where he is. He has reneged on his duty as Minister to answer to the House for his abject negligence and incompetence in the misuse of massive amounts of taxpayers' money to buy a system that is not safe. I would not trust the Minister to buy a dishwasher, let alone sophisticated equipment that is valued at more than €40 million, a bill that must be met by the taxpayer. There are unfathomed consequences of the commission report that have yet to be appreciated.

Mr. McCormack: The Minister of State indicated that the Minister might have gone to address a fire officers' function. I hope the Minister does not get his fingers more badly burnt there than they have been as a result of his handling of this issue.

The Minister was aware before lunch that this amendment was due to be debated next. However, according to the Minister of State, the Minister would not have been present for as long as he was if the Minister of State had not been delayed at another function. This is a Minister who is anxious to retain his position as Fianna Fáil director of elections yet he is not taking his duty seriously with regard to this legislation. Indeed, the Government thought this legislation would not have to be brought before the Dáil at all but the insistence of the Opposition parties and the public changed that.

It is said that the electronic voting system will cost €52 million. I have no doubt that, as time passes, the real cost of the system will be more than €100 million. There will be the cost of changing the system, extra personnel, storage and maintaining the machines. They cannot be stored in a shed like ballot boxes, they must be kept at a certain temperature and so forth. I am aware of one person who has bought a ballot box from a local authority for his own purposes. It is handy for annual general meetings and the like. Where will the expenditure on this system stop? I expect it will be more than €100 million before it finishes. However, the Minister still wishes to retain his position. I had hoped before the Minister of State spoke that the Minister had left to consider his position as director of elections. Unfortunately, however, my hopes were dashed by the Minister of State.

Mr. Gallagher: I have nothing further to add on the amendment. There were many general questions but I do not wish to be argumentative or to go outside the scope of the amendment. However, the conduct of elections is not a matter for the Minister. I refer Deputies to section 31 of the Electoral Act 1992 which states: "It shall be the general duty of the returning officer for each constituency to do all such acts and things as may be necessary for effectually conducting a Dáil election in his constituency in accordance with this Act, to ascertain and declare the results of the election and to furnish to the Clerk of the Dáil a return of the persons elected for the constituency."

There is no conflict of interest between the position of the Minister and his role as the party's director of elections.

Mr. McCormack: Except that it leads to a lack of confidence.

Mr. Gilmore: The one comfort we can take from this debate on electronic voting is that democracy in this country is working. Thanks to the efforts of the Opposition parties, the concerned citizens who voiced their worries about the system of electronic voting to be introduced, the interest of those sections of the media which took the issue seriously, the independence of the commission and the integrity of its members, the Government was stopped in its plans to introduce this system of electronic voting.

However, what if we had not succeeded? Under what system would the elections on 11 June take place? According to the commission's report they would take place on a system: for which some of the software has not yet been prepared and therefore could not be tested; for which the software was being constantly updated; for which the Department was still relying on earlier versions of the software for its tests; which had not been comprehensively tested; of which some individual components had not been tested; on which the tests that had been carried out were deemed to be insufficient; which had not been tested as a whole or certified as being suitable for use in an Irish electoral context; on which the commission was able to establish an error in the count software existed and it was possible that further testing would uncover further errors; whose software could be overwritten by somebody outside or by an insider; under which individual voters could be subject to intimidation or corruption in the casting of their votes; and under which the counting of votes could not be relied upon because the software was not deemed to be satisfactory or properly tested.

Who attempted to introduce this system? It was the director of elections of the principal party in an unpopular Government. Why do we think the Government attempted to foist this system on the people against the wishes of the Opposition

parties and of concerned citizens? It is difficult to escape the conclusion that what was going on here was nothing short of a brazen attempt by the Government to steal and fiddle the elections. It would not be possible to have a greater conflict of interest than the Minister, who is responsible for introducing the system, for selecting the software and the supplier, for deciding the constituencies and electoral areas in which it would be used and for giving directions to returning officers, being the director of elections for the main Government party.

I did not object to the absence of the Minister for the Environment, Heritage and Local Government from much of the Committee Stage of this Bill, as I understood he was abroad on Government business, which I accept. However, I do not accept the excuse we have been given today. I do not accept that the Minister responsible for handling the Bill which the Government considered so important it was ordered today ahead of other pressing legislation, should withdraw from the debate to address

officers of a service for which the Minister of State, who is now taking the Bill in the House, has, I understand, delegated responsibility. I believe the Minister for the Environment, Heritage and Local Government withdrew from this debate because he could not face this House or answer to it on the conflict of interest he has as Minister for the Environment, Heritage and Local Government and as director of elections for Fianna Fáil.

I now increasingly believe that conflict of interest, that dual role and those two hats the Minister is wearing — one day as director of elections for Fianna Fáil and the next day writing the orders for the election system — lie at the heart of why there was a brass-necked attempt by Fianna Fáil to interfere with the way in which people vote. It is shameful that the Minister is not present in the House to answer those charges. His handling of this matter has been shameful and it is time he was replaced as Minister for the Environment, Heritage and Local Government.

Amendment put.

The Dáil divided: Tá, 50; Níl, 65.

Tá

Allen, Bernard.
Boyle, Dan.
Bruton, John.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Enright, Olwyn.
Ferris, Martin.
Gilmore, Eamon.
Healy, Seamus.
Higgins, Michael.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pdraic.
McGinley, Dinny.
McGrath, Finian.

McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Gay.
Mitchell, Olivia.
Morgan, Arthur.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
O'Dowd, Fergus.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Quinn, Ruairí.
Ring, Michael.
Ryan, Eamon.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Timmins, Billy.
Upton, Mary.
Wall, Jack.

Níl

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Coughlan, Mary.
Cregan, John.

Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hoctor, Máire.

Níl—*continued*

Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Lenihan, Brian.
McCreevy, Charlie.
McEllistram, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Feargháil, Seán.
O'Connor, Charlie.
O'Donnell, Liz.

O'Donovan, Denis.
O'Flynn, Noel.
O'Keefe, Batt.
O'Malley, Fiona.
Parlon, Tom.
Power, Peter.
Power, Seán.
Ryan, Eoin.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

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

Amendment declared lost.

Amendment No. 4 not moved.

Mr. Gilmore: Will the Minister of State tell the House if there is any point continuing this debate? The Bill was introduced to provide for electronic voting on 11 June. That will not now happen. The Minister for the Environment, Heritage and Local Government has left the House and is not available to respond to the issues being raised. I do not believe the Minister of State will accept any of the amendments tabled.

I have no intention of spending the rest of the evening and tomorrow on an exercise to keep the House going for the Government. Either we are to have a serious debate on the Bill or we are not. We will clearly not have a serious debate in the absence of the Minister responsible for it. Before moving my amendment, I would like some answers on whether there is any point in this debate continuing.

Mr. McCormack: I agree with the sentiments and frustration expressed by Deputy Gilmore in that we are unable to make a dent with the reasonable amendments tabled. I share his concern in terms of our going through the farce of calling votes and being beaten time and again by ten or 11 votes. Neither the Minister of State or Minister, who has now left the House, have made any attempt to concede anything.

But for the commission's report, electronic voting would now be in place with all its flaws. The commission stated that as the software version proposed for use at the forthcoming elections has not yet been finalised it is impossible for anyone to certify its accuracy. It could not be more explicit. The issues concerning testing of the system make it impossible to determine its accuracy in the context of the commission's report. Certain of the tests performed at the request of the commission identified an error in the count software which could lead to incorrect distribution of surpluses.

An Ceann Comhairle: To what amendment is the Deputy speaking? I am not sure if Deputy Gilmore moved amendment No. 5.

Mr. McCormack: I will conclude in a few moments.

An Ceann Comhairle: It is necessary that Deputy Gilmore move amendment No. 5 before it can be discussed.

Mr. Gilmore: Is there any point moving it, a Ceann Comhairle?

An Ceann Comhairle: The House has decided on the matter of taking Report Stage now. The only matter that can be discussed at this point is amendment No. 5, if moved. If the Deputy does not wish to move it, we can move on to the next amendment.

Mr. Gilmore: What is the point of moving an amendment to a Bill about which the Government is not serious?

An Ceann Comhairle: That is a matter for the Member in possession.

Mr. Gilmore: I will move the amendment for the purposes of debate.

An Ceann Comhairle: If the Deputy moves the amendment, we will hear Deputy McCormack on it.

Mr. Gilmore: I move amendment No. 5:

In page 5, between lines 14 and 15, to insert the following:

1.—(1)(a) The Local Elections (Disclosure of Donations and Expenditure) Act 1999, other than sections 1(4), 2 and 25, is repealed.

(b) References in—

(i) the Local Government Act 2001, and

(ii) the Prevention of Corruption (Amendment) Act 2001,

to enactments repealed by *subsection(1)* shall be construed as references to the provisions, if any, of regulations made under section 72 of the Electoral Act 1997 (as inserted by *section 3*) that relate to the same subject matter.

(2) The Electoral Act 1997 is amended by the substitution of the following section for section 72 (Donations and election expenses at local elections):

“72.—(1) The Minister shall, not later than seven days after the passing of this Act, make regulations providing for the disclosure by members of a local authority and candidates at a local election of donations made to the members or candidates, as the case may be, and the limitation of the election expenses which may be incurred by or on behalf of candidates and political parties at local elections and shall make provisions corresponding to the provisions of Parts IV and V, subject however to any modifications in those provisions appearing to the Minister to be appropriate.

(2) Without prejudice to the generality of subsection (1), regulations under this section shall make provision for the following matters—

(a) furnishing of statements in relation to donations, including anonymous donations,

(b) appointment of agents by political parties and candidates,

(c) making of contracts, incurring of election expenses and making of payments,

(d) limitation of election expenses,

(e) period for making claims relating to election expenses and for payment of such claims,

(f) disputed claims relating to election expenses,

(g) furnishing of statements in relation to election expenses,

(h) consideration by the Standards in Public Office Commission of statements in relation to donations and election expenses,

(i) excess expenditure,

(j) election expenses at a fresh election,

(k) inspection of documents, and

(l) provisions corresponding to sections 25 and 43 with such

modifications as appear to the Minister to be appropriate.

(3) Regulations under this section shall apply to local authorities generally but may contain different provisions in relation to different classes of local authorities.

(4) (a) Provisions in regulations under this section relating to the specification of limits on election expenses shall correspond so far as is appropriate to the provisions relating to limits on election expenses for the time being applying to Dáil elections and, in making such regulations, the Minister shall have regard to any change in the consumer price index since the coming into force of the limits applying to Dáil elections at the date of the making of such regulations.

(b) For the purposes of this subsection, “change in the consumer price index” means the difference between the consumer price index number last published before the date of the making of the regulations under this section and the said number last published before the date of the coming into force of the limits on election expenses at Dáil elections applying at the date of the making of the said regulations, expressed as a percentage of the last-mentioned number.

(5) Where a provision of regulations under this section corresponds to a provision of section 25 or 43 it may provide for penalties not exceeding those provided for in the said section 25 or 43.

(6) Where regulations under this section are proposed to be made, a draft thereof shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each House.

(7) In this section “political party” means a political party registered in the Register of Political Parties in accordance with section 25 of the Act of 1992 as a party organised to contest a local election (whether or not it is also organised to contest other elections).’.

(3) Section 75 of the Electoral Act 1997 (Local election petition), which was repealed by section 5 of the Local Elections (Disclosure of Donations and Expenditure) Act 1999, stands revived.”.

Mr. McCormack: The commission found serious faults. It established the possibility of interference with the voting machine, the ballot box and so on. Despite all those flaws, the Government would have introduced electronic voting in the forthcoming elections except for the

[Mr. McCormack.]
commission. I think that is the point Deputy Gilmore is trying to make.

Influence in this House is almost dead. The only influence which this House had on the matter was the Opposition's insistence on—

An Ceann Comhairle: We are discussing amendment No. 5 which deals exclusively with donations by candidates at local elections. It does not deal with electronic voting. There is not the same flexibility on Report Stage as is available during earlier Stages. Members must confine their remarks to the specific amendment.

Mr. McCormack: It is not beyond the bounds of possibility that the issue of donations might have had a serious effect on what we are now discussing. I will say no more on that.

Deputy Gilmore contends that we are wasting our time here. We are wasting our time discussing the amendments because we are not receiving any satisfaction on them. We in Fine Gael have been inclined to adopt a different approach. I am prepared to give way to Deputy Gilmore if he wants to proceed with his amendment. I thought Deputy Gilmore had moved the amendment to allow us to debate the futility of what we are doing.

An Ceann Comhairle: The House has already decided on the matter of Report Stage. We are taking Report Stage until 7 p.m. this evening. We are now debating amendment No. 5 which deals exclusively with donations. I appeal to Deputies to stay within the confines of what is appropriate on Report Stage.

Mr. McCormack: We are trying to be of assistance to the House. If we come to the conclusion that we are only wasting our time, Members may be able to leave the House earlier.

An Ceann Comhairle: There is other business ordered that will keep the House going until 7 p.m. It is not necessary for the Deputy to assist the House in the matter.

Mr. Morgan: Deputy McCormack's offer is more constructive than any offer from the other side.

Mr. McCormack: I will conclude and allow Deputy Gilmore to speak on his amendment. However, I reserve the right to come in on the amendment. I thought we were pursuing the argument of the futility of this debate.

An Ceann Comhairle: No, that discussion took place this morning.

Mr. McCormack: I know. I regret that discussion is over because what we are doing is futile.

An Ceann Comhairle: Does Deputy Gilmore wish to contribute to the amendment?

Mr. Gilmore: Yes. I thank the Chair for his flexibility. This is a simple amendment. Spending limits have been set for general and European Parliament election campaigns yet, there are no spending limits for local elections. We should set spending limits for local elections. The amendment proposes a framework for the introduction of spending limits in that regard.

We all accept the limits for European and general election purposes. It makes no sense that there are no spending limits in place for local elections. Currently, a candidate standing for election to a town or county council can spend any amount he or she wishes on his or her election campaign. There is probably a stronger case to be made for spending limits in local elections because the potential to distort a local election by a high level of expenditure on the part of an individual candidate when most others are spending modest amounts is much greater than in a general election context where very often much of the campaign is fought on the airwaves and there is a much more national dimension to it.

Another reason to introduce spending limits at local elections is that, as we have seen from tribunals, a considerable amount of the corruption under investigation relates to what happened at local government level. For the reasons outlined, the Labour Party believes spending limits should be set for local elections. The amendment, which is a reworking of a Private Members' bill tabled some time ago, gives us the opportunity of having the provision enacted.

Mr. Sargent: On the basis that this amendment does not relate to the redundant debate on electronic voting, it merits closer discussion because it is relevant in advance of the forthcoming local elections. The spending on local election campaigns and the furnishing of statements and related matters regarding candidates' election expenses are relevant. The Green Party supports Deputy Gilmore's amendment and asks that the Minister accept it.

This measure is astonishing, although we are becoming used to jaw-dropping audacity and arrogance from the Minister for the Environment, Heritage and Local Government. In the area of election expenses, the Minister, who is the most corporately sponsored politician in the country, has reason to be mindful of the justifiable or misplaced generosity from which he benefits. One way or the other, if there are election spending limits at European and general election level it is remiss of the Minister not to insist on spending limits at local election level.

The Minister dismissed this concern as if to say that money has no part in a local election campaign and that all depended on shoe leather. The wise teaching of this expert at getting elected was that money had nothing to do with it. We all

know that posters and printing cost a great deal of money. If one adds the cost of renting an office and other expenses, the costs mount up. The amount of money spent in an election campaign will mount up, if one has it. In the campaign for the forthcoming local elections there have been major disputes between candidates as to the amount of money to be spent on the campaign. A candidate who has independent means, who comes from a wealthy family, for example, will be tempted to spend like no one's business while a running mate must search for every cent and wonder where the next euro will come from. Surely it is the job of the Minister for the Environment, Heritage and Local Government to ensure a level playing pitch with regard to election spending?

Like Deputy Gilmore, I served on Dublin County Council. On radio every evening we hear, like a serialised book at bedtime, the recall of the past activities of Dublin County Council at the current tribunals. It is shocking to hear evidence of what was suspected at the time and is now being revealed. The Minister appears to overlook the earning power of someone who wishes to use his or her power on a local authority corruptly. The rezoning of land from agricultural to residential presents enormous windfall profits to a landowner or developer. Even at this late stage, the Minister should try to restore some of the lost confidence in the political process which his party helped to whittle away through the corrupt practices of a number of its members. He should accept this amendment, which extends the common sense that applies at general and European election level to local elections and put in place a limit on spending and a requirement that local candidates furnish spending returns. Many candidates already furnish returns to the Public Offices Commission.

There is no limit on local election spending. That carries the message that corporate sponsorship of politics is fair game. This not only benefits those who are wealthy over those who do not have independent means but also skews the results of elections because the vast majority of successful candidates will have spent their way to winning votes. That is a corruption of the democratic process. Regardless of how honest the people involved are, they will have used their wealth to gain an advantage over their fellow citizens who do not have the same level of wealth. It is important that we level the playing pitch and this amendment is a good way of doing so.

Mr. Allen: The Minister for the Environment, Heritage and Local Government has brought us back to the days of Taca. He is the greatest recipient of political donations of any politician. There is a conflict of interest between his role as Minister for the Environment, Heritage and Local Government and the donations he has received in recent years.

This section contains a major anomaly. There are limits on spending on campaigns for

European and general elections but none for local elections. The Minister would out-Taca Taca. He has a vested interest in not placing limits on spending on local election campaigns. He has flagged the fact that he is anxious to increase the spending ceilings on general elections in the future. My party is opposed to that proposal. During the debate on Second Stage of the European Parliament Elections (Amendment) Bill 2003 I stated clearly that I would welcome limits on donations for local elections. I pointed out that people can spend their way into local authority seats. I know of people with massive resources who systematically go through communities, inviting people to parties and dinners in the restaurant in Leinster House, and use the resources and facilities of the Oireachtas to win seats. Money counts in local elections, even more than in general elections.

This is an important amendment but the Minister is not in the House to debate it. I know of candidates in the forthcoming local elections whose personal resources are negligible and are dependent on the support of their parties. Some are fighting a David and Goliath battle. With their limited means and party resources they must face the well-oiled machines of other candidates. The Minister of State knows to whom I refer. Members of this House have sons and daughters running for local authority seats, financed by large donations and their own resources.

I support the amendment. Like Deputy Gilmore, I wonder why we are discussing these amendments line by line when the Minister has abandoned the debate and we do not know what he is doing. We will continue this debate tomorrow. However, I understand the debate is to be guillotined tomorrow and the Bill considered in the Seanad on Friday because certain provisions must be enacted by the middle of next week. This is a disgraceful way to deal with a Bill of this magnitude. The Minister has left the matter to his junior Minister. While the Minister of State is a nice man, the problem is not of his making.

We are told the Bill is to be guillotined tomorrow when we will be approximately a quarter of the way through the list of amendments. That is no way to run a democracy. The Minister has been inept and negligent, yet we are told we must meet a deadline of next week or the elections cannot take place. We are moving from chaos to chaos. The Minister should answer to the House and the sooner the better.

Mr. Morgan: I support the amendment because the current situation is somewhat ridiculous in that there are spending limits on general elections but not on local government elections. A candidate with a war chest as large as that of George Bush, which is of the order of \$200 million, could win a few seats in Fingal and perhaps in counties Mayo, Louth, Cork or Galway. On the other hand, given the Minister's behaviour towards local government, the

[Mr. Morgan.] institutions will have so little power that it will probably not be attractive to spend very much to get elected.

This is a common sense, practical amendment. If the Minister were sincere, this measure would have been included in the Bill at the outset and not left for the Opposition to introduce. I expect that the amendment will be accepted and look forward to that.

Mr. Ring: I agree with Deputies Allen and Gilmore that there is no need to rush this Bill through and that it should instead be withdrawn. Why is it to be pushed through the Dáil when electronic voting is over now and forever? The people do not want it and never did. As we are discussing spending controls for the local elections, was there any control of Government spending on electronic voting? Legislation should be introduced to stop such spending. I predict the cost will be more than €100 million by the time the process is finished. The Minister should hand the machines out to the schools. At least we would get something—

An Leas-Cheann Comhairle: The Deputy should address his remarks to the amendment.

Mr. Ring: I wish to make a helpful suggestion.

An Leas-Cheann Comhairle: It is not in order.

Mr. Ring: My point is in regard to spending. The Government is spending money on advertisements asking people to vote in the local elections. I suggest that the voting machines be given to the schools to teach young people about how democracy and dictatorship works in this country, which would be a good lesson for students.

Mr. Allen: And how democracy does not work.

Mr. Ring: That is the message I want to get across. The Minister should be in the House to debate the Bill, not giving out fire certificates after causing such a fire in the country. No Minister should disregard the House and walk away from it when a Bill is under discussion. There is no excuse. I would not mind if a Minister was in Europe on Government business but the Minister for the Environment, Heritage and Local Government should be in the House to deal with the Bill. It shows the measure of his respect for democracy and the House. The Minister dictated to me and gave me a great deal of lip on the dual mandate and electronic voting issues. At the same time, his returns showed the fortune he received from the people of the State.

Deputy Allen pointed out that many candidates will find it difficult to fight this election as they will not have the necessary resources. However, millionaires will be able to enter local councils and then take the next step into this House. They will not care what money

they spend on local elections. This is already evident in terms of glossier election brochures with quality photographs and the increased use of newspaper advertisements. Some candidates have been advertising for the past five or six weeks because there are no restrictions. It is wrong that candidates can spend what they want for local elections while spending is restricted for general elections.

Such restrictions have never bothered me. I ran my by-election campaign in 1994 for less than €9,000 and topped the poll in Mayo in the previous two general elections, although I must question the amount of money spent on other campaigns and how it was spent. I never had that kind of money because I was never bailed out by builders or business people. Those who work and vote for me are working class and I have never received significant amounts of money from them. Such spending is wrong and this amendment should be accepted by the Government. There should be restrictions on how much can be spent on local elections and on what it can be spent. The Government should deal with this immediately.

Other speakers referred to candidates receiving donations. For the past 25 years, while we have heard about particular donations, the rumours were always denied. A Deputy in the House at present was threatened when he made it known at a council meeting that cheques were being offered to councillors. This must be stopped and the system made more open. It is reasonable that we would know what candidates receive, who they receive it from and what they spend.

I get upset when I think of the mishandling of electronic voting. The Minister should withdraw the Bill and withdraw himself as well. He would be forced to do so if the Taoiseach had any decency or commitment to the people. The Taoiseach last week lectured the people of Europe and told us we were wonderful Europeans. He should have sacked the Minister for the Environment, Heritage and Local Government last Saturday morning for the mess he made of electronic voting and the waste of more than €100 million of taxpayers money, which will be final cost when the true facts are known.

The Minister should be in the House to answer queries and should not run away. Any Minister with a Bill before the House should be present to defend it. The Minister should not be absent on other business, which is appalling and an insult to the House. The Opposition should not stand for it unless the absence is because the Minister is on official Government business. While I am in the Dáil day after day, I often find that two or three Ministers have visited my constituency in my absence. It should not happen and is an insult to the House and to democracy.

An Leas-Cheann Comhairle: I call the Minister of State.

Mr. McCormack: I did not contribute on the amendment.

An Leas-Cheann Comhairle: I thought the Deputy had spoken.

Mr. McCormack: No. While we had a discussion at the beginning on whether we would proceed with discussion of the amendment, I did not speak since the motion was moved.

Mr. Gilmore: That is true. We had a discussion on whether to take the amendment.

Mr. Ring: That is correct.

An Leas-Cheann Comhairle: The contribution was ruled on by the Ceann Comhairle.

Mr. McCormack: It could not be a contribution on the motion because it had not been moved at the time.

An Leas-Cheann Comhairle: I am not going to change the Ceann Comhairle's ruling.

Mr. McCormack: I will come in again at the second opportunity.

Mr. Gallagher: With regard to Deputy Gilmore's amendment in which he states expenditure limits should be introduced for local elections, the House will accept that it is too late to introduce such limits for next June's poll, even if we wanted to. The introduction of expenditure limits was considered during the passage of the Local Elections (Disclosure of Donations and Expenditure) Act 1999. It was decided not to introduce limits given the fundamental difference between local and other elections in terms of scale. For example, at the local elections in June 1999, there were 3,085 candidates compared with 42 candidates at the European elections held on the same day, and 463 candidates for the general election of 2002. In regard to constituencies, there are 268 local electoral areas compared with 42 Dáil and four European.

Experience has shown that local authority candidates do not spend significant amounts of money. The introduction of limits would create additional bureaucratic procedures which would not be justified in this instance. The regime was in operation during the 1999 local election campaign. This will apply, with minor amendments, during the 2004 polls. It is a local scheme appropriate to local elections. It is less costly, less bureaucratic and easier to operate than the scheme for general and European elections, yet it still embodies the important reporting and disclosure principles for donations and expenditure under the Electoral Act 1997. As has been pointed out, candidates must give an account of their spending and record donations of approximately €635. Donations of more than €127 must be lodged in a separate account. The amendments to which I referred relate to a limit

on political donations. Candidates will be aware of the maximum limit on donations from any one source in any one year of €2,538. The amendment is not justified because it would create additional bureaucratic procedures.

It would be interesting to look at the facts following the 1999 local elections when council candidates submitted accounts to the local authorities. When analysed, it was found that, in the council elections, the average expenditure was €1,729 per candidate, in the corporations it was €2,981, in the borough corporations it was €635, in the urban district councils it was €635, and in the town commissioners it was €311 per candidate. The question arises whether the imposition of expenditure limits would outweigh the extra bureaucracy for candidates, political parties and local authorities. On the evidence of the 1999 returns, it would be difficult to justify a more costly bureaucratic and complex scheme given the levels of reported expenditure, the difficulties experienced by some local authority candidates in implementing the existing provisions and the current arrangements embodying the reporting and disclosure principles under the Electoral Act 1997.

We should not need to look over our shoulders at what is happening in other jurisdictions. Most EU countries do not have election expenditure limits for local elections. The only EU countries that have such limits are Belgium, Portugal, Spain and the UK. It is too late to introduce this measure which would be outweighed by the extra bureaucracy.

Mr. McCormack: This is my first real contribution on having no spending limits during local authority elections. The Minister of State said it is justified not to have such limits. It is justified that there should be. There is no reason this should not be the case. The amendment cannot be accepted now because of the timescale involved. It should not have been necessary to table the amendment. It should have been a standard provision in the Bill that there would be a spending limit for local elections.

I am the longest serving local representative in the House, and I will be a member of a local authority until the June elections. I have been a member of both the city council and county council at different times and at the same time. I am aware of the incentives offered and the pressures on councillors. If councillors wish to have a great deal of money to spend on local elections, they will get it. They would have to declare that money, which is a separate matter. There should certainly be a limit on spending by local election candidates. To carry this argument to its logical conclusion, a wealthy candidate standing for the local elections would not have to declare a contribution because he or she already has the money. He or she could go into a community council meeting with me or anyone else where people are asking the local authority to provide trees or shrubs in an estate, for

[Mr. McCormack.]
 example. This person may say nothing at the meeting. However, he or she could distribute leaflets the following day informing people the trees will be provided, even though he or she has bought them. If he or she attends another community council meeting where people have been agitating for a long time for a community hall — I am taking this argument to its extreme conclusion — this person could suggest contributing €30,000 towards the hall. There is no limit in this regard. This expenditure will assist that person in being elected in the local elections, which is a ridiculous situation.

The Minister of State should be careful in this regard. I was first elected to the local council in 1974. At the time I had no literature, just shoe leather. However, we are not in shoe leather now. I could not conduct an election nowadays without major funding to compete with other candidates. How can ordinary councillors compete with people who have unlimited resources? They will compete by having enticements put in their way. The business of a local council and the decisions local councillors must make are now so serious and have such far-reaching repercussions that there is no restriction on the amount of inducements that can be offered to them. I know the majority of councillors do not take inducements, but if one is dealing with material contraventions of planning laws and rezoning 12 acres of agricultural land for a particular purpose, one is increasing the value of the land for the owner who will sell it immediately. I had occasion to vote against one of these material contraventions on the principle that one cannot change the value of one man's land from €120,000 to €3.5 million overnight unless one gives the same opportunity to everyone. It is a different matter if one is dealing with a city or county development plan.

There is a great deal of pressure on councillors to compete with wealthy candidates who can afford to supply to local communities trees or anything else which he or she does
 6 o'clock
 not have to declare. All one must declare is the amount of subscriptions received which amount to more than €127. Wealthy candidates do not want subscriptions because they already have the money. This places severe pressure on candidates who do not have such resources. No matter what the Minister or the Minister of State says, it is essential to have spending limits on local election campaigns to eliminate the possibility of inducements, allow local candidates compete and measure what is happening during such campaigns.

Some people want to get elected to their local authority because it is a stepping stone to the Dáil. Others, who want to do so to serve their local community, are genuinely motivated people. Still more want to be elected to their local authority for the prestige it gives them, which is

where the danger arises in not imposing spending limits on candidates in local authority elections.

It is essential that spending limits are imposed. It is far more important than imposing limits on me or anyone else standing in Oireachtas elections because it is at local level that decisions are made about planning — we have heard from the tribunals what happens with planning decisions. I ask the Minister of State to place spending limits on local election candidates in order that they all play on a level playing field. A man or woman living in a local authority house and in receipt of social welfare has every right to stand in local authority elections and compete with a millionaire who is also standing for election.

Mr. Gilmore: The Minister of State has given two reasons for not accepting this amendment, namely, that there is not enough time to introduce spending limits before the local elections on 11 June and that it would be too bureaucratic to do so. In regard to the first reason, do I understand correctly that the Minister of State is stating that there is not enough time between now and 11 June to introduce spending limits for the election campaign but that there is enough time to introduce electronic voting, but for the fact that the commission has found against it, and that there is enough time to introduce a proposal for a referendum to change the Constitution? If there is enough time to change the Constitution, there is enough time to introduce spending limits.

In regard to the second argument, the paperwork has been done. Every candidate in the local elections will be required to have his or her political account, record donations in excess of the €100 limit, make a declaration about donations in excess of €630 and make a detailed return to his or her local authority on the entire amount expended. The candidates are doing the paperwork and there is no additional work involved in this proposal. It merely seeks to put a limit on the amount candidates may spend. The argument that the average town council candidate spends approximately €600 is one in favour of having spending limits.

Mr. McCormack: It strengthens the case.

Mr. Gilmore: For example, in a town council election the average spend per candidate is approximately €600 — given that the figures given by the Minister of State are from 1999 it is a little more now — and if a candidate spends ten times that amount, he or she has the potential to distort the election. I have seen examples of this. During a local election campaign, I knocked on a door and the constituent asked me if I could get the council to repair the side entrance door to her house. I explained to the woman that the council, to which I was seeking election did not do repairs to side entrance doors. However, I met the woman the day before the election and she told

me the door had been fixed and identified the candidate who had arranged it. I found it hard to believe but she told me that she had told the candidate about the door and the following day a van and workmen came and fixed it. I telephoned the council and asked the person in charge of maintenance if he had sent a van to fix the door and he assured me he had done no such thing. I established that the candidate had arranged to get this work done privately. All one needs in a local election in which margins are tight and the number of votes is small is a candidate who will do things like this.

Mr. Morgan: Nixers.

Mr. Gilmore: It may not be election expenditure as we know it, but in fairness to everyone a limit needs to be put on spending. This can and should be done for 11 June. The arguments that there is not enough time and that it is too bureaucratic are purely the excuses of a Government which does not want to do it. Fianna Fáil never wanted spending limits. We saw that when the party tried to increase the allowable level of expenditure. At the first opportunity it will try to get rid of spending limits for European and general elections too. The party does not want spending limits introduced for the local elections because it does not want spending limits at all. Fianna Fáil has the capacity to raise huge amounts of money and spend it at will, which is exactly what it wants to do. However, this is not in the interests of fairness and democracy.

It was wondered aloud in the House earlier what is the purpose of this debate. We will not have electronic voting on 11 June, therefore, we might as well use our time in the House productively to introduce a provision which will ensure that the elections on 11 June are conducted on a fair basis, that there is a level playing pitch for all candidates and parties and that parties and individuals cannot spend excessively thereby distorting the conduct of the election.

Mr. Boyle: I welcome the opportunity to speak on this amendment in particular because it is an issue about which I and my party have strong feelings. When we refer to restricting and placing limits on election expenditure at national or local level, we are referring only to the period after which an order has been moved to hold such elections. The experience of all Deputies in regard to the current set of elections is that thousands, if not hundreds of thousands, of euro has already been spent by many candidates across the country in ways which have distorted the democratic process. If ever a case were needed for putting in place a strict limit on election spending over the longer time period than the election process itself, it is made by the type of conduct we witness daily and weekly in the political processes in this country.

Large expenditure does not guarantee a seat. In the Cork City Council elections in 1999, a candidate in a north city ward spent the equivalent of €20,000 in an area a quarter the size of the five seat Dáil constituency. This would have translated into expenditure of €80,000 in a general election. However, the candidate was not elected. When that scale of expenditure happens officially in the four weeks of the campaign, the minds boggles as to what the actual expenditure was in the six month period, and even one year period, in advance of the election.

The argument should be broader than just imposing spending limits for local elections. All our election spending limits should be examined for the amount spent as well as the term in which the limits are applied. Serious consideration needs to be given to the fact that there are significant run-in periods to various sets of elections running between six and 12 months. Accounting facilities already in place might facilitate the imposition of such limitations in this set of elections and, like Deputy Gilmore, I do not accept the argument of the Minister of State that it cannot possibly be done on time. A ministerial order proposing the election could include the limits which would be allowed to be spent during that election period. I can see no administrative difficulty in allowing that to happen.

I have a difficulty with the reluctance of the Minister for the Environment, Heritage and Local Government to provide this measure which would give some meaning to the Bill. The Minister is not only compromised in his role as director of elections for Fianna Fáil, as the Member of this House who received the most in personal donations in the 2002 general election and received more than he was entitled to spend in the campaign, he is the person least well considered to be in charge of a Department which should critically examine equity and fairness in political life in respect of what, where and how moneys are spent.

When we talk about limits for local election expenditure without engaging in a wider debate, it is an exercise in moving deckchairs around. The public demands more propriety, openness and transparency in our political system. What is in place for all our elections is inadequate but what is needed for local elections is totally absent. We need a Government which is prepared to accept that democracy depends on all citizens not only having access to the electoral process but being able to put themselves forward as candidates for offices in the democratic process. Having behaviour and procedures which allow us to distort that process does not reflect well on politics in general. It certainly does not reflect well on those in Government who are unwilling to make the necessary changes.

Mr. Eamon Ryan: The Minister should consider apologising to some Members on this side of the House. On Second Stage he took

[Mr. Eamon Ryan.]

particular exception to certain comments on previous Stages and Deputy Gilmore may remember the Minister accusing me of telling serious untruths and misrepresenting the reality. I raised concerns about the use of secret code rather than open source code software and the Minister became incredibly agitated and said I did not know what I was talking about. It is remarkable to get such a response from a Minister when the independent commission report made exactly the same point. I was concerned that the code being used was not open source software. It might be a bit much to expect but I ask officially that the Minister might consider apologising.

An Leas-Cheann Comhairle: We are dealing with amendment No. 5.

Mr. Gilmore: He ran away.

Mr. McCormack: We asked earlier and he declined.

Mr. Eamon Ryan: One way of apologising would be to accept some of these amendments. That would be a sign the Government is learning from this debacle and that we are ready to move on. I wanted to put it to the Minister to consider apologising and one way to do so would be to accept amendments like this.

Mr. Gilmore: Before the Minister of State responds, is the Minister, Deputy Cullen, making a very long address to the chief fire officers? He has been gone since 4 p.m., although I presume he left the House at 2.30 p.m. as he did not return at 4 p.m. It is now 6.15 p.m. Can we anticipate that he will return or is there a very long question and answer session at this event?

Mr. Gallagher: To clarify, the Minister was here for the vote at 4 p.m. and is on his way to Wexford to meet the chief fire officers there.

Mr. McCormack: Will he be here tomorrow?

Mr. Gallagher: Deputies have made a case for this amendment but I have referred to time constraints and it is too late to introduce such limits. All Deputies will be aware that, even if there were a will on my part to introduce expenditure limits, there would be a question of making those limits retrospective. All of us know from personal experience that expenditure kicks in on the day that the order is signed, but if expenditure is incurred prior to that, typically through preparing posters, then that must be included in the limits. That could cause difficulties.

Members made a good case for this but the imposition of expenditure limits would outweigh the extra bureaucracy for candidates. I also accept that the expenditure figures I gave were averages. Deputy Boyle outlined the situation in

Cork city where €20,000 was spent in one case. I will take that into consideration as that level was never the intention.

I am not in a position to accept the amendment for the reasons given. This measure could not be introduced this year and the benefits of its introduction would be outweighed by the extra bureaucracy which would be imposed on more than 3,000 local election candidates. I cannot accept the amendment.

Mr. Gilmore: I am disappointed the Government is not accepting the amendment. The Government plans to guillotine the debate tomorrow and, in deference to other Members who have tabled amendments, I do not propose to take up the time of the House by calling a formal division.

Amendment put and declared lost.

Mr. Gilmore: I move amendment No. 6:

In page 5, between lines 14 and 15, to insert the following:

1.—The Minister shall ensure that all publications or information communicated to the public concerning electronic voting, including roadshows, is available in the Irish language as well as in English.

This amendment was intended to oblige the Government to conduct the roadshows on electronic voting in Irish and English, as we were informed the roadshow was only going as far as Galway and Clifden and would not visit Connemara. Given that there will be no electronic voting on 11 June and presumably no roadshow, this issue does not arise.

However, Deputy Howlin informed us earlier that the advertisements are still rolling. In moving the amendment, may I ask the Minister of State what arrangements have been made to call a halt to the advertising campaign? We know the estimate for the cost of the advertising campaign was approximately €5 million. What will the advertising campaign cost now? Will there be any refund or reduction from the companies concerned given that it will not now be necessary to carry on with this? What is the position regarding the roadshow and advertising campaign? How much has been spent on it already and how much more will be spent on it? Are any savings likely to be made now, given the effort has been obair in aisce?

Mr. Allen: Without being repetitive, I would like details of the contract between the Department and the companies which obtained the promotional contract, Q4 and McConnells. What was the involvement of the Minister's political adviser in the interviewing process? Also, there seems to have been only one advertisement in a national newspaper about the entitlement of citizens to be put on the supplementary register before 24 May. What

money will be left over from the €4.5 million contract?

Why was the Minister and his Department negligent in ordering a stop to the advertising campaign on television immediately the commission and the Government made its decision to terminate the introduction of electronic voting on 11 June? Surely the money should have been spent on a citizens' information campaign. What moneys have been spent on an information campaign specifically targeted at, for example, college students to get them on the register? Why did the Department advertise the introduction of electronic voting long after the decision to terminate had been made?

Mr. Sargent: Tá an Comhaontas Glas ag tacú le leasú Uimh. 6. Tá sé aisteach a éisteacht leis an Aire Stáit. Nuair a thug sé freagra ar an leasú deireannach, Uimh. 5, dúirt sé nach raibh go leor ama ann chun aon teorainn a chur leis an méid airgid a chaitear ar thoghcháin áitiúla, ach níl sé ag déanamh na hargóinte céanna ó thaobh an chórais leictreonaigh agus an Bhille ar fad de. Mura bhfuil córas vótála leictreonach le bheith in úsáid ar 11 Meitheamh, cén fáth nach féidir glacadh leis an leasú don chéad toghchán áitiúil eile? Beidh sé fiúntach ar a laghad má dhéantar é sin.

Ó thaobh leasú Uimh. 6 de, áfach, is ait an rud é gur gá a leithéid de leasú a chur os ár gcomhair, ach tá brón orm a rá go bhfuil gá leis. Tá mé den tuairim go mbeidh an tAire Stáit tuisceanach faoi de bharr go bhfuil cuid den Ghaeltacht ina dháilcheantar féin. Chomh maith leis sin, tá mé cinnte go mbeidh an tAire Stáit ar an eolas mar gheall ar an ghá, ní amháin le heolas a thabhairt as Gaeilge agus Béarla — cad é faoi na daoine atá dall? Is cinnte go bhfuil easpa áiseanna ann sa chóras atá againn faoi láthair, agus istigh sa chóras leictreonach, do dhaoine atá dall. Is teanga faoi leith é an teanga Braille, d'fhéadfaí a rá chomh maith, agus tá fiúntas sa chineál roadshow a bhí beartaithe. Bhíomar ag plé na ceiste mar chuid de cheisteanna chun an Aire Comhshaoil le déanaí chomh maith, agus bhí an tAire Stáit i láthair ag an am sin freisin. Luaigh mé ansin — agus tá mé á lua aríst — gur cheart go mbeadh an roadshow sin, ní amháin ag plé le cúrsaí eolais ó thaobh choras vótála de ach le cúrsaí chlárú vótálaithe. Sa lá atá inniu ann, tá an teicneolaíocht ann; tá an t-eolas sa Roinn Leasa Shóisialaigh agus sa Roinn Airgeadais. Is dócha go bhféadfainn a rá go bhfuil an t-eolas ag an Rialtas sna hoibreacha PPS atá ann chun gach duine a chur ar an chlár vótála. Ar a laghad leis an roadshow a bhí ag dul timpeall na tíre, ní amháin go mbeadh sé fiúntach dá mbeadh an t-eolas as Gaeilge chomh maith le Béarla, d'fhéadfaimis a rá le gach duine go bhfuil sé nó sí cláraithe. Is cuma cé tusa nó cá bhfuil tú i do chonaí, má tá tú 18 mbliana d'aois, tá tú cláraithe. Dul chun cinn a bheadh ann sin, ach ní féidir é sin a rá faoi láthair. Tá neart daoine ann nach bhfuil eolas acu mar gheall air agus nach bhfuil

cláraithe, a théann go dtí an t-ionad vótála, agus a fhaigheann amach go ró-dhéanach nach bhfuil siad cláraithe. Má tá aon dul chun cinn le déanamh — agus is cinnte go bhfuil gá leis sin — seo dul chun cinn fiúntach. Iarraim ar an Aire glacadh leis an leasú seo agus an chomhairle sin freisin.

Mr. McCormack: Bhí an roadshow i gcathair na Gaillimhe agus in áiteanna eile sa Ghaillimh, ach níor tháinig an roadshow go dtí aon áit i nGaeltacht na Gaillimhe, nó aon Ghaeltacht eile. It was a serious omission and a snub to the people of Galway, which has the largest Gaeltacht in the country, that the roadshow never stopped in their areas. I understand that none of the literature is in the Irish language and that nobody in the company that got the contract to promote electronic voting is sufficiently competent in the Irish language to answer the questions posed concerning electronic voting. The Gaeltacht represents a large part of my constituency and those living there have been disenfranchised. The information is immaterial now as, thanks to the commission's report, we are not proceeding with electronic voting in the June elections.

What were the terms of reference for the PR company, one of the directors of which is a former secretary of Fianna Fáil? The advertisements I saw on television had nothing to do with electronic voting or explaining the difficulties that might arise about the mechanics of the system, they merely showed people how to switch buttons and turn off electric lights. This €5 million was badly spent, perhaps not from the point of view of those who were getting the €5 million, but it was bad value. Tá leath an airgid imithe anois. Will the remainder of the agreed price have to be paid to this company? Why are there still advertisements explaining electronic voting given that, since the commission reported at 12 noon on Friday last, we will no longer have electronic voting. Why continue to pay the company to work for something that will not now be introduced?

Mr. Kehoe: What is the position about the training days for staff who were to look after electronic voting? In my local town training was to take place last weekend. Given that the venue was not used, will it be compensated? Were local radio stations asked on Friday not to run the advertisements over the weekend? In Wexford, the local radio station, South East Radio, was still running the advertisement on electronic voting yesterday, when four or five days previously a decision was taken to scrap it. Given that electronic voting is not going ahead, will compensation be paid to companies?

Mr. Gallagher: Maidir leis an leasú seo, bhí agus, ar ndóighe, tá an t-eolas maidir leis an fheachtas poiblíochta, mar a dúirt mé, ar fáil i nGaeilge agus i mBéarla. De réir mo bharúla, ní gá an leasú a thabhairt isteach ós rud é go bhfuil

[Mr. Gallagher.]

sé seo clúdaithe san Acht teanga a tugadh isteach sa bhliain 2003. Maidir leis an fheachtas poiblíochta bheith ag dul tríd an Ghaeltacht agus go háirithe ag dul ó chathair na Gaillimhe go dtí an Clochán, cuireadh in iúl domh an tseachtain seo caite nach raibh siad a dul a stopadh i gceantair éagsúla tríd an Ghaeltacht. Bhí mé ar tí fiosrú a dhéanamh maidir leis sin nuair a tháinig tuairisc an choimisiúin amach maidir le rúndacht, le cruinneas agus le tástáil an chórais vótála agus níor ghá dom dul ar aghaidh leis an bhfiosrú ansin. Sin ceist do lá eile.

Aontaím go bhfuil sé tábhachtach go mbeadh na billeogaí agus an t-eolas go léir ar fáil i nGaeilge. Bhí, agus tá, an t-eolas ar fáil i nGaeilge. Bhí na rialacha a bhaineann leis an gcóras ar fáil i nGaeilge chomh maith. Taispeánann sé sin chomh dáiríre is a bhí an Rialtas maidir leis an nGaeilge.

Deputies referred to the advertisements which were still being broadcast on radio yesterday. I wish to clarify that an instruction was issued last Friday to stop the advertisements but apparently a small number were played yesterday in error. A further instruction has issued to ensure there will be no more inadvertent playing of the advertisements. Some advertisements may still be on the large billboards and instructions have been issued to either remove or cover them in view of the interim report of the commission on electronic voting on the secrecy, accuracy and testing of the chosen system and the Government's decision not to proceed with electronic voting for the local and European elections.

On behalf of the Department I apologise for the broadcast of the advertisements. I will monitor developments. I would be surprised if further advertisements were broadcast or displayed. The overall cost is €5 million, which includes 21% VAT. A sum of €1 million of that was spent on campaigns to raise public awareness and encourage people to vote. The supplementary register can still be used whether the voting is done electronically or by the traditional method. Public awareness is essential.

The company was appointed following an advertisement to which a number of companies replied. A rigorous public procurement procedure was followed. There is no question of affiliations. It was done in a very scrupulous and upright manner. Unfortunately, I cannot give exact details to the House of the expenditure to date. There will be contractual commitments. I will request the information tomorrow morning. If it is possible to be given a detailed statement, it will be supplied to the Deputies at the first available opportunity.

It is a matter for each returning officer to deal with the cost of training and to make the arrangements. In my town of Dungloe, arrangements were cancelled as a result of the report. Any costs due to contractual commitments will be a matter

for the returning officers. Even at this late stage, I hope the expenditure that has been approved can be minimised to ensure that as much savings as possible are made. Contractual commitments will require to be adhered to.

The amendment proposes that all information concerning electronic voting, including the roadshows, is available in the Irish language. The information contained in the publicity and awareness campaign was available in both Irish and English. The legal requirements of the Official Languages Act 2003 applies. I am therefore of the view that it is not necessary to have further legislative provisions. I understand when the roadshow was operating in the Gaeltacht, Irish-speaking personnel were available to explain an t-eolas go léir maidir leis an gcóras i nGaeilge.

Mr. Gilmore: Bhí an t-ádh le muintir na Gaeltachta nár tháinig an roadshow chucu ar chor ar bith. Ar aon nós, níor cuireadh amú iad mar gheall ar an gcóras nua vótála seo. Ach is suntasaí an scéal nach raibh sé eagraithe ag an Rialtas nó ag an gcomhlucht go mbeadh an road show ar fáil ins na Gaeltachtaí. Léiríonn sé an droch mheas atá ag an Rialtas ar mhuintir na Gaeltachta nach raibh seo eagraithe dóibh cheana féin.

With regard to expenditure on the advertising campaign, I am clear on what the Minister of State has said, that instructions have been issued to the company that no more advertisements are to be played and the billboards are to be taken down, and presumably the advertising campaign is to be stopped. What I would like to know is how much money has been spent to date. I presume there has been expenditure on literature. Will the Minister of State say how much has gone down the drain already on this advertising campaign? How much money is committed and will require to be honoured and how much is recoverable?

Deputy Kehoe referred to the arrangements that might be made with hotels or other venues for the roadshow. This House is entitled to this information because we are talking about public money. The Minister should inform the House of the position. Is it the case that these people will be paid in full anyway, even though the game is up and the campaign is cancelled? The House should be informed of the position. Will the Minister of State inform the House whether the Minister, Deputy Cullen, will return from Wexford for this debate tomorrow?

Mr. Allen: I had planned to ask the same question. I am informed he will go to cathair na Gaillimhe tomorrow to open a sewage treatment plant. I know the Acting Chairman cannot confirm that.

Mr. Morgan: With his voting machines.

Mr. Allen: Perhaps it is the appropriate place for him, for all his utterances over recent months.

Mr. Sargent: Something stinks anyway.

Mr. Allen: The advertisements were run long after the commission and the Government had made the decision. This was not the only cock-up associated with this contract. It was launched in the Mansion House but we saw that the website was partisan. There was a problem with the leaflets. We were told that there was little cost involved because only a few hundred had been printed, but I do not believe that for a moment. Election leaflets are run to a maximum number at the cheapest price, and to do otherwise would be stupid. The Government was stupid anyway because the leaflets contained an error, and those leaflets were withdrawn. I would like to know the cost of the double cock-up at the start of the public relations campaign. Who will fund the error, the taxpayer or the PR company? Will the Minister give specific information on the money spent on the campaign and state what money remains in the kitty to do the real job of encouraging people to register and to turn out on election day.

Mr. Kehoe: The Minister of State stated that responsibility for the costs of hotels for the roadshow was that of the returning officer in each county. Will the local authority in each county cover any costs incurred or will the bill be sent to the Department or a central fund for the electronic voting system?

Mr. Morgan: I am disappointed that the message coming from the Minister of State is as negative as that from his senior colleague, although he manages to convey it in a much less arrogant manner. It is a pity, therefore, that he does not invite the Minister to Donegal for a few years because he could learn something in the county.

Was the company awarded the contract for promoting the electronic voting project instructed to exclude the Gaeltacht areas from the roadshow and, if not, did it take such a decision? I understand many of the Gaeltacht areas in the west and perhaps also further south were not visited by the roadshow. Was a specific policy devised or directive issued on this matter?

Mr. Gallagher: Deputy Gilmore asked a question on expenditure to date, commitments which may have to be honoured and expenditure which may be recoverable. It is important to ascertain this information and, as I stated earlier, I will try to elicit it tomorrow if it is available. I will certainly be able to tell the Deputy the amount of money transferred by the Department, which may not necessarily be the same as what has been spent. I will try to secure the information and if it is made available to me, I will provide it to the Deputy.

With regard to the number of pamphlets withdrawn on my instruction following the launch in the Mansion House, it appears from the information available to me at the time that it was minimal. The pamphlets were run off specifically for the launch and I understand expenditure was minimal. I accept Deputy Allen's point that larger orders ensure lower prices per pamphlet or per 100 or 1,000 pamphlets. I am satisfied that this is the position.

As Deputy Kehoe will be aware, the responsibility for costs arising from European elections, in this case for training, lies with the returning officer. All other expenditure is drawn down from the Central Fund, including expenditure for the referendum. The Deputy will be aware, however, that expenditure on local elections has always been the responsibility of local authorities.

Maidir leis an cheist a chuir an Teachta Morgan, tá mé cinnte nár tugadh treoir ar bith do chomhlucht ar bith gan dul isteach sa Ghaeltacht. Tá mé cinnte de sin. Nuair a d'ardaigh na Teachtaí Gilmore agus McCormack ceist maidir leis na ceantair Gaeltachta ó chathair na Gaillimhe go dtí An Clochán, dúirt mé go raibh mé ar tí fiosrú a dhéanamh maidir leis sin. Beidh mé ag cur ceiste maidir leis sin arís. Ar ndóigh, tá go leor ceantair Gaeltachta sa tír — i nDún na nGall, i Muigheo, i gCiarraí, i gCondae na Mí agus i gCondae Port Láirge. Chun freagra díreach a thabhairt ar cheist an Teachta Morgan, níor tugadh treoir ar bith.

Cé nach mbeidh an córas á úsáid i mbliana, tá súil agam go mbeidh sé in úsáid amach anseo. Má cuirfeair feachtas poblaochta ar bun maidir leis seo arís, bí cinnte, cibé áit a mbímse sa Teach, go mbeidh mé ag cur brú chun go ndéanfar cinnte de go dtabharfar tús áite don Ghaeilge.

Mr. Gilmore: Níl ach ceist amháin agam don Aire Stáit, ceist nár fhreagair sé cheana féin. An mbeidh an tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil sa Teach amárach nó nach mbeidh?

Mr. Gallagher: Bhí mé ag caint leis an Aire ar feadh leath bhomaite ar a ceathar a chlog nuair a d'iarr sé orm leanúint ar aghaidh leis an díospóireacht. Tá a fhios agam go bhfuil socraithe aige dul go Gaillimh amárach chun rud éigin a dhéanamh ansin. Níl mé cinnte an mbeidh sé anseo amárach nó nach mbeidh. Níl a fhios agam. Muna mbeidh, beidh mise anseo.

Mr. Gilmore: We will probably return to this issue on the Order of Business tomorrow. However, it is unacceptable that the Government has ordered that the Bill be taken in the House against the wishes of the Opposition and the Minister sponsoring it has absented himself. I have not been critical of the Minister's absence on occasions when he had Government business to deal with and EU responsibilities to discharge, but it is not acceptable that this Bill and a mess

[Mr. Gilmore.]

of the Minister's creation is being discussed in the House while the Minister is gadding around the country attending functions which could, I presume, be arranged for a non-sitting day or discharged by one of his ministerial colleagues.

I do not stand on ceremony as regards these matters and I am not picky about whether a Minister is present in the Chamber, but it is insulting to the House to create a mother and father of a mess, insist at short notice on the introduction in the House of legislation to facilitate electronic voting, make an unholy mess of it, waste public money on the issue, waste the time of the House and then disappear. As I stated, I will return to this issue tomorrow. The amendment proposes to require that the roadshow be conducted in Irish as well as English but since there will be no more roadshows—

Mr. Allen: Apart from the Minister's.

Mr. Gilmore: —it is no longer necessary.

Amendment, by leave, withdrawn.

Notice taken that 20 Members were not present; House counted and 20 Members being present,

Acting Chairman (Mr. McCormack): Amendments Nos. 7 and 24 are related and may be taken together.

Mr. Allen: I move amendment No. 7:

In page 5, between lines 14 and 15, to insert the following:

1.—(1) No electronic voting system may be adopted for use in an election or referendum unless all parties in Dáil Éireann are in agreement on all aspects of the adoption and use of a particular system of electronic voting.

(2) Nothing in this Act or any other enactment shall permit the trial, implementation or use of a system of electronic voting in any election or referendum save in accordance with *subsection (1)*.

This amendment proposes that electronic voting may not be used until there is all-party agreement. This amendment and amendment No. 24 are designed to make all-party agreement on the issue a prerequisite to the introduction of any new system of voting. I will not be repetitive but I thought any sensible Minister would have brought forward legislation to set up a statutory electoral commission. This would have incorporated all the activities and responsibilities of other commissions such as the boundaries commission and the standards in public office commission. That would be outside party political influence. There would be full consultation with all parties and with the public, yet nothing like that happened.

I read a letter into the record today from the former Taoiseach, Deputy John Bruton, to the current Taoiseach to nail the lie that the Opposition parties did not have concerns about the electronic voting system used in Meath, North Dublin and Dublin West — the Minister, Deputy Cullen, has repeated that lie over and over again. The evidence is there that in April 2002 the former Taoiseach wrote to the current Taoiseach pinpointing issues that have become core concerns on electronic voting. These issues include the need for a verifiable paper audit trail, the need to have details for the source code and the need for full consultation with the public. None of that has happened and the Minister finds himself in a mess, and is digging a deeper hole. He has adopted a dismissive attitude towards the Opposition and made insulting remarks on computer experts, for which he apologised in a roundabout way. It is similar to the attitude he has shown to the House here today. He is off on his own roadshow and will be missing again tomorrow for an important part of this Bill. I find this appallingly disrespectful behaviour to the House.

Mr. Gilmore: I support this amendment. I express the view on behalf of the Labour Party that there should be cross-party agreement on the introduction of electronic voting if it is to become operable. I comment again on the behaviour of the Minister, Deputy Cullen, on this issue. He adopted an utterly dismissive attitude to the Opposition and an equally dismissive attitude to informed citizens who were trying to point out flaws they saw in the system. He has displayed the same attitude in terms of other criticisms levelled at him. He displayed this attitude to local communities who are concerned about some of his waste plans and towards those who are concerned about issues of heritage. He displayed that attitude to his Department when he would not accept its recommendation to appeal a number of planning applications on heritage grounds. One of these applications was for a development which affected Trim Castle and which was the subject of a television documentary.

Having been rebuffed by the commission last week, one would expect that he would show some degree of contrition, regret and respect for this House. His decision to absent himself from a debate that he insisted on having is nothing short of contemptible. I am disgusted with it, as are the Labour Party and the public whom I represent. It is not acceptable that a Minister can give two fingers to the House on an issue that he raised in the first place. It is my belief, increasingly strengthened since this debate began, that the Minister, Deputy Cullen, should either resign his office or be sacked. His handling of this affair, his mispending of public money, misuse of the House's time and the contempt he has shown for the House make him unsuitable to continue to hold the office of Minister for the Environment,

Heritage and Local Government. Wherever he is right now, he should write his letter of resignation.

Mr. Boyle: I support the amendment and concur strongly with the sentiments expressed by Deputy Gilmore. We are in this predicament because the Minister has adopted a never deny, never explain attitude. Not only has he done so on this issue, but on every issue within his brief. The House had an opportunity to express its views in a motion of no confidence.

There are many within his party and within the Government who should now share the sentiments expressed in the motion. A fundamental change such as the introduction of the proposed electronic voting system requires the agreement of all in the House. It is a distortion of democracy to believe that if one wins 50% of the seats in the Chamber, one gets to make 100% of the decisions. This is the type of fundamental decision in which we must all engage as elected representatives and as members of separate political parties. Until we have this type of engagement, I fear future legislation along these lines will be presented just as arrogantly as this Bill has been presented by Ministers such as the Minister for the Environment, Heritage and Local Government, Deputy Cullen. I support the amendment.

Debate adjourned.

Private Members' Business.

Hospital Waiting Lists: Motion (Resumed).

The following motion was moved by Deputy McManus on Tuesday, 4 May 2004:

That Dáil Éireann:

- notes that this week marks the deadline for the ending of hospital waiting lists following the commitment given by the Taoiseach, the Minister for Finance and the Minister for Health and Children on 6 May 2002 that, if returned to office, they would “permanently end waiting lists in our hospitals within two years through a combination of bed capacity, primary care, secondary care and targeted reform initiatives”;
- deplores the failure of the Government to honour the commitment made and the cynicism displayed in making a promise that they clearly had no intention of honouring;
- condemns the continuing unacceptable waiting lists which at September 2003, the latest date for which figures are available, showed more than 27,000

people waiting for treatment, with more than 9,000 waiting for more than a year;

- calls for the immediate introduction of targeted initiatives to ensure a prompt reduction in the numbers and end the suffering and distress of so many people awaiting treatment, including:
 - opening all hospital beds currently closed or under threat of closure;
 - ensuring a full nursing complement in acute hospitals with waiting lists;
 - tackling the crisis in accident and emergency departments;
 - taking measures to relieve “bed blocking”;
 - providing additional new hospital beds and commissioning new units awaiting opening; and
 - enhancing community care.

Debate resumed on amendment No. 1:

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

“commends the Government’s commitment and concentrated effort to reducing waiting times for public patients and:

- notes that some €250 million was being provided to reduce waiting times for patients between 1998 and 2003;
- acknowledges the extensive additional resources which have been provided for acute hospital services since 1997 and notes that over one million patients were treated in acute hospitals in 2003;
- notes the reduction in waiting times and welcomes the substantial progress which has been made in meeting the targets set out in the health strategy, Quality and Fairness — A Health System for You;
- commends the targeted approach being adopted in relation to the long waiters to the extent that 80% of patients now wait less than one year for surgical treatment;
- acknowledges the reduction in cardiac surgery waiting lists where adult waiting lists have fallen by 90% and children’s waiting lists have fallen by over 90%;
- welcomes the initiatives taken to reduce the number of inappropriately placed patients in acute hospitals;
- welcomes the initiatives being taken with regard to the staffing of emergency medicine departments;

- acknowledges the investment of €46 million into GP co-ops which provide 24 hour GP availability;
- notes that almost 600 additional acute beds were provided in 2002/2003;
- acknowledges the 41 % increase in consultant numbers in the last six years and the 32% increase in the number of nurses; and
- welcomes the achievement of the national treatment purchase fund for arranging treatment for 13,000 patients since July 2002.”

—(Minister for Health and Children.)

Mr. M. Moynihan: I wish to share my time with Deputies Fitzpatrick, Fiona O'Malley Peter Power and Devins.

Acting Chairman: Is that agreed? Agreed.

Mr. M. Moynihan: I welcome the opportunity to speak on this motion on hospital waiting lists and on the health service in general. We welcome that a sum of €250 million was provided for the reduction of waiting lists for patients between 1998 and 2003. We also welcome the general reduction of numbers on cardiac surgery waiting lists, regarding which it has been clearly proven that the number on adult waiting lists has fallen by 90% and that on children's waiting lists by in excess of 90%.

Having listened to the debate on the state of the health service, one would be forgiven for thinking one was living in a different country to that described. The statistical facts demonstrate that there has been a 41% increase in consultant numbers in the past six years. Having listened to the debate yesterday evening, one would never believe the number of nurses employed in the health service has increased by 32%. The increased general activity in the acute hospitals has been phenomenal. In 2003, there were more than 1 million patient activities in general acute hospitals.

A sum of €46 million has been provided for the development of general practitioner co-operatives throughout the country. This is an innovative idea and there has been considerable activity in the co-operatives where they have been set up. However, we must extend them to the entire country, no more so than in Duhallow in my constituency, where we hope to set one up. It is necessary to have a major health centre in which the first interaction of the patient with the health service can take place and in which minor issues can be dealt with. Local accident and emergency units, regardless of the hospital, get clogged up if they are the first point of contact with the health service for patients with minor problems. I know that GPs are anxious to get involved in the co-operative movement. Those in my area have informed me that, in the old days, each GP had a particular area to cover and each

covered his area “24-7”, long before this term was ever coined. The development of GP co-operatives must be welcomed.

In recent years, a monumental amount of money has been pumped into the health service, although I know we were starting from a very low investment base. Over successive years, the health service had been starved of resources. Now, under the Minister for Health and Children, Deputy Martin, we have increased the amount being pumped into it to well in excess of €10 billion. We have come a long way and the Minister has shown great courage in taking on sections of the health service.

In every public sector area, different empires, for want of a better word — I do not use it lightly — have come into being in the health service. The Minister is prepared to take them on, and this is most evident in the rationalisation of the health boards, regarding which he will be bringing legislation before the House in the not too distant future. I wish him well in this regard and sincerely hope the new legislation will establish a health service that will be much more beneficial to the public.

Mr. Sherlock: Would that apply to Mallow?

Acting Chairman: Allow Deputy Michael Moynihan speak without interruption.

Mr. Sherlock: Does the Deputy really accept that what the Minister said was correct?

Mr. M. Moynihan: The issue of Mallow General Hospital has been politicised over the years. When the Minister visited the hospital on Good Friday morning, he dealt with the major issues concerning the hospital's future. I and my family have been patients in Mallow General Hospital at various times over many years and the Minister——

Mr. Sherlock: Does the Deputy really accept that what the Minister said was correct?

Mr. M. Moynihan: The Minister will ensure that Mallow General Hospital is in safe hands. Over the past six years, there has been more investment in the hospital than there was under any other Government. I commend the Government's amendment to the House.

Dr. Fitzpatrick: The subject under discussion is the length of waiting lists but, in the past 12 months and with the introduction of the national treatment purchase fund, they have been reduced quite drastically, as the figures demonstrate. One of the most interesting points about waiting lists, which I believe we touched upon in the Joint Committee on Health and Children, is that there are no real statistics on sickness or health, waiting times and waiting lists. I am glad the Minister has announced that the national treatment purchase fund is undertaking the validation of the waiting lists. However, the number of people on waiting

lists must be seen in the context of a continuing increase in the number treated in public hospitals. In fact, the number discharged from hospitals having been treated as either in-patients or day cases in 2003 was, for the first time, more than 1 million. This represents a 4.7% increase over 2002.

Much progress has been made to decrease waiting times and we are on track to achieve health strategy targets. The transfer of responsibility for waiting list figures to the national treatment purchase fund will result in a more accurate and complete picture of the numbers waiting and, more importantly, the length of time for which they are waiting for procedures. It is important that patients are waiting for treatment for the shortest possible time and that the list states correctly how many are available for treatment. Having obtained these figures, one should endeavour to shorten the waiting times even more. There is no point telling elderly people waiting for cataract surgery that they will have an appointment in a year's time. One could have to wait six to 12 months for an appointment for one's condition to be diagnosed and probably another 12 months before it is treated. People waiting for cataract surgery are approaching the end of their lives and cannot be kept waiting for two years. We should shorten the waiting period. The surgery involves an improvement in the quality of life.

Advances in modern surgery help reduce waiting lists. I will offer an example from personal experience. Some years ago I had a patient who, in the course of his work, almost had his hand removed. It took surgeons 12 hours to re-attach the hand and make it functional. Fifteen years ago that would not have happened, the hand would have been amputated. That is another factor in delaying procedures for patients on waiting lists. It took 12 hours to re-attach that patient's hand and the people on the waiting lists had their appointments pushed back days or weeks as a result.

Ms F. O'Malley: Maureen Lynott, director of the national treatment purchase fund, said yesterday that one of the first patients to be treated under the national treatment purchase fund had waited over eight years for her operation. That is something one cannot dwell on lightly.

Ms O. Mitchell: Is there a correlation between that and the lifetime of the Government?

Ms F. O'Malley: Now, however, 80% of the people on waiting lists are waiting less than a year for treatment. That is a remarkable statistic.

Dr. Cowley: Is it true?

Ms F. O'Malley: The Government can be proud of this achievement. The Opposition is correct that it is not 100% but it is nearly there.

As the Minister said yesterday, if one does not have an ambitious target, one will not strive with ambition. There has been a slight failure in reaching the target of 100% after two years. However, I and many Members of the House are delighted that 80% of the people on waiting lists are waiting less than a year for treatment. There is more to do.

Mr. F. McGrath: A lot more.

Ms F. O'Malley: The Labour Party undermines its credibility by stating that it deplores this type of achievement. Look at its record. I do not like Private Members' time becoming a batting contest of "we did this" and "you did that" in Government but my attention was drawn to the fact that waiting lists under the rainbow Government increased by 27%. If the Opposition puts down a motion which deplores the Government's achievement, it must be prepared to answer for what happened on its watch. The Opposition cannot teach the Government anything in this regard.

This Government and its predecessor reversed the historical trend in health care. As a result of the willingness to change, it has reversed the under-investment. We now have the extraordinary situation of a 188% increase in the level of funding for health care, and we are proud of this. It was necessary. However, it demonstrates that the health care problem is not simply a question of the amount of money we throw at it but is also related to the structures and the reform and partnership that are necessary on the part of Government and the practitioners to deliver change to the people who matter, the patients.

Mr. F. McGrath: The issue is to deliver it on the ground.

Mr. P. Power: We are.

Ms F. O'Malley: The investment is being made. I repeat for the Deputy's benefit that 80% of the people on waiting lists wait less than a year for treatment.

Mr. F. McGrath: Go to Beaumont Hospital.

Ms F. O'Malley: Before the establishment of the treatment purchase fund, people were faced with an indefinite wait. Now, they know how long they will be waiting for treatment. This was the major problem with the waiting lists. When one knows one will get treatment relatively quickly, the waiting does not appear quite so bad.

The issue we must examine now is reform. Money is being invested in the health services but the service is not being delivered quickly enough. It is only through partnership between the Department of Health and Children and the practitioners that health service reform can be delivered. Progress has been made in terms of public patients getting the same treatment and

[Ms F. O'Malley.]

buying their own treatment. This has delivered better results and long may that continue. I commend the Government's motion.

Mr. P. Power: I thank my colleagues for sharing time with me. Few issues in politics attract greater attention than hospital waiting lists, yet few issues have been characterised by more inaccuracies, misinformation and distortions. This debate provides an opportunity to define the essential characteristics of what it means to be on a waiting list and to outline the undoubted progress that has been made over recent years by the Minister.

If a person is diagnosed by a consultant or a medical specialist, is prescribed a course of treatment and is not transported directly to the operating theatre or day care surgery, the person will, by definition, wait for treatment.

Ms McManus: Not unless they are waiting for three months.

Mr. F. McGrath: We will give the facts.

Mr. P. Power: In the utopia in which the Labour Party lives, patients would be seen by consultants without notice and those diagnosed as ill and in need of treatment would be treated immediately, without waiting, but that is not how the system works in the real world, in this country or any other. People must wait to some extent for the type of treatment they need.

Ms McManus: Except in France or Germany.

Mr. P. Power: The issue in this debate is not that people are waiting for treatment but how long they wait, the quality and nature of the treatment and, perhaps more importantly, the number of people being treated each year by the health service. In those three areas, the Government has made enormous progress.

The number of people being treated in the health system is just as important as the length of time patients are on a waiting list. There has been substantial progress in reducing the length of time people wait for treatment. The national treatment purchase fund is on course to achieve its target of having no patient waiting more than three months for an operation. Second, 80% of patients wait less than one year for surgery and nobody can deny that this is progress. Third, a mere 16 months ago, in January 2003, one would have had a 60% chance of waiting between 12 and 14 months for treatment, but that has now been reduced by 50%.

The essential issue is not just the length of time people wait for treatment but the amount of treatment the health service has the capacity to deliver each year. That undoubtedly has increased over the years and this is often overlooked. It is a deliberate attempt to disguise that simple and straightforward fact. The increase in the number of people being treated in the

health service — more than 300,000 in the past five years — is staggering. It compares most favourably with any health care system in the world. In the context of the number of people being treated, the reductions in the waiting lists and in waiting times are extremely impressive.

I wish to deal briefly with one factor in the improvement in waiting lists over the past three years, day care treatment. This has been, perhaps, one of the most fundamental revolutions in the provision of health care in Ireland. Huge technological advances have led to less invasive surgery, for example, keyhole surgery and spectroscopy. With increasing technical innovation and more sophisticated use of anaesthesiology a greater number of people can be treated each year. This is the hidden success story of our health system and it should be spoken of more.

People justifiably ask where the billions that were invested in the health service have gone. They have gone into new disciplines such as the increases in day care surgery. There have been huge expansions. One need only take the example of the regional hospital in Limerick where the number of people now being treated on a day care basis compares favourably with even three years ago. I commend the Minister for pioneering real and substantial investment in this area.

Given that no straightforward proposal has come from the Opposition benches in this debate, it is clear the Opposition is determined to ignore the indisputable advances made in recent years. I commend the amended motion to the House.

Dr. Devins: I am delighted to have the opportunity to speak in this important debate. Fianna Fáil is the only party interested in developing our health services rather than just using it as a populist football. The sole objective of our policy is to develop a service where employees are enabled to work to the best of their ability and every patient has equal access to a high quality of care. We have already increased health spending by more than 188% since 1997 and we will continue with this unprecedented investment. At the same time we are carrying out the most radical programme of change for the health sector since the establishment of the health board structure in 1970. We are not interested in the empty soundbites of the Opposition.

In recent times we have heard talk from Fine Gael and the Labour Party about an alternative. The reality is that the last time the parties of the self-styled "coalition of the caring" held office, their record did not compare favourably with the progress of recent times. In the mid-1990s the Labour Party and Fine Gael, the dynamic duo now offering themselves as the saviours of the health system, held the portfolios of finance and health, respectively. The Opposition parties were in prime position to drive the agenda of investment and reform in our health services. They failed miserably on both counts.

I listened to Opposition Deputies trying to distort the Government's record and the achievements of those who work in our health services. The irony is that many of those who are predicting the worst are the same people who trooped through the division lobbies in Leinster House in support of the shameful record of the rainbow coalition. Let me remind those Deputies that waiting lists stood at 23,000 in December 1994 when the Labour Party and Fine Gael assumed control of the health services. In their programmes for Government they spelt out clearly: "We will continue the progress of the past two years in reducing waiting lists". Despite their pledge the waiting lists rose by 27% under the rainbow coalition, from approximately 23,000 in December 1994 to more than 30,000 in June 1997. That is the record of the caring coalition.

What was the reaction of the rainbow coalition to this state of affairs? In January 1997, in the face of a 27% rise in waiting lists, it cut the funding for the reduction of waiting lists by 20%. Does that sound like a coalition of the caring? I would say it was a coalition of the callous. While Opposition Deputies will say they did not have the benefit of the boom that the policies of this and the previous Government have generated, I reject that argument. While a shortage of funding can excuse early failings at health system reform, by 1995 there was sufficient funding available to advance the agenda of reform but this was not done. Starting from the low base left by the rainbow coalition, Fianna Fáil has since increased the health spend to more than €10 billion, an increase of 188%.

No multiannual funding was provided for capital projects under the rainbow coalition. It is almost impossible to plan and construct large projects on the basis of year-on-year funding. Through the mid-1990s the health system was crying out for development funding. Renovations and new building were required. The coalition of the callous refused the necessary funding. In 1997 it actually made cutbacks in this key area. In 1996, €152 million was spent on health capital projects. In its final budget of 1997 this was cut to €138 million. In reality, the Labour Party is now engaged in a sorry attempt to try to rewrite history. It is asking the people to engage in a mass act of collective amnesia and forget the policies it put to them at the last election, and which are still Labour Party policies, would have left the health service in chaos. Bankruptcy in every sense of the word perfectly sums up what the net effect of the Labour Party's health policy would be.

During the last general election campaign the Labour Party proposed a highly dangerous, quick-fix approach called universal private health insurance to force all hospitals that could not win a competitive contract from a private insurer to either cut back or close. If the Labour Party is still committed to funding the universal health insurance system, it must also add that expenditure to its published spending plans. I

look forward to seeing how Deputy McManus will make these figures stand up. The Deputy knows this is an impossible task. In the most damning indictment of the Labour Party's credibility on health issues——

Ms McManus: The Government parties are the ones downgrading the hospitals, not us.

Ms O. Mitchell: The Government is closing hospitals.

Ms McManus: How many accident and emergency units will the Government close?

Mr. F. McGrath: Let us hear the reality now.

Dr. Devins: —— two days before the last general election, Deputy McManus conceded that her party's health policy was not workable for five years, as stated in *The Irish Times* on 15 May 2002.

Ms McManus: Will the Deputy give way for a question?

Dr. Devins: No.

Ms McManus: The Deputy does not like to be asked questions.

Dr. Devins: We have limited time.

Ms McManus: The Deputy is also limited by his lack of imagination.

Ms O. Mitchell: And his lack of reality.

Dr. Devins: Bearing this in mind, if the Labour Party wants to make a meaningful contribution to public debate, rather than wasting time tabling futile motions, its time might best be spent meditating on how it has no policy or credibility to deal with the present challenge to the reform the health service.

Ms O. Mitchell: Shame on the Deputy.

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

Acting Chairman: Is that agreed? Agreed.

Dr. Cowley: I thank the Labour Party for tabling this valuable motion. As one who has worked at the coalface for many years, frustration on this matter drove me to politics. I got fed up with the inequality in the system and the health apartheid that exists. While those with money who can afford insurance through VHI or BUPA get looked after in days or weeks, those without money must go on a waiting list. I will add one important point to this debate. I will lay bare the lie about the waiting list and expose the hidden waiting list.

[Dr. Cowley.]

When I heard the Minister last night speaking on the “Six One News” I saw red. He gave the impression that things were going well. He said that 80% of patients wait less than a year for surgery. Many Deputies repeated this tonight, but left out the words “for surgery”. There was argument as to whether the real number was 27,000 or 22,500. I live in the real world and know the real situation. However, the Minister does not live in the real world because his world is apparently going very well. He lives in the world of make-believe, worthy of Disneyland or fantasyland. His is the world of spin where our money is used to fool us into believing this web of deceit is correct.

The other list, which the Minister failed to mention, contains at least 100,000 people and stretches for many years. This real waiting list is the one on which people live and die. In the case of rheumatology, patients must wait for four years and in the case of urology, patients must wait for six years to get on the Minister’s list. What good is a year to a patient after that length of time? Only those with cancer can be added to the Minister’s list within weeks. That is the bottom line reality.

I am here to bear witness to the suffering, pain and damage done, and the deaths that occur all the time. I want to lay bare the web of deceit the Minister is spinning. The issue is not whether there are 27,000 or 22,500 on the list — there are at least 127,000 on the list. The real issue is that the Minister for Health and Children thinks people are so stupid they will not know the real waiting list contains at least 122,500 people and probably many more than that.

Mr. F. McGrath: The Deputy should know.

Dr. Cowley: The Minister conveniently ignores the existence of this list. How can a problem be addressed without accepting the reality of the situation? The Minister is not doing this and I am very disappointed. Transparency is needed. If the extent of the problem is not acknowledged, it will not be addressed. There is none so blind as he who will not see.

While the Minister is not so stupid as to believe the other list does not exist, he can forget, as it is election time again. Have we returned to the land of high spin due to the elections? Does the promise that waiting lists will disappear within two years if the people elect Fianna Fáil candidates sound familiar? When the Minister said that two years ago, the people believed him and provided the Government with its undeserved majority. If the Government had told the truth, it would not have it. People are getting wiser and they may well fail to swallow what the Government is telling them this time. The local elections will tell their own tale. We wait expectantly to see what happens. Until such time as the Minister faces up to reality, circumstances will get worse not better.

Mr. F. McGrath: I am grateful for the opportunity to speak to this motion on the major crisis in our health services. I intend to deal with the present and with reality. Before dealing with the issues, it is essential for the Government to accept that we face a crisis. There are times when it seems to ignore people on waiting lists, trolleys and chairs. It seems to ignore the 27,000 who are awaiting treatment, of whom 9,000 have been waiting for more than a year. It is unacceptable and disgraceful after two years in power. Further delays in the publication of the proposed disabilities Bill is a national scandal while 2,826 families of people with intellectual disabilities remain on residential, day care and respite waiting lists. It is a scandal that after all the talk, reports, spin and so-called extra revenue that people continue to wait. This is not good enough. It demonstrates a lack of professionalism and competence in dealing with an important national issue.

I welcome sections 2, 3 and 4 of the motion as it is not enough simply to attack the Government, particularly on its failure to deliver a quality health service and its constant squandering of public funds without accountability. We require targeted initiatives to ensure a prompt reduction in the numbers of waiting lists and an end to the suffering and distress of so many of those awaiting treatment. The Government has done nothing of significance to our health service. There are still 13,000 elderly people in need of high to maximum dependency care in their homes. We have seen cuts in the home help service, grossly under resourced day-care centres and waiting lists of 27,000 people, 9,000 of whom have been waiting for treatment for more than a year. In the Ireland of 2004 with its great economic growth and resources, people cannot access a hospital bed.

I challenge the Minister for Health and Children and his Ministers of State who are failing to deliver services. Our accident and emergency departments are being neglected while the Minister of State opposite looks the other way and blames the Opposition for bringing forward motions such as the one before us. I urge all Members to support the motion. It refers to our health service in respect of which all Members have a duty to stand up for radical reform and more investment. If we are serious about helping patients on trolleys and chairs and people with disabilities as well as about reducing waiting lists we will reform and invest in our health service. “Reform” and “investment” are the key words in this debate. They describe the way forward. I urge all Members to support the motion and, above all, to support our health service.

Mr. Connolly: I support the Labour Party’s excellent and timely motion. It represents a kind of mid-term review, which gives us the opportunity to consider the commitments made in the programme for Government more than

two years ago. The Government promised that waiting lists would be gone within two years and that we would have 3,000 extra beds in the health system. The waiting lists remain in place and the beds have not arrived. Whereas the Minister for Health and Children once spoke of commitments, he is softening that to talk of targets, which are not really achievable. He has admitted that the commitments no longer exist.

There have been many reports on the health services and, more specifically, on accident and emergency units. We have had the accident and emergency review committee, the Capita report and the equity of access report. If reports could cure, we would have the cure by now. The reports have all come embellished with lovely language at great cost to the taxpayer but there has been no end result. We must ask at this point when a waiting list is not a waiting list. The time between visiting a general practitioner and seeing a consultant is not regarded as waiting time. Despite the fact that these patients are waiting to be treated, they are regarded instead in the lovely phrase currently used as being on the pathway to patient care. While the reports have identified the problems, we are not acting on their recommendations. We are not doing anything.

A major part of our problem involves consultant numbers and how we measure in this respect against our European partners. While the average number of anaesthetists in the EU is 139 per million, the Irish average is 63 per million. There are 142 consultant surgeons per million in the EU but only 31 per million in Ireland. There is an average of 131 obstetrician gynaecologists per million in the EU and 23 per million in Ireland. The European average in respect of paediatricians is 146 per million while the Irish average is 22. There are approximately 49 radiotherapists per million in Ireland whereas the EU average is 98. Ireland is some 12 times worse off than the average EU member state in terms of the number of neurologists we have. Despite these statistics, we ask ourselves why we have waiting lists. We will continue to have waiting lists until we begin to approach the European norms and employ more consultants.

We are far ahead of the European averages in terms of chief executives, deputy chief executives and programme managers. We have no shortage of senior executives and people with folders under their oxters. That is a real part of our problem. We must employ more hands-on people who can deliver a service directly to patients. It is not fair that somebody must wait on a public or private list for a neurologist for far in excess of 12 months. Any requirement to see a neurologist is urgent. Time is of the essence and in Beaumont and other hospitals neurologists are under extreme pressure. We have been given promises but there has been no action. Perhaps the Minister for Health and Children intended to borrow the magic wand the Minister for the Environment, Heritage and Local Government,

Deputy Cullen mentioned some time back. Perhaps that wand is not working at the moment.

Real people are involved. Many of those who have waited for elective surgery have arrived at hospitals to find that it has been cancelled due to accident and emergency overcrowding. In these cases, somebody who was brought through the accident and emergency system has taken the bed which was originally assigned to the candidate for surgery. In such instances, a theatre has been prepared for an operation and a full surgical team including consultants and anaesthetists has been assembled, but they cannot work. They are left idle because accident and emergency services have not been addressed. This is the type of scenario we must tackle. We are wasting resources.

Mr. Gormley: On behalf of the Green Party, I support the Labour Party motion and reject the Government amendment, which represents yet more spin. We have heard it all before. We have had launch after launch, policy document after policy document and promise after promise, especially in the run up to elections. As I said at my party conference, it is a bit like the film "Groundhog Day". The same thing happens over and over again as if it were a bad dream. That is particularly true for those who are suffering in accident and emergency units and on waiting lists.

We must ask who we should trust on this important issue. A person I trust implicitly is Dr. Maurice Nelligan who published a very interesting article in *The Irish Times* in March this year. He stated that the promises made by the Government are reminiscent of the story of the emperor's new clothes with which we are all familiar. In quite a humorous piece, Dr. Nelligan wrote "Children, it is a fact that when things called elections are looming, grown ups become very generous and tell great stories. It is a sign of great rudeness not to believe them." We have heard all the great stories and tonight I will be a little rude and not believe what the Government is telling us on this occasion.

The Government is in an ivory tower when it comes to the health service. It is out of touch with reality and the suffering of ordinary people. It is actively promoting a two-tiered health service. Its ultimate aim is the privatisation of medicine. Privatisation in almost every sector is the aim of the Government, particularly the Progressive Democrats. I believe they would privatise their grannies if it resulted in a few bob for their supporters.

The reality is that accident and emergency units, in particular in Beaumont Hospital — I have mentioned this before — are a disgrace to any civilised society. It is now the case that not only can one not get a bed in Beaumont Hospital but one cannot get a trolley. If one is lucky, one will get a buxton chair. I know of a polio victim — this is a true story which I have outlined in the House before — who had to sit in such a chair for three days. She was eventually placed on a

[Mr. Gormley.]
trolley but died in circumstances which no civilised society should tolerate.

What is being done to deal with the waiting list problem? The Government established the national treatment purchase fund, a Progressive Democrats election gimmick. However, it is now permanently in place. Dr. Maurice Neligan and the Green Party want to know why we are pouring money into that fund so that people can be treated in private hospitals, often abroad, when it should be spent upgrading our service? Why can that money not be spent on the 3,000 extra beds we were promised, a promise that will never be fulfilled in the lifetime of this Government?

We are now faced with the same agenda. The Government is pushing us towards private medicine, what the treatment purchase fund is ultimately about. As a result of the Hanly report, many public hospitals are being downgraded while at the same time the Minister for Finance, Deputy McCreevy, is providing generous tax breaks for similar sized private hospitals. That is the reality of what is happening. The reforms now being suggested will result not in more beds, more consultants or better care but in less accountability in our health service and a poorer service for everyone.

Caoimhghín Ó Caoláin: There is a shortage of physiotherapists in this State but yesterday the Minister for Health and Children, Deputy Martin, tried his hand at a little physiotherapy when he massaged the hospital waiting list figures. However, he fooled no one. It can only have been a half-hearted effort given the revelation at the weekend of the Minister for Health and Children's memo to his Cabinet colleagues exposing that health care facilities provided at a cost of €400 million are lying idle while people wait months and years for treatment.

The Minister requested €50 million to open these facilities, €2 million less than the sum squandered by the Government on its flawed electronic voting machines. I urge the Government to provide that funding. Perhaps the Minister or his colleagues will tell the House if it was the Minister for Health and Children who leaked that memo.

Last week, during Leaders' Questions, I highlighted the fact that 25 April marked the second anniversary of the Fianna Fáil general election manifesto 2002 when the Taoiseach and the Minister for Health and Children promised to permanently end waiting lists within two years. It is a pity our national public service broadcaster, RTE, did not view this matter as serious when it dismissed it almost without comment during last Wednesday morning's television coverage of Leaders' Questions.

I welcome that the Labour Party has again highlighted this most serious issue, as already done by Sinn Féin in its Private Members'

Business motion on 2 March. A week later, having voted down our motion, the Taoiseach admitted that the total elimination of waiting lists would never happen. Yesterday, the Minister for Health and Children put a new spin on the broken promise when he said it was not a promise but, in his words, "a target". He should have told us and the electorate that at the time.

The context for the latest Government spin was yesterday's public relations exercise whereby the waiting list figures were rejigged by the Minister with the help of the national treatment purchase fund in what can only be described as a statistical exercise. Numbers on waiting list were reclassified to give the impression that the list had reduced. Some 4,500 people, under various headings, were removed from the list. The bottom line remains in that more than 27,000 people are awaiting surgical treatment longer than they should. Some 12,000 of them have been awaiting treatment for more than six months and 3,500 have been awaiting treatment for up to two years. This brings to mind another commitment from the national health strategy that by the end of 2004 no patient would have to wait more than three months for treatment.

The Government's health policy is a tattered patchwork of measures which sustains a grossly inequitable and wasteful two-tier system, a matter continuously addressed to the Government, particularly the Minister for Health and Children. Health care facilities, including public hospital facilities, provided at a cost of €400 million, are lying idle while public money, through the national treatment purchase fund, is used to buy treatment for public patients in private hospitals in Ireland and Britain. That is a scandalous waste. It is happening in a State where half the working population are paying double for their health service: they are paying tax and PRSI and private health insurance. The other half, who cannot afford private health insurance, must pay their own way or be on the verge of destitution to qualify for the medical card unless they are over 70 years of age, when they are given a card without a means test. However, young children with real needs are denied that right. That is especially notable in a week when children in Ireland were shown to have the fourth highest rate of asthma in the world.

The other side of the crisis-ridden public system coin is a flourishing private health care business, the latest manifestation of which is the €100 million private clinic now under construction in Galway. From day one, people with money will be able to check in for treatment but public patients must serve out their sentence on the public waiting lists before getting a chance to see the inside of it if they are lucky enough to qualify for treatment under the treatment purchase fund. That is inequality at its most obscene.

I welcome the news today that the two senior doctors at Peamount Hospital who won their case are to be reinstated. I hope the TB and

respiratory unit there will be allowed to continue its great work. If the Minister had intervened and if the Government had coherent policies for delivery of services, this debacle would never have happened and need not have gone to court in the first instance.

I make no apologies for repeating my request that the Minister for Health and Children immediately restore on-call status to Monaghan General Hospital for the sake of the deserving population who depend on it or for the sake of his party colleagues, whichever moves him.

Mr. Wall: I wish to share time with Deputies Burton, Lynch and Penrose.

Naas General Hospital in Kildare, a wonderful facility, was upgraded in recent years. However, when the Labour Party spokesperson on health commenced the debate last night she identified Naas General Hospital as one of the places where between 34 and 40 people wait on trolleys. They lie on trolleys because the Government and the Minister for Health and Children have done nothing to improve secondary care. The Minister has provided a wonderful facility, which does not operate to its full potential because he was unable to obtain the necessary funding from the Minister for Finance.

As a result of the constraints imposed on the South Western Health Board by the Minister for Health and Children and cutbacks by the Minister for Finance, St. Fintan's Hospital in Athy has had to close a 21-bed ward. This reflects the number of beds lost to Naas General Hospital. Patients who might have used St. Fintan's Hospital for secondary care or long-term rehabilitation cannot do so. However, because they are not well enough to go home they must remain in Naas General Hospital. As a result, acutely-ill patients cannot be admitted to Naas General Hospital and must wait on trolleys and chairs in the corridors of this wonderful facility.

The nursing home subvention appears to be a wonderful measure but it is of little value to the ordinary person. The maximum nursing home subvention available to an old age pensioner or a person in receipt of a social welfare payment is €190. An old age pension or social welfare payment will bring the amount up to approximately €400. The famous enhanced nursing home subvention is a figment of the Minister's imagination. A person who has any property is in danger of not receiving the subvention. The subvention is also means tested. This means that most elderly people must join a waiting list for a place in a nursing home near to their own home where they can be visited by their family and friends. They must wait in a general hospital, being pressurised by staff to go home when that is not possible. An elderly person cannot go home to be cared for by an equally elderly wife, sister or brother.

Last week, I saw an 84 year old person sent home to be cared for by her 82 year old brother and her nephew in his 60s, in a house that has

neither running water nor electricity. It is shameful that such a case had to be addressed in that manner. Those two elderly people took it upon themselves to care for the woman. When I tried to find secondary care for her in a local geriatric hospital I found they were full or that wards had been closed by this Minister. The nursing home subvention could be used as a means of reducing the bed problem in facilities such as Naas General Hospital.

Ms Burton: This afternoon's Exchequer returns, which show tax revenue €514 million ahead of the Minister for Finance's expected revenues and capital spending nearly 25% below target, are an indictment of the Government's callous refusal to commission health service facilities such as James Connolly Memorial Hospital in Blanchardstown. The new €105 million wing at the hospital has remained idle for the ninth months since its completion. In a typically cynical move, the Fianna Fáil rumour machine is suggesting that a decision to fund the opening of the extension is imminent, just in time for the local elections on 11 June. Fianna Fáil and their Progressive Democrats allies are masters of this style of political stroke.

Some €105 million has already been spent on a new wing for the hospital. Despite being ready for more than nine months, the new state-of-the-art accident and emergency unit remains empty while staff work next door in prefabricated buildings that would shame a developing country. The new operating theatres, costing many millions, lie dark and unused as do the intensive care unit and many of the new surgical beds.

Blanchardstown, Dublin 15, and the areas of County Meath served by James Connolly Memorial Hospital are among the fastest growing areas in western Europe. On 9 October 2003, the Minister of State at the Department of Health and Children, Deputy Callely, speaking on behalf of the Minister for Health and Children, promised that the new facilities would be open within a matter of months. Deputy Callely said the ERHA, the Northern Area Health Board and management of James Connolly Memorial Hospital were also finalising arrangements to transfer existing accident and emergency services to the new facility upon its anticipated completion in November and that the completion date would be within four weeks. He also stated it was expected the building would be in use in November. I want the Minister of State to come to the House and apologise to the people of Blanchardstown and Dublin 15 for such a blatant misstatement of the truth.

In a week when the Government acknowledged the waste of €52 million on the e-voting debacle, it is outrageous that elderly people are waiting on trolleys in James Connolly Memorial Hospital and that in yesterday's report of the treatment purchase fund it is listed as one of the four hospital blackspots for waiting lists in the Dublin area.

[Ms Burton.]

The dedicated staff, doctors and nurses in James Connolly Hospital have said, over and over again, that many hundreds of new procedures could be performed if the theatres, ICU and surgical beds in the new unit were fully commissioned. Fianna Fáil and the Progressive Democrats have refused to commission these desperately-needed facilities for the sake of a €5 million operating deficit. It is ironic that €1 million of this deficit arises from a fine imposed on the hospital for lack of efficiency in the turnover of patients, particularly elderly patients. We are living in *Alice in Wonderland* when the Minister for Health and Children can impose a fine of €1 million on an ancient TB hospital campus which is so spread out that it can take an hour to transfer patients from the old TB units to the hospital's main building. Of course, if we were in wonderland we could demand of this failed Minister, "Off with his head".

In the context of today's Exchequer figures and the boom in tax receipts, much of it as a consequences of recovering unpaid taxes from the 1970s and 1980s, it is shameful for the Government to withhold funding from James Connolly Memorial Hospital. Many of the elderly people on trolleys or regularly held in ambulances in the car park, paid their taxes when prominent members of the Fianna Fáil Party were aiding and abetting tax fraud on a massive scale.

Arrogance and incompetence with public funds are the hallmarks of this Government. The electorate will have an opportunity on 11 June to issue a wake-up call to the Minister for Health and Children and to his Ministers of State, Deputies Brian Lenihan and Callely. In casting their votes in Dublin 15 and Meath, the electorate can send a clear message to the Taoiseach to open the new wing in James Connolly Memorial Hospital, to start work on the rest of the hospital and to start to abolish the waiting lists, as was promised.

Ms Lynch: I am disappointed but not surprised the Minister for Health and Children is not here this evening. As the Minister represents the constituency of Cork South-Central, one might imagine Cork city would be well served in regard to health, which is not the case. Cork has a university hospital which has, for the past four years, been no more than a building site. The accident and emergency unit launched by the Minister has not opened and is unlikely to open in the near future. However, the people of Cork are hopeful it will open for 2007 when the next general election comes around.

My colleague, Deputy Sherlock, outlined the plight of the elderly in Cork city and county. While he dealt mainly with Mallow, a similar situation arises in Cork city where approximately 5,000 elderly people are on an enhanced subvention list. While the Southern Health Board

recognises they need urgent and immediate full-time care, there is nowhere to put them.

We sometimes get lost in figures when discussing subjects such as dementia, Parkinson's disease or Alzheimer's disease and this can distance us from the people involved. Therefore, I will deal with the case of a man named John. He is 70 years old and his wife is little younger. When I called to their house following a telephone call from a neighbour, there were four locks on the door because John is inclined to wander. His wife told me that if she hears John stirring during the night she must immediately jump out of bed to make sure he does not fall down the stairs. Their bathroom is upstairs and the wife must take him up and down the stairs all day as he needs to use the toilet regularly. She told me she was exhausted and did not think she could go on any longer. When John had a seizure and was hospitalised, his wife's opinion was that he would at least get the care he needed but that it was not the way she wanted him to be treated. Nonetheless, she considers herself lucky at this stage.

This is the plight of the elderly seeking enhanced subvention in the Southern Health Board region despite the Minister for Health and Children being from Cork. The Minister does not have the courage, stamina or gumption to stand up to the Minister for Finance and demand money, although he will leak all the press releases he can, and leaked another recently. The Minister has more publications than Rupert Murdoch but nothing is done.

His greatest con-job came during the 2002 general election campaign when with great aplomb he told us that BreastCheck was to be rolled out in Munster. The premises were bought and the women of Munster were at long last to have the service Dublin had. We are still waiting. The site brief was only completed three weeks ago and the Department told me it will take approximately 18 months before a decision is made, which brings us close to 2007, just in time for the next general election.

The Minister has announced the roll-out of BreastCheck in Cork three times but it is still not up and running. It is estimated that in Munster alone 37,000 women would be called per year to have a check carried out. As a result of BreastCheck, breast cancer detection is up by 1%. That could be improved upon and detection made possible at an earlier stage but the Minister does not care. Instead, whether breast cancer is detected early depends on where a woman lives.

I presume the Minister will announce this programme again. When the Opposition ask what has happened to it, he will tell us that these things take time. They do not. They take a Minister who knows what he is doing and one who insists on progress. The Minister has not done that.

Mr. Penrose: I am glad to have the opportunity to contribute to this debate and compliment my colleague, Deputy McManus, on tabling the

motion. It is a matter which affects all citizens. There is an old saying that one's health is one's wealth. Many would not understand this because in this society the greedy are getting greedier and "me" rather than "we" is the fundamental underlying philosophy of the Government.

At a time when the nation is experiencing unprecedented wealth, it is disgraceful that there was never greater poverty for those who cannot afford access to and equality of treatment in the health service. We boast about the economy, but it is not one which could be compared to any other European economy when one considers access to services. Our two-tiered, under-funded, under-staffed and over-stretched services are akin to what one might expect in a developing country.

Members of the House who take the opportunity to meet constituents and do not seclude themselves in ivory towers will realise the position on the ground, and the frustration of those trying to get access to a hospital bed. It is quite a health service that leaves patients for 48 hours on a hospital trolley, if they are lucky enough to get a trolley. In some cases, patients are left outside hospitals. Such Third World conditions in a supposedly booming economy are disgraceful.

It is time to put a stop to this nonsense. I am fed up listening to hype, bluff, bluster, blather and condescension in the House as the Government tries to ensure that capital gains tax is reduced at the expense of the poor of the country who are trying to get access to the health service. I am fed up with talk of strategies, agendas, forums and achievements, and historical replies about what happened in the mid-1990s. The Government should get on with the job or get out if this is all it has to say. Nobody wants to hear about historical perspectives. The Government now has an extra €500 million it did not expect to have. It should spend it on the health service and not worry about the economy.

The Government might not know much about the plight of the poor. What of those lying on trolleys or waiting for orthodontic treatment, including children with embarrassing dental problems for the treatment of which parents must borrow thousands of euro from credit unions. For the past seven years, the Government has long-fingered the development of the hospital in Mullingar and has been economical with the truth when questioned on it. The previous Government put phase 2A of the hospital in place but what has the current Government done with phase 2B? More than 100 beds are awaited. A sum of €60 million was needed to complete the hospital for the people of counties Longford and Westmeath. Thousands of people are scattered over a geographically dispersed area. It is well known that the proximity of a hospital is vital for patients, especially those without access to public or other transport, but this hospital is still the subject of reports and a tendering process. Over-stretched staff can only look at the decaying four

storey building and watch bird droppings fall on it.

I pay tribute to Deputy McGuinness, a member of the Committee of Public Accounts, for always emphasising the need for value for money. He should visit Mullingar and assess the hospital building which has been waiting seven years for completion. The Government wasted €52 million on electronic voting that nobody wanted. It should tell this to the people of Westmeath when €60 million would have completed a hospital there to serve approximately 100,000 people, not including those under the age of 18.

It is a scandal. The Government must get its priorities right because the people are sick of cynicism. This hospital needs 311 beds but has only 203 despite experiencing 130% occupancy in winter. Nurses, staff, consultants and attendants are working flat out while looking at a decaying and unused building. At the same time, there are more consultant's reports, obfuscation and foot-dragging. It is time to stop the messing and give the people the health service they deserve. If we must tax the rich, it should be done to ensure that ordinary people have a health service.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I think it was Professor Walsh of UCD who said the biggest problem in the Irish health service was politics. I am sure if he listened to the debate this evening, it would confirm his view.

Ms Lynch: Is he a consultant?

Mr. Howlin: He is an authority on health matters.

Mr. B. Lenihan: While the discussion this evening is about hospital waiting lists, there is a marked reluctance on the part of Opposition speakers to discuss the national treatment purchase fund, the key strategic instrument used by the Government to tackle this problem.

Mr. Howlin: Who developed it?

Mr. B. Lenihan: Deputy Burton referred to the long waiting lists, which I acknowledge, at James Connolly Memorial Hospital, an institution close to my heart. What she did not mention was the fact that it was one of the few hospitals in Dublin to extend non-co-operation to the national treatment purchase fund until very recently.

Ms Burton: The Minister of State kept the new building closed.

Mr. B. Lenihan: I will be quite happy to discuss the other issues with the Deputy. I took the initiative last year to engage the hospital with the fund. Deputies of all parties will have to face the fact that the operation of such a fund assists in introducing what is so badly needed in the sector. There must be some element of competition and choice for patients. Why are they not being told

[Mr. B. Lenihan.]

in sufficient numbers about the existence of this facility, which they should? We are quite satisfied that adequate funding has been provided to deal with waiting lists.

The Deputies opposite appear to find it difficult to accept that significant progress — although not enough — has been made on the length of time patients must wait for treatment in hospital. The national treatment purchase fund has reported on its progress to date. It has a multidisciplinary team working with individual acute hospitals. Deputies can contact the fund to identify those patients who have been waiting longest for treatment. More than 13,000 operations have been arranged since 2002. I had the honour of launching the report last year, which showed a huge level of patient satisfaction with its operation. That is a fact, not spin.

There are still a number of patients waiting for treatment for more than 12 months. As Opposition Deputies highlighted, many of these patients are concentrated in a small number of hospitals in the eastern region. This should not continue, particularly when the national treatment purchase fund has substantial capacity to treat patients. It is an issue which all of us in this House must examine. If funds have been voted to provide for these patients, why are they not being treated? It is a fundamental question which must be tackled. That capacity is available in many specialties, including urology, gynaecology, general surgery, ENT, orthopaedics, plastic surgery, vascular surgery and ophthalmology.

If patients are prepared to exercise choice by travelling outside their local hospital or health board area, they can be treated much quicker in many instances. The national treatment purchase fund has the required capacity. The fact that patients or their general practitioners can contact the fund directly to arrangement treatment is very important. The majority do not need to wait for treatment for more than six months. They do not have to wait to be contacted by the fund. They can contact it directly by using the Lo-call number.

Work is proceeding on the implementation of the primary care strategy. There has been substantial progress in the development of the first group of primary care teams. I commend the health professionals involved for their willingness to embrace this new way of delivering primary care services. At this stage, a number of teams are providing new or enhanced primary care services for their target populations.

Additional allocations have been made in revenue to support the implementation of the primary care strategy. I agree that primary care is very important. The whole question of the general spirit and thrust of the Hanly report recommendations is fundamental because pressure on accident and emergency units will not be relieved unless there is a shift to a consultant-delivered service. The debate on the Hanly report

has been mired by discussion of a purely local character. As a result, we have not got down to the fundamental issue of how to structure the service as between hospitals. The idea put forward constantly of each local hospital being a one-stop shop is completely outmoded in modern medical and hospital care. It does not apply in any other country. Until we collectively face up to this issue and realise that hospitals must co-operate with one another——

Mr. Sherlock: How will the Minister implement the Hanly report——

Mr. B. Lenihan: The Deputy had a good day on it in his time, for which I commend him. Until we face the issue of co-operation, not closures, between hospitals, we will not make progress in this area.

Reference has been made to the Minister for Finance who voted the entire income tax receipts of the State to the Department of Health and Children.

Mr. Howlin: I wish to share time with Deputies O'Shea and Rabbitte.

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

Mr. Howlin: The motivation behind the motion tabled by the Labour Party health spokesman, Deputy McManus, whom I commend, is to highlight on this its second anniversary the solemn pledge of the Taoiseach before an election that waiting lists in our hospitals would permanently come to an end within two years. Time is up on this commitment, as it is up on the Government. Instead of permanently bringing an end to waiting lists, as Deputy McManus has ably demonstrated to the House, they are lengthening. The Government has the gall to table an amendment to seek to commend it on the targeted approach being adopted. Some 80% of patients are now only waiting one year. Shame on a Government which so cynically manipulated a general election result with a pot of money and ended up in a situation where the people were beguiled into believing a vote for it last time round would result in the ending permanently of waiting lists.

I want to deal with my own hospital in Wexford. I must make a brief comment on the Minister of State's contribution in which the only thing he could vaunt was the national treatment purchase fund, as if it was a new idea. A version of the fund was operated ten years ago when I was in the Department of Health and Children. Patients were flown for orthopaedic treatment from Cork to the Royal Victoria Hospital in Belfast. Waiting times were halved as a result of that first waiting list initiative. This was recognised as a short-term measure until the capacity of the indigenous hospital service was brought up to standard to deal with Irish patients

in Irish hospitals in a reasonable time. A decade later, to talk about exporting patients as a panacea is to deny the fact that we have the capacity within our own hospital system to serve our own people or that we have the money and the will to do so.

Wexford General Hospital is a case in point. Ten years ago, it was promised 90 new beds, an additional operating theatre and a new day ward but nothing has happened in the intervening period. It did not feature in Fianna Fáil's national development plan. Last year, a new day hospital for the elderly was completed but it has lain idle since because not one shilling has been provided to staff the facility. It is now as useful as the electronic voting machines that will be stockpiled somewhere else. What an abject failure of policy when even capital works cannot be brought on line for the want of money. Surely there is planning within the Department to arrange for staffing when capital development projects are completed.

Psychiatric facilities at the hospital are under-developed. I spoke to a consultant psychiatrist in Wexford this evening who is in despair over the lack of development of mental health services. From start to finish, in a time of plenty, the record of the Government and its immediate predecessor is one of abject failure. No litany of mealy-mouthed platitudes in what pretends to be a reasoned amendment will hide its shame, inadequacy and failure.

Mr. O'Shea: In the short time available to me, I wish to focus mainly on the waiting lists at Waterford Regional Hospital, the latest figures available on which show a total of 1,135. I stress that these are patients who have been referred by a general practitioner to a consultant, who has placed the patients on an in-patient waiting list. Not included in the figure are the many patients who await an appointment with a consultant having been referred by a general practitioner. These patients are often in pain and distress and their condition is weakened by the uncertainty of not knowing when they will meet the consultant.

On the waiting lists at Waterford Regional Hospital are 97 patients awaiting treatment for pain. The cruelty of these patients being on a waiting list or, worse still, on referral from a GP and waiting to meet the consultant is unacceptable. Surely, ways can be found to provide care for patients who are in pain, often constant and severe, and to do this quickly when the need is identified by the general practitioner. There are 219 patients on the ENT waiting lists at Waterford Regional Hospital, according to the figures I have obtained.

The largest number for those on a waiting list at Waterford Regional Hospital is 544 patients for ophthalmology treatment. Our eyes are so vital to all aspects of our daily lives that a waiting list of 544 people is shameful. Other waiting list figures at the hospital include 130 for endoscopy, 80 for medical care, 28 for dental surgery and 37

for gynaecology. Again, I stress that these figures relate only to those who have been put on a waiting list by a consultant. The figures provide only part of the picture in regard to those who need to have procedures carried out.

The Fianna Fáil election commitment in the 2002 general election to end waiting lists within two years is shown for the cynical, dishonest undertaking that it was. The win-at-all-costs approach may bring short-term gains but the chickens are coming home to roost for Fianna Fáil and the Government. It is clear that there is a massive rejection of the Government among the electorate. How often do those of us on this side of the House hear the phrase: "You will have to get them out"? These words are being delivered in anger and frustration throughout the country. Fianna Fáil and the Progressive Democrats will get their answer in the forthcoming local and European elections. The anger which exists towards the parties will only increase as the election campaign becomes more intense.

The health services are fundamental to everything in our lives. Hospital care for public patients is a real issue and one upon which the Government has failed despite its cynical commitments. There is a real problem in regard to permanent care settings for the elderly and cancer care services need massive upgrading, not least in the provision of radiotherapy for cancer patients for therapeutic or palliative purposes. When women opt for mastectomies rather than travel distances for radiotherapy because they feel they cannot leave their children, it must make us all pause and reflect on this barbaric situation.

The Government's acceptance of the Hollywood report and its recommendations will do little for people with cancer needing radiotherapy and who live far from Dublin, Cork and Galway. Reports on the health services are plentiful but ensuing action is scarce. It is difficult, to say the least, to envisage how any real improvement will take place when we are faced with declining services. The shortage of speech and language therapists leads to intellectually disabled children not getting these vital services, the absence of which impairs their progress at a time when these services can have their most beneficial effect.

The Labour Party tabled this motion not only to highlight the cynicism and dishonesty of the Government but also, most importantly, to pressurise the Government to meet the needs of hospital waiting lists. We live in hope.

Mr. Rabbitte: I thank all my colleagues in the House who supported this motion in the name of Deputy McManus, our health spokesperson. The primary task of the Opposition is to hold the Government to account. Towards that end, I was greatly amused to watch on the monitor some of the newer Fianna Fáil Deputies accusing the Labour Party of using health as a political football. I cannot think of anything which is of

[Mr. Rabbitte.]

more interest to our people. Anyone who was on demonstrations in Ennis or Nenagh will have seen the passion with which Irish people hold their opinions about the health services. Fianna Fáil Deputies who think we are using this as a political football have obviously not been in the House long enough to have experienced their party in opposition because that is an experience one must live through. Nothing but nothing is sacred when Fianna Fáil is in opposition.

Given that the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, happens to be in the hot seat, I remind him of his recent and much loved father who was dispatched to the United States by the then Taoiseach to oppose the Anglo-Irish Agreement. There was nothing Fianna Fáil would not use if it advantaged it politically, to which I do not object.

However, to have to listen to Deputy Devins and others thinking that somehow the Labour Party is using this issue as a political football prompts me to state that it is not. It was the Taoiseach who stated, "Fianna Fáil if returned to office will permanently end waiting lists in our hospitals within two years through a combination of bed capacity, primary care, secondary care and targeted reform initiatives." That was a powerful promise to the people on the eve of a general election. The people believed in an economy which had experienced a boom since 1993 and believed that the Government could deliver on that promise. The outgoing Taoiseach of an outgoing Government asked the people to return it and within two years it would abolish waiting lists.

It is our obligation to hold the Government to account on a promise like that, particularly when the figures show that 27,318 people — live human beings in varying degrees of pain and need — were on the waiting list at the end of the last quarter of 2003, an increase of more than 100 over the figure three months earlier of 27,212. That is the reality and no amount of massaging of the figures or handing over responsibility to the national treatment purchase fund, something we are increasingly doing, will change it. If we cannot build a road in this country, we set up a quango, namely, the National Roads Authority, to look after the matter. This happens in regard to any area in which we are in trouble. More people are now involved in regulation of the telecommunications industry than are in the Department of Communications, Marine and Natural Resources. The Government's answer is always to set up a new quango.

The Government hands its figures over to the national treatment purchase fund which will massage the figures, just as Fianna Fáil massaged unemployment figures in days gone by. For example, the Government introduced pre-

retirement schemes to suggest that people of more than 60 years of age should not be on the unemployment register and that the figures were not as bad as previously thought. The Government cannot conceal the fact that in the health strategy it committed itself to a position in which, by the end of 2002, nobody would be on the waiting list for longer than 12 months. That was a modest promise, unlike the Taoiseach's.

Let us be realistic, nobody would make a promise like the Taoiseach did. Nobody believes waiting lists can be abolished. There will always be waiting lists and we must frankly admit that. The issue is how long it is reasonable for people to have to wait and why can we not tackle the fundamental inequality of our two-tier health system, whereby one patient can be fast-tracked within a matter of days if he or she has private health insurance while other patients are on the waiting list, 20% of whom the Minister of State states have been waiting for longer than 12 months, although our figures are closer to 33%. The Government commitment was to people on the waiting list for longer than 12 months.

A second commitment, which had a profound effect on the outcome of the general election, was the promise to enhance eligibility for medical cards by 200,000. If one looks at the plight of low income workers, and there are many in this economy, the level of eligibility for medical cards means 27% of people get medical cards based on income. We will leave out those over 70 who get the medical card irrespective of how well off they are. That percentage used to be as high as 39%. Low income workers going to a general practitioner must pay €30 or €40 per visit and they are being crucified, but the Government has culled almost 100,000 medical cards from the system, according to the IMO. I did not realise it was that high. I thought it was approximately 55,000. Instead of enhancing eligibility, the Government has culled 100,000 medical cards as part of the turn on the tap, turn off the tap system to suit the electoral cycle.

I have concluded that it is impossible to embarrass the Government. The health services were starved for years because of the extent of tax evasion, but whether it is tax evasion, the abuse of public funds or wasting €52 million on electronic voting machines which could be used to open badly needed beds taken out of the system between 1987 and 1989, one cannot embarrass the Government. Its members come in, reel off statistics and ignore the reality of those suffering.

The Taoiseach said his party in Government would abolish waiting lists within two years. There are 27,318 people on the lists and that is the only yardstick which matters. The purpose of our motion is to hold the Government to account in order that it at least begins to address a problem, which is causing such misery in a

wealthy society. Nobody can understand why we have gone back to this situation when revenues in the last quarter exceeded Government targets by €514 million. It is because the Government is using the electoral cycle to dictate spending and

it is insensitive to the needs and suffering of those on the waiting lists.

Amendment put.

The Dáil divided: Tá, 66; Níl, 50.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cregan, John.
Curran, John.
Davern, Noel.
Dempsey, Tony.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hector, Máire.
Jacob, Joe.
Keaveney, Cecilia.

Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Lenihan, Brian.
Lenihan, Conor.
McCreevy, Charlie.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keefe, Batt.
O'Malley, Fiona.
Parlon, Tom.
Power, Peter.
Power, Seán.
Ryan, Eoin.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G.V.

Níl

Allen, Bernard.
Boyle, Dan.
Broughan, Thomas P.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Deenihan, Jimmy.
Enright, Olwyn.
Gilmore, Eamon.
Gormley, John.
Healy, Seamus.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pdraic.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.

McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Murphy, Gerard.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Quinn, Ruairi.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.
Wall, Jack.

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

Amendment declared carried.

Motion, as amended, put and declared carried.

Adjournment Debate.

Schools Building Projects.

Mr. M. Higgins: Gabhaim buíochas leat, a Cheann Comhairle, as seans a thabhairt dom an t-ábhar seo a chur os comhair na Dála.

Tá sé scannalach an chaoi ina bhfuil geallúntaí briste i leith an scoil seo i gceartlár Ghaeltacht na Gaillimhe i gCarna. Tógadh scoil an Aird Mhóir sa bhliain 1872 agus tá sí i bhfíor droch-stad. Tá sé ar liosta an INTO de scoileanna atá faoi bhun chaighdeán shásúil le blianta fada. Tá gá le córais nua séarachais agus uisce agus tá géar-gá le hath-chóiriú ar an scoil go hiomlán. Tá an scoil i bhfad ró-bheag don líon scoláirí atá ag freastal uirthi. Má thiteann báisteach bíonn an clós faoi uisce agus ní féidir leis na páistí dul amach. Táthar ag brath ar portakabins, rud nach bhfuil sásúil, i gcóir múinteoir feabhais agus eile. Tá buncheist sábháilte agus sláinte i gceist anseo chomh maith.

Cúig bliain ó shin d'éirigh le muintir na háite suíomh nua a aimsiú do scoil. Dhá bhliain ó shin dúirt inealltóirí ón Roinn Oideachais agus Eolaíochta go raibh an suíomh sásúil. Ach d'imigh an scoil, gan aon mhíniú agus gan tasc ná tuairisc, ó liosta na scoileanna nua a bhí le tógáil. Níor tugadh aon mhíniú dos na tuismitheoirí, dos na múinteoirí nó do mhuintir na háite. Ní fios do mhuintir an Aird Mhóir cá seasann siad ag an bpointe seo. An bhfuil siad fós ar an liosta le haghaidh scoil nua, an bhfuil siad ar liosta eile le haghaidh feabhsúcháin práinneacha nó an bhfuil siad ar liosta ar chor ar bith? Go dtí seo níl freagra faighte acu agus níor éirigh leo aon fhreagra shásúil a fháil ón Roinn maidir leis an gceist.

Cuireann sé iontas agus uafás orm go bhfuil ball den Rialtas féin as an áit, go bhfuil Aire Stáit ann agus go bhfuil triúr de lucht tacaíochta an Rialtais sa dailcheantar. Ba chóir go mbeadh suim acu-san i gcruachas na scoile seo.

Céard atá an Roinn Oideachais agus Eolaíochta sásta a dhéanamh ag an bpointe seo? Ba mhaith liom freagra dearfa a fháil ar céard atá i ndán don scoil seo agus don áit seo. Cén fáth, mar shampla, nach bhfuil an scoil ag fáil príomhaireacht tógála? An bhfuil sé i gceist ag an Roinn tacú le scoil nua a thógáil nó nach bhfuil? Idir an dá linn, céard atá ar intinn ag an Roinn a cheadú? An bhfuil sé i gceist obair riachtanach cothabhálach a dhéanamh ar an tsean scoil? Cén liosta ar a bhfuil iarratas na dtuismitheoirí agus na múinteoirí ag an bpointe seo?

Tá leatrom uafásach agus scannalach a dhéanamh ar an bpobal seo ag an Roinn Oideachais agus Eolaíochta. Sin an fáth go bhfuil an t-ábhar seo á thógáil os comhair na Dála. Tá sé tábhachtach go gceartófar an fhadhb seo

láithreach. Bheinn buíoch dá bhfaighinn freagra dearfa ón Aire nó ón Aire Stáit.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): Ullmhaíodh an freagra dom i mBéarla ach déanfaidh mé iarracht é a aistriú.

Gabhaim buíochas leis an Teachta as an cheist seo a phlé os comhair na Dála. Tugann sé caoi dom straitéis na Ranna chun airgead a cheadú don scoil seo agus an scéal maidir le tógáil scoil nua an Aird Mhóir a mhíniú.

Bunscoil comh-oideachais is ea scoil náisiúnta an Aird Mhóir. Tháinig laghdú ar líon na ndaltaí le déanaí, ó 75 dalta i 1998-99 go dtí 53 dalta i mí Meán Fomhair na bliana seo caite. Cuireadh iarratas isteach ag bord bainistíochta na scoile chun foirgneamh nua a thógáil. Chun feabhas a chur ar ranganna na scoile cheadaigh an Roinn deontas i mbliain na míle aoise chun seomra sealadach a fháil ar chíos agus leanadh leis an tseift sin ó shin.

Leanfaidh mé ar aghaidh i mBéarla, más ceadmhach dom sin a dhéanamh. Following an assessment of the application it was agreed that the appropriate accommodation should be provided for a three-classroom school.

A technical report carried out by the Department indicated that the existing premises did not lend itself to modernisation and that the site was somewhat restricted. Consequently, the Office of Public Works, which acts on behalf of the Department in respect of procurement of sites, was asked to investigate and report on suitable sites for the proposed new school. However, due to financial constraints the site acquisition for the new school was not progressed at that time.

When publishing the 2004 school building programme, the Department of Education and Science outlined that its strategy for the future would be grounded in capital investment based on multi-annual allocations. Departmental officials are reviewing all projects, which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them in a multi-annual school building programme from 2005. The Department expects to be in a position to make further announcements on this matter in the course of the year. The needs of Scoil Náisiúnta Aird Mhóir will be considered in this regard.

Arís, ba mhaith liom mo bhuíochas a ghabháil leis an Teachta as an cheist seo a thabhairt os comhair na Dála.

Hospital Services.

Mr. Morgan: I am raising this issue on the adjournment tonight because a very serious situation has arisen in Louth following the decision by the North Eastern Health Board to discontinue the provision of surgical services after 5 p.m. at Louth County Hospital in Dundalk. This decision has serious implications for the people of Dundalk and north Louth who will be denied

proper access to health care services as a result. It also has implications for Our Lady of Lourdes Hospital in Drogheda to where patients are to be transferred from Louth County Hospital after 5 p.m. The overcrowding problems at Our Lady of Lourdes Hospital will be exacerbated as a result of this decision.

The people of Dundalk and north Louth who have already seen the maternity unit, the paediatric unit and the gynaecological unit at Louth County Hospital go in recent years are justifiably angered by this latest development. The pace with which services at Louth County Hospital are being cut one after another has raised serious concerns for the future of Louth County Hospital. Does the Minister think the people of County Louth are not entitled to access a proper health service? Is this Fianna Fáil-PD coalition Government willing to sacrifice the health and safety of the people of Louth? This disgraceful annihilation of health care services in Louth simply will not be tolerated.

The implication of this decision in terms of health and safety are appalling. Lives will undoubtedly be put at risk. Patients in need of urgent surgical attention after 5 p.m. will be forced to endure an unnecessary ambulance journey to Our Lady of Lourdes Hospital in Drogheda where they will certainly be forced to wait for several hours to see a consultant. We need to be absolutely clear about what is happening. Louth County Hospital will lose a further important, critical service. If there are no surgical services, then there will be no anaesthetist. People need to know that this is a further domino destruction of our valued health services.

All major surgery will be affected by this decision. Surgeons will not risk performing major surgery in Louth County Hospital because of the risk of patients requiring consultant attention during the night. I ask the House to imagine the prospect of hauling patients from their sick beds in the dead of night for transfer to Our Lady of Lourdes Hospital. Therefore major surgery will be completely transferred to Our Lady of Lourdes Hospital before long. How can this announcement represent an improvement of service as claimed by the chairman of the health board and some officials? Rather than patients receiving attention from a consultant in their own local hospital, they will receive treatment from effectively a junior doctor and a nurse before being forced to endure the pain and suffering of a further half-hour journey in an ambulance to Our Lady of Lourdes Hospital and then a lengthy queuing and waiting for the consultant.

The position of junior doctors offering 24-hour cover is completely outside of IMO guidelines. Even Hanly said there should be more consultants, which is in stark contrast to this proposed situation. Effectively this decision will take Louth off-call and this means a serious downgrading of the hospital. Why are patients

and services being moved from a hospital that is a model of efficiency to a hospital that is racked by scandal and overcrowding problems? Louth County Hospital has consistently been the third best hospital in the country in terms of efficiency, according to figures published annually. This is nothing short of a scandalous abuse of people who are ill and in need of urgent care, heightened by the spectacle of the chairman of the NEHB on the "Loose Talk" programme on LMFM contradicting a very senior official of the health board about these events. Neither of them seem to know what the other is saying. I ask the Minister to intervene to prevent the NEHB implementing its decision to discontinue the provision of surgical services after 5 p.m. at Louth County Hospital in Dundalk. I ask the Minister to specifically address this request in his reply. This revelation represents yet another election scam by a party which specialises in them.

Mr. B. Lenihan: I do not know to which scam the Deputy is referring but he comes from a bad stable if he is alleging election scams.

Mr. Morgan: I am referring to the €3 million scam announced with the closure of surgical services.

Mr. B. Lenihan: I hope the Deputy will give equal prominence to the reply I am about to give because it throws much light on the provision of hospital services in County Louth. This is an important subject and I thank the Deputy for raising it on the Adjournment. On behalf of my colleague, the Minister for Health and Children, Deputy Martin, I welcome the opportunity to clarify the position in regard to the provision of surgical services at Louth County Hospital, Dundalk.

The Deputy is well aware that the provision of services at Louth County Hospital rests with the North Eastern Health Board. My Department has been advised by the board that surgical services within the Louth-Meath hospital group are being re-organised with effect from 1 July this year. A six person consultant surgical department will be created to provide services across both the Drogheda and Dundalk hospital sites. The Deputy will be aware of the major capital investment undertaken by the Government in ensuring efficient communication between these two substantial centres of population in County Louth.

The board has advised that there are two consultant surgeons at Dundalk and four at Drogheda. Under the new arrangements, all six consultant surgeons will provide services across both sites. Emergency on-call cover for the joint department will be provided by a Drogheda-based consultant surgeon with 24 hour on-call non-consultant hospital doctor support in both Dundalk and Drogheda hospitals. Far from being a downgrading of the service in Dundalk, this is

[Mr. B. Lenihan.]

an enhancement of the service and I hope the Deputy learns to acknowledge that.

Inter-hospital transfers based on patient need are a feature of acute hospital services. In this regard, my Department has been advised by the North Eastern Health Board that clear protocols are being established for the triage of all surgical admissions to Dundalk and their subsequent management. This will include protocols for the initial management and transfer of major general, surgical and emergency cases at Dundalk and their transfer to the Drogheda site.

The reorganisation of surgical services as announced by the health board is designed, *inter alia*, to facilitate a more appropriate training system in that junior doctors will rotate between the two hospitals during their employment, thus ensuring exposure to many different clinical experiences. I understand that the new service arrangements for the joint surgical department at Drogheda and Dundalk hospitals are supported by the Royal College of Surgeons in Ireland, Comhairle na nOspidéal and the consultant surgeons within the hospital group. I place on record the gratitude of the Minister for the co-operation he has received from all the professions involved in implementing this proposal.

My Department has been advised by the North Eastern Health Board that there are no plans to downgrade Louth County Hospital and that the hospital is guaranteed an active role in the delivery of acute hospital services within the Louth-Meath hospital group. The health board is confident that the change in service delivery will facilitate the provision of high quality patient care. My Department is assured that the reorganisation of services will lead to a significant increase in the number of operations being carried out at Dundalk hospital.

Medical Inquiries.

Mr. O'Dowd: A great deal of good work has been done by everybody concerned in this case, particularly the women concerned, the North Eastern Health Board and the Minister for Health and Children, and it is in that spirit that I address my remarks. Everyone agrees that what happened in Our Lady of Lourdes Hospital, Drogheda, must never happen again, that the whole truth must come out and mothers must never go through similar experiences or the awful trauma, pain and suffering they endured as a result, none of which we can fully understand. Every possible action must be taken by the Government and the health board to ensure this is not repeated.

Confidence in Our Lady of Lourdes Hospital has increased since it was taken over by the health board and appropriate systems are now in place. I also understand the health board is efficient and effective and the staff, management and everybody else concerned are dedicated and excellent at their jobs. The sad aspect of this affair, however, is that while Patient Focus is very

happy with the progress the Minister has made on the inquiry and with the competence, qualifications and professionalism of the judge assigned to chair the inquiry, it is deeply concerned about a flaw in the process. Rectifying this flaw will, I understand, require that the Health Act of 1970 be amended to compel any reluctant witnesses in this case to attend.

If truth, transparency and justice are to emerge and be publicly explained to all concerned in order that all lessons can be learned, changes must be made locally and nationally. To ensure this issue never arises again, Patient Focus and other concerned parties believe the Minister must take steps to amend the Act to compel every witness who the judge decides should attend the inquiry to attend. That is the kernel of the problem. I wish to make clear, however, that those to whom I have spoken are happy that the process has been brought this far. This further step is required to put matters right and make the hearings acceptable to everybody.

I understand that Patient Focus has raised a small number of other issues with the Minister and he will be aware of the concern that other issues dating back to the 1970s be investigated. The Minister of State, Deputy Brian Lenihan, may not be aware of the position in this regard, but I ask that it be conveyed to me. While considerable progress has been made, the matter will not be brought to a conclusion if reluctant witnesses refuse to attend.

Mr. B. Lenihan: I thank Deputy O'Dowd for the spirit in which he raises this issue, which has been raised previously in the House. I welcome the opportunity to clarify the position regarding the inquiry established as a result of the report of the Medical Council into the practice of Dr. Michael Neary.

For the general information of the House, the report of the Medical Council fitness to practice committee into the professional conduct of Dr. Neary was published last year. The committee found that Dr. Neary was guilty of professional misconduct in his treatment of ten patients and the Medical Council subsequently erased his name from the register of medical practitioners. The Medical Council recommended that the serious issues raised in the report should be examined and the Minister had discussions with the council in this regard.

On the recommendation of the Minister, the Government decided that a further inquiry into the matters raised by the Medical Council was necessary. The inquiry is being chaired by Judge Maureen Harding Clark, a judge of the International Criminal Court. Terms of reference have recently been approved by the Government and Judge Clark has been asked to report to the Minister within a period of nine months. Premises have been secured and fitted out for the inquiry and Judge Clark and her legal team have already completed a detailed preliminary examination of relevant documentation.

The Minister understands from media reports that Patient Focus, an advocacy group representing a number of former patients of Dr. Neary to which Deputy O'Dowd referred, does not propose to co-operate with the inquiry at this time. This decision is to be regretted, although I understand that arrangements are being finalised by the Minister for an early meeting with the group to discuss its concerns. The Minister and his Department have had extensive discussions with Patient Focus over recent months on the terms of reference for the inquiry. In addition, members of Judge Clark's legal team have outlined to Patient Focus the approach the judge proposes to adopt in carrying out the inquiry.

The overall purpose of the inquiry is to establish why so many peripartum hysterectomies were performed at Our Lady of Lourdes Hospital, Drogheda over such a long period and to ensure that all necessary measures are put in place to prevent any reoccurrence of these events within the hospital system. The terms of reference have been prepared and endorsed by Government with this principal objective in mind.

Specifically, the inquiry will examine the rate of peripartum hysterectomy at the Drogheda hospital and how this rate compared with the rate in other maternity units of similar status. The inquiry will seek to establish whether the practice was commented or acted upon by consultant or other medical and nursing staff, or by the management of the hospital. The inquiry will further seek to ascertain the system of recording at the hospital, whether such records still exist and, if not, what has become of them.

In addition, the inquiry will seek to establish whether review and consultation took place within the unit, and whether periodical clinical reports were prepared. It will examine the practices and protocols in place at the hospital, with a view to advising on whether additional protocols and systems of control should now be put in place.

I understand that Patient Focus has requested that the terms of reference for the inquiry be broadened to include women who believe they have been damaged in the maternity and gynaecology unit of the hospital since 1974. I presume this is the issue to which the Deputy referred in raising the matter. The group has also asked that witnesses be compelled to attend the inquiry.

With regard to the first concern, the Minister has advised Patient Focus that the competent statutory body to investigate medical practice is the Medical Council. Therefore, it is not the purpose of this inquiry, nor is it within the competence of Judge Clark, to make findings on clinical practice. Notwithstanding this, Judge Clark has confirmed that she is prepared to hear the testimony of any former patient of Dr. Neary who wishes to be heard, as well as all other persons who believe that they have relevant information to offer, to gain a better understanding of the events that occurred at the

maternity unit in Drogheda. This position was previously communicated to Patient Focus.

On the question of compellability, the terms of reference provide that, in the event of the withholding or withdrawal of full co-operation from the inquiry by staff or former staff of the hospital, the North Eastern Health Board, its servants and agents, the former proprietors of the hospital or any State authority, the inquiry is to report that fact to the Minister. Should such circumstances arise, the Minister will revert to the Government.

It is evident that the terms of reference of the inquiry have been prepared with a view to facilitating Judge Clark in conducting a broad-based inquiry into events at Our Lady of Lourdes Hospital. I very much hope that Patient Focus will support the judge in her work.

Social Welfare Benefits.

Mr. Finneran: It gives me no joy as a Government backbencher to bring this case to the floor of Dáil Éireann tonight. In conscience, but I have no other alternative but to do so. The person, whose name is available to the Minister, is 43 years old and has never held a regular job in his life, with the exception of involvement in FÁS and community employment schemes. Some of us might have been helpful in organising such involvement.

On 31 March an official of the Minister's Department decided that this person was no longer entitled to unemployment assistance on the basis that he was not genuinely seeking employment. I could let this case go as it is only one constituent, but I have no intention of doing that as I am sure that if this can happen to this man it can happen to others. I raise this issue because the Minister is a person with a genuine interest in the affairs of the underprivileged and those who are not as well off as some of us. I expect that the people who work under her would adopt a similar approach.

If someone aged 43 from a rural area, three miles from a village and seven miles from a town, with no public transport, who never held a regular job, produces evidence of looking for work, it is not true to state that he has not produced sufficient evidence. I have documentation supplied to the Minister's Department that in February 2004 two companies in Castlrea and Charlestown were in a position to supply employment to this man. The list in 2003 is a long one. How does someone living in a rural area, seven miles from the nearest town and with no public transport find a way to different places to seek employment? How can a State employee in a permanent position in the Minister's Department decide on 31 March 2004 that this man, living with his widowed mother, will not have the price of a loaf of bread or a packet of cigarettes?

I have been a member of the local authority for 25 years and have been a long time in my party, but I cannot accept that approach to this problem

[Mr. Finneran.]
in modern Ireland. If we treat some unfortunate person with that background in this way, we need to look into our hearts and ask where we are going. I ask the Minister, who has a good understanding of the difficulties of living in a rural area and of the difficulties for someone who never got a regular job in his life, to understand the implications of this issue. It is unfortunate that this person is in this position. The last bit of dignity should not be taken away, the few bob for a packet of cigarettes or a loaf of bread should not be taken away.

Not one of the Minister's officials will give me information on guidelines for this case. How many jobs does this person have to look for? Two were documented in February. Can the officer in the Minister's Department who decided this case show me these guidelines? Does he have to apply for three or five or six jobs? The Minister should not tell me to let this person appeal and that the Department will look at it. That is not the way to proceed as it is a position of principle. I ask her to investigate this case as I believe this person has been wronged on this occasion.

Minister for Social and Family Affairs (Mary Coughlan): In determining whether a person is genuinely seeking work, a deciding officer takes into account all evidence provided regarding the person's efforts to find work and all relevant circumstances, including the economic environment and employment opportunities available. The onus is on the customer, when

asked by a deciding officer, to prove, to the satisfaction of the deciding officer, that he or she is available for and genuinely seeking work on a consistent and ongoing basis. This is done by the production of sufficient credible evidence by the customer.

Following a review of his entitlements, a deciding officer disallowed the unemployment assistance claim of the person concerned from 31 March 2004, on the grounds that he is not available for, or genuinely seeking, work. The deciding officer took the view that the person concerned had not provided sufficient evidence to show that he was available for or making consistent efforts to find work. One factor was the failure of the person concerned to attend an appointment under the employment action plan with a placement officer of FÁS.

A form for the purpose of appealing the decision in his case to the independent social welfare appeals office was issued to the person concerned on 30 March 2004. If he feels that the decision in his case is incorrect he should contact his local office with a view to submitting an appeal.

I will provide, for the Deputy's information, extracts from my Department's guidelines on the processing of unemployment claims. The complete guidelines are available on my Department's website at www.welfare.ie and information is available in the Department's booklet SW4.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 6 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 10, inclusive, answered orally.

Witness Security Programme.

11. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the progress made to date in the review of the witness protection programme; if he is considering additional measures to support witnesses who give evidence in court cases involving serious charges who may not wish to enter the protection programme; and if he will make a statement on the matter. [12670/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The witness security programme was established in 1997 in response to the activities of organised criminal gangs to facilitate those persons who are prepared to give evidence against alleged offenders. The programme operates under the direct control and administration of the Garda Commissioner.

Following a specific judgment of the Court of Criminal Appeal in August 2003, the Garda authorities instituted a review of the procedures of the witness security programme. I am advised by the Garda authorities that this review is ongoing. The review includes consideration of: the relevant judgment of the Court of Criminal Appeal; the measures to support witnesses in court cases who may not wish to enter the programme; and current best practice from an international perspective. I assure the Deputy that, when received, the recommendations of the review will be given full and careful consideration.

Court Poor Box.

12. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he intends to implement the recommendations of the Law Reform Commission into the court poor box system; and if he will make a statement on the matter. [12690/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, the Law Reform Commission published a consultation paper in March 2004 in relation to this matter. In the paper, the commission put forward a number of provisional recommendations as to how the court poor box system might be reformed. The Law Reform Commission will publish a report containing its final recommendations when the consultation process is complete. I look forward to examining

the commission's final recommendations as soon as they become available.

Child Care Services.

13. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform the measures he is taking to ensure that affordable child care is available to all families; the progress made since June 2002 both in terms of the number of child care places created and the percentage of working parents who have access to affordable child care; his views on whether a lack of child care remains an obstacle to women's participation in the workforce; and if he will make a statement on the matter. [8021/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department commissioned the Central Statistics Office to review child care usage among parents as an element of the quarterly national household survey in late 2002 and found that Irish parents with pre-school and school going children continue to use a variety of arrangements to meet their child care needs. These include parental provision, arrangements paid or unpaid with relatives, the services of childminders and centre based child care. The parents did not express an overwhelming preference for a particular alternative to their present arrangements although the most popular alternative chosen was a centre based service both for the pre-school and the primary school child, and this sector of child care is the focus of much of the investment under the Equal Opportunities Childcare Programme 2000-2006.

Child care was identified as an investment priority under the National Development Plan 2000-2006 which enabled the Government make a significant commitment to the development of quality child care in Ireland. This was a direct response to the recommendations of the expert working group on child care which was established under Partnership 2000 to develop a strategy for the development and delivery of child care to support parents in employment, education and training.

Key among these recommendations was the designation of my Department as the lead Department with respect to the development of child care to meet the needs of parents in employment, education and training. These recommendations formed the basis of the €436.7 million Equal Opportunities Childcare Programme 2000-2006 which is aiming, *inter alia*, to increase by 50% the supply of centre based child care places by programme end. The programme also has a focus on many of the quality issues which were identified in the child care strategy and aims to ensure that there is a co-ordinated approach to the delivery of child care services throughout the country. The programme is partly funded by the European Social Fund which aims, *inter alia*, to increase prosperity throughout the European Union by encouraging

[Mr. McDowell.]
full employment and female labour force participation.

In the context of the mid-term review of the national development plan, the EOCP has recently received a further small injection of European social funding specifically because of its capacity to support employment, education and training in the Irish work force.

Since June 2002, approximately €110 million has been committed in funding, of which over €89 million has been allocated in capital and staffing grants to child care providers and community groups and €21 million to quality improvement. It is estimated that the funding committed in this period will create 13,032 new child care places and will also support over 8,500 existing places.

The total amount of funding committed since the start of the programme in 2000 exceeds €250 million with much of the remaining funding being required for continuation funding for projects located in areas of significant disadvantage and for the ongoing support of projects and mechanisms which promote quality child care. This amount will create 28,392 new child care places and will support over 26,642 existing child care places. These new places are offering new child care options to parents throughout Ireland as they meet their work and family needs.

The Equal Opportunities Childcare Programme 2000-2006 has an equal opportunities and social inclusion perspective and facilitates the further development and expansion of child care facilities to address the needs of parents, particularly women, in reconciling their child care needs with their participation in employment, training and education. The programme provides capital grant assistance to create and enhance new and existing child care facilities, staffing grant assistance to community based-not for profit organisations whose child care services have a strong focus on the support of the child care needs of disadvantaged families and it also offers supports to the national voluntary child care organisations, to the city-county child care committees and to other groups which are working to improve the quality of child care in Ireland.

In addition, my colleague, the Minister for Finance makes available a number of incentives in relation to child care, such as capital allowances for capital expenditure incurred on or after 2 December 1998, on the construction, extension and refurbishment of a building which is used for the purpose of providing a pre-school service or a pre-school service and day care or other service to cater for children other than pre-school children.

With regard to the Deputy's comments on the measures been taken to ensure that affordable child care is available to all families, I would like to draw the Deputy's attention to one of a series of recommendations of the expert working group in relation to the so-called demand side of child care. Government policy in the area of child support aims to provide assistance which will

offer real choice to parents and which will benefit all children. In that context, it has been decided that, as a matter of policy, child benefit will be the main fiscal instrument through which support will be provided to parents with dependent children. In addition, unlike tax relief, it provides support to parents irrespective of income status.

Over the period since 1997, the monthly rates of child benefit have increased by € 93.51 at the lower rate and € 115.78 at the higher rate, increases of 246% and 234% respectively, compared with inflation of 26.9%. This level of increase is unprecedented and delivers on the Government's objective of providing support for children generally while offering real choice to all parents. Child benefit is paid to mothers and is not means-tested.

I should also point out that Government policy in relation to the position of women generally is guided by the provisions of the EU treaties in relation to non-discrimination and equality of opportunity. Furthermore, the Government is committed to facilitating women who wish to avail of education and employment opportunities while allowing them at the same time to reconcile work and family commitments. To this end, legislative provision has been made for maternity leave, adoptive leave, parental leave, carer's leave and part-time work. In addition, a national framework committee on work-life balance at the level of the enterprise has been established under Sustaining Progress.

The booming Irish economy of the latter part of the 1990's facilitated a rapid change in female labour market behaviour. As a result the proportion of mothers in employment has doubled over the last 15 years. To put these changes in context, in 2003 female labour market participants numbered 701,000 — 511,000 in full-time and 190,000 in part-time employment. This compares to 1995 when 483,000 — 372,000 in full-time and 111,000 in part time employment — were in employment. By any standard this represents a considerable increase over the period.

While the resources available to the Equal Opportunities Childcare Programme 2000-2006 do not permit the programme to meet the full staffing costs of any child care services the programme does make a significant contribution towards the staffing costs of facilities in areas of disadvantage. These three year grants are intended to support disadvantaged families to access valuable employment, educational or training opportunities.

The programme for Government and the progress of my Department's Equal Opportunities Childcare Programme 2000-2006 are confirmation of the Government's commitment to developing and reviewing child care services and to keeping child care at the forefront of its social agenda. The outcomes of the present programme will be monitored closely to inform the forward planning process in order

to support the twin needs of quality child care provision and labour market supports.

Liquor Licensing Laws.

14. **Mr. Sherlock** asked the Minister for Justice, Equality and Law Reform if he is considering proposals to tie pub licences into planning permission; the way in which such a system would operate; and if he will make a statement on the matter. [12684/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that in its interim report on off-licensing, the Commission on Liquor Licensing recommended that applicants for new off-licences, apart from a wine only off-licence, be required to obtain planning permission and be in a position to satisfy the court that any conditions attached to such permission had been complied with. The commission felt that this was justified on grounds of good planning and in order to ensure that the layout of licensed premises met the required standards.

In its final report, the commission broadened this recommendation to cover applications for all new on-licences on the ground that local planning authorities, rather than the courts, are the appropriate bodies to assess the suitability and location of premises for the sale of alcohol.

I intend to address these recommendations, which I regard as sensible and justified, in a Bill to codify the licensing laws which I will bring forward in the coming months. Under planning law, planning permission is normally required for a development, unless it is an exempt development, and it has already become the practice in certain areas that a copy of the planning permission is submitted to the court with the licensing application. Linking the licensing and planning codes in future licensing legislation will help to promote good planning practice and prevent the development of licensed premises in unsuitable and inappropriate locations.

Garda Investigations.

15. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform if he intends to establish an inquiry into events surrounding the murder of two persons (details supplied) and the subsequent Garda investigation, as sought by relatives of one of the murdered persons; the progress made to date with regard to his consultations with the Attorney General on the matter; and if he will make a statement on the matter. [12658/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 143 of Thursday, 1 April 2004, in which I indicated that I am in the process of consulting with the Garda authorities and the Office of the Attorney General in order to assist me in making a decision on the request for a new

inquiry into the Grangegorman murders. The position is unchanged. I will consider the matter further as soon all the relevant advice is received.

Victim Support Funding.

16. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the allocation from his Department in 2004 for Victim Support; the way in which this compares with 2003; if he has plans to increase the funding; and if he will make a statement on the matter. [12675/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Victim Support's allocation in 2003 was €1,077,000 and €1,029,000 in 2004. The reduction in the funding was in line with the general reduction applied across Departments. There are no plans at present to increase the level of funding. However, in line with a Government commitment in that regard, my Department is keeping existing funding levels under review.

Garda Strength.

17. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when he intends to provide the extra 2,000 gardaí, promised in the programme for Government; and if he will make a statement on the matter. [12654/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to Priority Question No. 5 of today posed by Deputy Jim O'Keeffe.

18. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the number of recruits who have graduated from the Garda training college as full Garda members since 6 June, 2002; the number of gardaí who have retired, resigned or otherwise left the force since 6 June 2002; and if he will make a statement on the matter. [12672/04]

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 833 recruits have graduated from the Garda college since 6 June 2002. This figure of 833 are those who have successfully completed the student-probationer education-training programme. This figure does not include those who have been attested to the force upon completion of phase 3 of their training programme and who have yet to complete the fifth and final phase of that programme. The number of members attested to the force since 6 June 2002 is 1,042.

A total of 818 members — all ranks — have resigned, retired or otherwise left the Garda Síochána since 6 June 2002.

Anti-Racism Measures.

19. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform the EU-wide

[Mr. G. Mitchell.]
actions that he is instigating, as part of Ireland's Presidency of the European Union, to combat racism and discrimination; and if he will make a statement on the matter. [9981/04]

32. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform the steps being taken by the Government to combat anti-Semitism; and if he will make a statement on the matter. [9991/04]

46. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the manner in which the Government marked International Day Against Racism on 21 March 2004; and if he will make a statement on the matter. [10015/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 19, 32 and 46 together.

As the Deputies are aware, part of my work during the Ireland's Presidency will be to progress the EU anti-discrimination programme. Article 13 of the Amsterdam treaty allows the Community to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. In this regard, the Council of the European Union adopted two anti-discrimination directives in 2000, the Race Directive (2000/43/EC) and the Framework Employment Directive (2000/78/EC). A third directive, the Gender Equal Treatment Directive (2002/73/EC), has many provisions in common with the race and framework employment directives.

The overall effect of the three directives is to require member states to prohibit direct discrimination, indirect discrimination and harassment on grounds of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation in relation to employment, self-employment or occupational and vocational training. Victimisation is also prohibited. The current Irish equality legislation is already substantially compliant with these directives and it is my intention to implement all three directives at the same time.

The directives are being transposed into Irish legislation by means of the Equality Bill 2004, which was published in January. The Bill was completed in the Seanad in February and commenced proceedings in the Dáil on 25 March. The Second Stage will be resumed shortly and enactment will take place as soon as practicable thereafter.

Also under Article 13, the EU adopted a Council decision establishing a community action programme to combat discrimination to run from 2001 to 2006. Ireland participates on an ongoing basis in a programme committee which is in place to assist and advise the European Commission on the implementation of the community action programme activities. Last June, in Brussels, the EU Commission launched an EU-wide anti-discrimination awareness campaign as part of its action programme.

As part of Ireland's Presidency of the European Union, my Department will also be involved in organising a number of conferences. On 9 June 2004, my Department in association with the national consultative committee on racism and inter-culturalism the Department of Foreign Affairs and the EUMC will hold an EU-wide seminar in Dublin entitled, Combating racism through building a more inclusive, intercultural Europe. The seminar has the following objectives, to enhance awareness and mutual understanding of discourse, policy and practise in addressing racism and promoting inter-culturalism in an enlarged EU, to identify key building blocks for building a more inclusive, inter-cultural Europe where racism is effectively challenged, to consider priorities for effective strategies and to consider and monitor progress.

On 27 and 28 May 2004 in Limerick, my Department will host an equality and diversity conference entitled, Closing the Gap: Systematic approaches to Promoting Equality and Diversity in Europe. The conference will focus on international experience across three selected themes — the role of independent equality bodies in the promotion of equal treatment, best practice in equality and diversity in the workplace and promoting and accommodating diversity in the provision of services. The objective of the conference is to raise awareness and support efforts to combat discrimination across all the six grounds in Article 13 of the Treaty of the European Communities — race, gender, age, disability, religion and sexual orientation. The conference will also provide an opportunity to share the knowledge and experiences of Irish and international colleagues. This approach aims to ensure that existing member states, and new member states following enlargement, have a uniform understanding and approach to implementing European anti-discrimination law and practice.

On a national level, the Deputies will be aware that this country has in place comprehensive structures to combat racism and racial discrimination, including anti-Semitism. Our equality legislation — the Equality Act 1998 and the Equal Status Act 2000 — is supported by national bodies such as, the Equality Authority and the Equality Tribunal. In addition we have the national consultative committee on racism and inter-culturalism which is an independent expert body, primarily funded by the Department of Justice, Equality and Law Reform, focusing on racism and inter-culturalism. The NCCRI is a partnership body which brings together government and non-government organisations to develop strategic approaches to combating racism and promoting an more inclusive and inter-cultural society in Ireland.

With regard to the particular issue of anti-Semitism, a report recently published in March 2004 by the European Monitoring Centre on Racism and Xenophobia, EUMC, Manifestations

of Anti-Semitism in the EU 2002-2003, stated that there was no discernible evidence of an increase in anti-Semitic violence or rhetoric over the period 2002 to 2003, and no evidence of systematic targeting of the Jewish community in Ireland.

Holocaust memorial day was marked in Ireland in January 2004 in City Hall, Dublin, by a commemoration organised by the Holocaust memorial day committee in association with my Department and addressed by President McAleese. The national anti-racism awareness programme, KNOW RACISM, and my Department provided financial support to the Holocaust memorial day in January 2003 and 2004.

In regard to monitoring incidents in society which are motivated by racism or xenophobia, the gardaí record these events on the PULSE computer system. Personnel at the Garda racial and inter-cultural office monitor all incidents to ensure that the system is accurately recording all such offences and where such incidents occur, the Garda Síochána ensures that an investigation is pursued with reference to the provisions of the Criminal Justice (Public Order) Act 1994 and the Prohibition of the Incitement to Hatred Act 1989 which are the relevant legislative instruments pertaining to hate crime.

Statistics on racist incidents are released in the Garda annual reports — the most recent report refers to 2003. The NCCRI also monitors incidents of racism on the basis of reports it receives from victims and the general public. Details of reports received are published every six months. On the basis of information from these and other sources, my Department continues to assess trends and recommends appropriate policy changes where necessary.

The Deputies will also be mindful of the fact that my Department is in the process of finalising Ireland's first ever national action plan against racism. The consultation process for the plan took place between March 2002 and February 2003 and was overseen by a steering group, with representation from both Government and non-government organisations. In July 2003, I published, *Diverse Voices, A Summary of the Outcomes of the Consultative Process and a Proposed Framework for the National Action Plan Against Racism*, which is available on my Department's website. This document outlines the five main objectives which the framework for the plan will be built around. Briefly these objectives are protection from racism; inclusion in the socio-economic sense; equality of access to the provision of services; participation of minorities in Irish society; decision making; recognition and building respect of cultural diversity and promoting interaction and understanding. The plan is nearing completion and my Department has almost concluded the process of taking on board observations which have been received from other Departments.

This year and in each of the past two years a large number of anti-racist and inter-cultural events were organised throughout the country, North and South, to mark the international day against racism on 21 March and European week against racism in March. The events were co-ordinated by the national consultative committee on racism and inter-culturalism NCCRI, in partnership with KNOW RACISM and the Equality Commission for Northern Ireland. Details of the events were published in a booklet which was distributed by the NCCRI. Many of the events in local communities were funded in the earlier years by the KNOW RACISM programme through its grant schemes.

The theme for 2004 focused on the full participation of minority ethnic groups in broader society. The 2004 activities included a press conference, *Count Me In*, organised by the NCCRI where representatives from the main political parties endorsed the anti-racism election protocol for political parties.

Prosecution Rates.

20. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to concerns expressed by members of the gardaí that there has been a huge drop in prosecution rates for street crime in Dublin since the introduction of a new system under which prosecuting officers are removed from the case and all files are passed instead to a presenting officer; if his attention has further been drawn to this problem; the steps being taken to address it; and if he will make a statement on the matter. [12674/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that section 6 of the Criminal Justice (Miscellaneous Provisions) Act 1997 provides for the admissibility of documentary evidence of arrest, charge and caution and other specified matters, by way of certificate. This provision is regarded as a very positive development in that it eliminated the necessity for large numbers of gardaí having to attend court and thereby freed up gardaí to concentrate on operational policing duties. The Garda authorities have informed me that, since its introduction, there is no evidence to suggest that this development has resulted in a huge drop in prosecution rates for street crime.

Coroner Service.

21. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the progress which has been made in implementing the report of the working group on the coroner service published in December 2000; and if he will make a statement on the matter. [12685/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In line with a commitment I gave when I met representatives of the Coroners Society of Ireland, I intend to bring a proposal to

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Government this year, for a short Bill to amend the Coroners Act of 1962 so as to deal with a certain number of critical issues that need to be addressed as a priority. These concern the ending of the restriction on the number of medical and other witnesses at an inquest, increased sanctions for those who might refuse to co-operate at an inquest and a more coherent restatement of the scope of the provisions for mandatory inquests, which will include all deaths in custody. I remain conscious that a suitably more comprehensive reform of the coroners service, taking due account of the recommendations of the review group and developments since its report, is required in the medium term.

Legal Costs.

22. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform his proposals for a new inquiry into the way in which legal costs are calculated and awarded; the person by whom the inquiry will be carried out; when it is expected to be completed; and if he will make a statement on the matter. [12689/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, I recently announced my intention to establish a group to examine the issue of the taxation of legal costs. The terms of reference and composition of the group are currently being considered, the details of which will be announced shortly.

Anti-Terrorism Measures.

23. **Mr. McGinley** asked the Minister for Justice, Equality and Law Reform his views on whether Ireland can also be targeted by international terrorists in the wake of the Madrid bombings, particularly during its Presidency of the EU, and on the occasion of President Bush's visit in June 2004; and the measures being taken to ensure the safety of the State and its citizens in the event of such an attack. [9399/04]

149. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he proposes to take steps in conjunction with his EU colleagues to avert or deal with the situation in the event of terrorist attacks; if there will be provision of adequate warning and surveillance; and if he will make a statement on the matter. [9339/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 23 and 149 together.

I am informed by the Garda authorities that the Garda Síochána maintains an up to date assessment of the threat of attack against this jurisdiction from international terrorist groupings through analysis of intelligence gathered from domestic and international sources. In the latter regard, I am further informed that the Garda Síochána has developed excellent lines of communication and co-operation with police and security services in the European Union and

further afield. I understand that this ongoing sharing of intelligence enables a rapid operational response to be put in place where circumstances so warrant.

Moreover, on 19 March last, I chaired an extraordinary meeting of the Justice and Home Affairs Council of the European Union at which a draft declaration on combating terrorism was agreed. This draft declaration was subsequently approved by the European Council on 25 March. The declaration contains a range of measures aimed at enhancing member states' responses at Union level to the terrorist threat arising from the Madrid bombings.

With regard to the response of the emergency services in the event of a terrorist attack, planning for major emergencies has been ongoing for many years at local level and co-ordinated on a regional basis, in accordance with the Government's major emergency planning framework.

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

Question No. 24 answered with Question No. 7.

Garda Complaints Procedures.

25. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the amount paid out either in respect of court awards or out of court settlements for claims taken against members of the gardaí in respect of assault, unlawful arrest or other breach of a citizen's right in respect of 2001, 2002, 2003 and to date in 2004; the number of cases in which awards were made by the courts and the number of cases which were settled out of court; the number of such cases pending; and if he will make a statement on the matter. [12678/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy in relation to court awards and out of court settlements in actions taken against members of the Garda Síochána in respect of assault, unlawful arrest or other breaches of citizens' rights is set out in the table below.

As of 31 December 2003, there were approximately 750 civil actions taken against members of the Garda Síochána on hand. A breakdown of these actions in the form of the number of allegations of assault, unlawful arrest and other breaches of citizens' rights is not readily available. However, a database introduced in 2002 for the purposes of recording civil actions taken against members of the Garda Síochána, indicates that in 2003 — the first

complete year for which figures are available — of the 142 actions initiated or received in that year by my Department, there were 34 cases of alleged assault recorded and 38 cases of alleged unlawful arrest recorded. The remaining 70 cases recorded included allegations of defamation and harassment. In the year to date, 36 actions have been initiated-received. They include 12 cases of alleged assault and 11 cases of alleged unlawful arrest.

Civil actions may be taken by the general public against members of the Garda Síochána for compensation for alleged wrongs and personal injuries inflicted on them by Garda members in the performance of their duties. The highest percentage of these types of civil actions against the Garda Síochána is in relation to assault and unlawful arrest. The great majority of these cases have been settled for less than

€25,500. Settlement of cases takes place on the advice of the Chief State Solicitor, the Attorney General and State Counsel.

The Garda Commissioner has informed me that incidents which result in successful claims against the State in respect of the actions of gardaí are examined with a view to identifying and implementing operational strategies to eliminate or reduce similar claims in the future. The Garda Commissioner has also informed me that the Garda Síochána (Discipline) Regulations 1989 are invoked in appropriate cases where the actions of individual Garda members come into question. One of the principal aims of the Garda Síochána Bill 2004 is the establishment of a new mechanism for dealing with complaints against members of the Garda Síochána which will secure public confidence and which will address the acknowledged shortcomings in the existing law and procedures on complaints.

Year (Total Amount)		Assault	Unlawful Arrest	Other
		€	€	€
2001 €1,619,746.83	Awards	1,904.61 (1)	20,950.68 (2)	22,220.42 (1)
	Settlements	123,164.59 (5)	33,965.49 (3)	162,782.25 (9)
	Costs	244,665.35	123,199.41	886,894.03
	Total	369,734.55	178,115.58	1,071,896.70
2002 €1,240,388.40	Awards	1,270 (1)	3,809.21 (1)	56,500 (2)
	Settlements	166,924.48 (6)	106,835.58 (10)	185,078.82 (11)
	Costs	230,769.67	148,714.19	340,486.45
	Total	398,964.15	259,358.98	582,065.27
2003 (Provisional) €1,276,127.55	Awards	11,000 (1)	10,000 (2)	4,870 (2)
	Settlements	75,000 (4)	303,011 (5)	112,814.84 (4)
	Costs	145,561.70	71,794.28	542,075.73
	Total	231,561.70	384,805.28	659,760.57
2004 (Provisional) (as of 29/4/04) €206,310.02	Awards	15,000 (1)	0	0
	Settlements	10,000 (1)	4,007 (1)	27,500(1)
	Costs	19,039.58	61,465.15	69,298.29
	Total	44,039.58	65,472.15	96,798.29

The number of cases in which awards were made by the courts and the number of cases which were settled out of court are shown in brackets in each case.

Cory Report.

26. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform when the promised tribunal of inquiry arising from the Cory report will be established; the form it will take; and if he will make a statement on the matter. [12677/04]

60. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform the Government's progress to date in implementing the recommendations of Judge Cory's report. [9100/04]

147. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when he proposes to set up the public inquiry into the killing of persons (details supplied) as recommended by Judge Cory; and if he will make a statement on the matter. [11372/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 26, 60 and 147 together.

In accordance with the recommendation of Mr. Justice Peter Cory, I secured Government approval for the establishment of a public inquiry into the murders in 1989 of RUC Chief Superintendent Harry Breen and RUC Superintendent Bob Buchanan. The public inquiry will take the form of a tribunal of inquiry under the Tribunals of Inquiry (Evidence) Acts.

[Mr. McDowell.]

My Department is currently drafting specific terms of reference for the tribunal, in consultation with the Office of the Attorney General, and I intend to secure further Government approval as soon as possible to bring the necessary resolutions before both Houses of the Oireachtas.

Garda Investigations.

27. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform the progress made to date in the Garda investigation into the murder of a prisoner in Mountjoy jail on 27 January 2004; if the Garda investigation has been completed; if a file has been sent to the DPP; and if he will make a statement on the matter. [12665/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the investigation into the murder of the person concerned is not yet complete. On completion of the investigation, a file will be forwarded to the Director of Public Prosecutions. As I am sure the Deputy will appreciate, the investigation of this matter is an operational matter for the gardaí and it would be inappropriate for me to comment further.

Crime Prevention.

28. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform his plans to make a serious impact on all crime, organised or otherwise; and if he will make a statement on the matter. [12653/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My commitment to tackling all forms of crime is based on the principle that perpetrators will be brought to justice by the gardaí, their cases dealt with expeditiously by the courts and there will be enough prisons spaces to ensure that their sentences are served. This Government has devoted and will continue to devote huge resources to ensuring that where crimes are committed, the criminal law is adequate to deal with them.

I have ensured that the gardaí have unprecedented resources. This year the Garda Vote is over €1 billion for the first time ever, representing an increase of 9.5% on 2003. The increase in the Garda budget will permit an increase in the size of the force this year to 12,200, a historic high.

The Garda Síochána has a number of specialist operations in place together with prevention strategies and investigation processes whereby members of the national specialist units provide support to local units to combat and tackle all types of crime.

I am committed to ensuring that the legislative framework within which the criminal justice system must operate is kept under review. In that context if a need is identified at any stage to amend the law to deal with any particular crime

problem or as a result of any initiatives arising from our international commitments, I will not hesitate to bring forward proposals for such reform.

In this regard, I draw the Deputy's attention to the Criminal Justice Bill which, as indicated in the Government's legislative programme, I expect to publish this session. The main purpose of that Bill is to improve the efficiency with which criminal offences are investigated and prosecuted. The measures I propose include: statutory power to preserve a crime scene; a general power in relation to the issue of search warrants; increased detention powers of up to 24 hours for arrestable offences; some amendments to the Criminal Justice (Forensic Evidence) Act 1990, in particular to reclassify saliva as a non-intimate sample; extending the power of the prosecution to appeal in limited circumstances in particular in relation to points of law; general provisions mostly of a technical nature to improve the efficiency of the prosecution of offences and; provision on the admissibility of statements by witnesses, who subsequently refuse to testify or retract their original statements.

I intend to bring forward proposals to Government to seek approval to the inclusion, whether on publication or on Committee Stage, of firearms control provisions in the Bill. I am also examining the issues surrounding sentencing in relation to drug trafficking offences and firearms offences and if I consider it appropriate I will also bring forward proposals to strengthen the law in this respect. In addition, I understand that the Joint Oireachtas committee is expected to publish its report on the administration of justice shortly. I look forward to examining it and I will be prepared to take whatever action may be appropriate on foot of the report, including bringing forward further proposals for legislative reform, if necessary.

I am informed by the Garda authorities that the policy of tackling organised criminal groups through targeted intelligence-led operations has yielded excellent results. This has covered several areas of criminal activities, including armed robberies and trafficking in illicit drugs. The establishment of specialist Garda units such as the National Bureau of Criminal Investigation, the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation and the Garda National Drug Unit, operating under an Assistant Commissioner in charge of national support services, has enabled the Garda Síochána to tackle organised crime, effectively. Other smaller units, including the money laundering investigation unit and a unit dealing with the theft of computer parts, have also had successes in combating the activities of organised criminals.

This Government has also provided the gardaí with significant additional powers to deal all manner of criminal activity. Stringent sanctions have been introduced to deal with anti-social behaviour and street crime. The crime figures

show that the number of assaults causing harm recorded in the first quarter of this year has reduced by over 17% over the same period last year. This is the fifth quarter in succession that this offence has shown a reduction. Serious crime is down 6%. This trend is a concrete indicator that crime is being firmly tackled.

While I am currently undertaking a review of the adequacy of legislative provisions, our legislative package for tackling crime is one of the toughest in Europe. The Garda Síochána has available to it a broad range of legislation to enable crime to be tackled. The Criminal Assets Bureau Act and the Proceeds of Crime Act 1996, which have been successfully used to deprive those in criminal activity of their assets, continue to be one of the most significant legislative tools.

Decentralisation Programme.

29. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform if, in regard to his recent announcement of the transfer of the headquarters of the Irish Prison Service from Dublin to Longford, a survey has been undertaken to establish the number of staff willing to transfer; the breakdown by grade of the number who have so indicated their willingness to transfer; the plans there are for staff who are not willing to relocate; and if he will make a statement on the matter. [12664/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There has been no definitive survey undertaken to establish the numbers and grades of the staff at Irish Prison Service headquarters who wish to transfer to Longford. Soundings taken last year indicated a relatively low level of interest at that time. It is intended, in conjunction with the issue of the central application facility, CAF, by the Civil Service Commission, to conduct a survey in which headquarters staff will be asked to indicate definitively whether or not they wish to remain with the Irish Prison Service.

Staff who do not wish to transfer to Longford or another decentralised office will be reassigned to other positions in the Civil Service in accordance with any agreement made with the staff associations in this regard. While, to date, only a small number of staff have formally indicated their intention to transfer to the new headquarters in Longford, there are indications that the numbers interested in a possible transfer to Longford is increasing. The Deputy may be interested to know that, at present, the Irish Prison Service has received unsolicited applications from 72 persons in other Civil Service bodies who wish to transfer to Longford.

Crime Levels.

30. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform the steps being taken

to reduce the access to and use by criminals of firearms, in view of the increasing number of murders involving the use of such weapons and recent crime figures showing a 54% increase in the discharging of firearms for the first three months of 2004; the position in regard to his review of the firearms control policy; and if he will make a statement on the matter. [12667/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I assure the Deputy that I share her concern in relation to the issues of access to and use of firearms by criminals. I have discussed this matter with the Garda Commissioner and I am confident that every effort is made by the Garda Síochána to bring those engaged in crime to justice and that appropriate action is taken where sufficient evidence is available.

As I have stated in previous responses to parliamentary questions, my Department has almost finalised a review of the firearms control policy with the intention of comprehensively updating the legislation in this area. However, given the recent increase in violent crime involving firearms, I intend to bring forward proposals to Government to seek approval for the inclusion of firearms control provisions in the Criminal Justice Bill 2004, which I expect to publish during the current session. I also propose, in the context of introducing such provisions into that Bill, to examine the options in relation to penalties for firearms related offences.

Defamation Law.

31. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the position regarding his consideration of the recommendations of the legal advisory group on the defamation law, particularly in regard to the proposals for the establishment of a statutory press council; and if he will make a statement on the matter. [12686/04]

145. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform when he will publish the Bill reforming libel law and providing for the regulation of the press; if he has abandoned his proposals for a statutory, Government appointed press council; and if he will make a statement on the matter. [12873/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 31 and 145 together.

I indicated in my answer to Parliamentary Question No. 48 of 29 January 2004 that I intended to study carefully the responses received during the public consultation process, which I had initiated after the publication of the report of the legal advisory group on defamation in June 2003. That consultation period ended on 31 January and my Department received over thirty responses from concerned organisations and

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private individuals. These are posted on my Department's website.

As well as inviting written submissions on the report, I held a major conference on 1 December 2003 to facilitate an exchange of views from a cross-section of interested parties. The conference was well attended and thought-provoking. I had made it clear when I brought the report to Government in June 2003 that it was the group's report; it is not a report by me to Government or indeed a report of the Government and the Government has made no decision in respect of the substance of the contents of the report.

Aside from the recommendations on a press council, there were other important recommendations in the report on defamation which will require consideration. For example, the proposed new defence of reasonable publication; the suggested re-balancing of the role which judge and jury have at present in defamation actions which are commenced in the High Court; the Circuit Court to have jurisdiction in all defamation cases where the amount of the damages claimed does not exceed €50,000; a suggested one year limitation period for defamation actions; and the enshrinement in legislation of a defence to be known as the "defence of innocent publication" which would be available, among others, to broadcasters, distributors, printers and Internet service providers.

However, it would be fair to say that a majority of the responses received during the public consultation process addressed the recommendation put forward by the legal advisory group with regard to the establishment of a statutory press council. This recommendation came on foot of one of the more specific of the legal advisory group's terms of reference, which was to consider the nature and extent of any statutory intervention which might attach to the establishment of any entity concerned with the regulation of the press. This is a subject where there is some divergence of views as to the optimum approach to be followed.

On the one hand, there is a need to achieve a form of regulation which is effective and in which the public can have confidence. On the other hand, care must be had to ensure that any regulatory framework does not trespass needlessly upon the traditional freedoms which the press enjoys in all democratic societies. The group, having carefully weighed up the options, recommended the establishment of a statutory press council with functions which would include the preparation of a press code of conduct and the investigation of complaints concerning alleged breaches of that code. The report set out, in some detail, the main features of such a council, including matters pertaining to its

operation and structure. The draft general scheme for a new Defamation Bill, set out in the group's report, contains a template for the legislative intervention which would be required were such an entity to be established.

At their request, I met representatives of the steering committee of the press industry on 26 April to receive their draft proposals for a press Ombudsman and a press council. The broad content of these proposals have been subsequently reported in the media. I promised the steering committee that I would give careful consideration to their proposals, which I understand may be further developed. I will also be giving the same consideration to the comments submitted by others on the issue of a press council.

I have expressed the view on a number of occasions, that the particular model examined by the advisory group is by no means the only, or, for that matter, the most obvious model for a press council. There could be a body chaired by, say a judge and composed of nominees of a variety of groups to reflect the different interests involved. Appropriate statutory recognition could be given to such a press council. Other models have been suggested during the consultation process as to how a press council could be composed and these will be given careful consideration by me before bringing a proposal to Government.

I am satisfied that the public consultation process that I have engaged in is assisting towards the formation of a reasonable consensus on this issue. I look forward to bringing proposals to Government later this year.

Question No. 32 answered with Question No. 19.

Judicial Conduct and Ethics Bill.

33. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when he expects to publish the long promised Judicial Conduct and Ethics Bill; if the heads of the Bill have been approved by the Government; and if he will make a statement on the matter. [12656/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Deputy Jim O'Keeffe's Priority Question No. 2 answered today. Heads of the Bill have not yet been approved by Government.

Legal Aid Service.

34. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform the average waiting time for an appointment with a solicitor at the legal aid centres; the longest waiting time at any particular centre; his views on whether such waiting times are acceptable; the additional funding which has been provided to reduce

waiting times; and if he will make a statement on the matter. [12682/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Legal Aid Board does not routinely collect information relating to an average waiting time for people seeking services. However, it does record the length of time the person longest on the waiting list has waited. The following table includes the length of time the person longest on the waiting list has waited for legal services as of March 2004 by law centre.

In relation to persons waiting to see a solicitor, the board operates a procedure whereby priority is accorded for certain categories of cases, for example, domestic violence, child care, child abduction and other cases where there are time limits. These cases are dealt with immediately and such applicants are not placed on a waiting list. Such a system for priorities is necessary to ensure that, for example, persons who are subjected to domestic violence and cases involving the care of children are provided with speedy service. In 2003 priority appointments were offered by law centres to over 22% of applicants for the board's services.

In addition, managing solicitors at law centres have authority to give priority to any case on the waiting list at their centre. For example, if an applicant is gravely ill, or in cases where an applicant is in danger of losing assets or of losing title to a legal remedy if legal services are delayed, the managing solicitor can accord such cases priority status.

The board continuously monitors the operation of its law centre network to ensure that its resources are used to maximum effect in making its services available to the greatest possible number of eligible persons. I can further inform the Deputy that the additional management posts which were made available in recent years are enabling the board to develop a more structured change management approach to the provision of civil legal aid throughout the State. This approach is geared to examine the throughput of cases at law centres and where waiting times, for whatever reason, become excessive the position is examined by the board with a view to taking remedial action.

The Deputy will be aware that the grant-in-aid to the legal aid board for this year is €18.388 million, an increase of almost 5% over the 2003 provision of €17.539 million. The level of resources provided to the Legal Aid Board in recent years has increased significantly. In 1997 the grant-in-aid available to the board was €10.656 million. The figure for 2004 represents an increase of almost 73% during this period. During this period also sanction to employ additional staff was conveyed to the board. Since 1997 sanctioned posts in the board's law centre network increased from 191 to 215, of which 89

are solicitor posts, an increase of eight solicitor posts.

Law Centre	Waiting Time (Months)
Cavan	1.75
Clare	12.5
Cork	
—Popes Quay	11
—South Mall	11
Donegal	10.5
Dublin	
—Blanchardstown	8.75
—Brunswick Street	10.75
—Clondalkin	4.5
—Finglas	12.75
—Gardiner Street	11
—Ormond quay	2.75
—Tallaght	10.25
Galway	12.25
Kerry	6
Kildare	11
Kilkenny	12
Laois	16
Limerick	4.75
Longford	0
Louth	6.75
Mayo	1.75
Meath	13
Monaghan	2.5
Offaly	2.25
Sligo	4.75
Tipperary	6.75
Waterford	5
Westmeath	2
Wexford	5.75
Wicklow	11

Mandatory Sentencing.

35. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on whether there is international evidence that mandatory sentencing effectively reduces gun crime or organised crime including drug dealing. [12739/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is the duty of Government to legislate for effective and proportionate penalties and punishments for all crime and particularly for serious crime. Drug dealing and its associated violence, increasingly involving the use of firearms, are among the most heinous of offences causing untold misery for communities in all parts of the State.

At present, mandatory sentencing in relation to such crimes in this jurisdiction is confined to the provisions of Part II of the Criminal Justice Act 1999 which came into effect on 26 May 1999. Section 4 provides for the creation of a new

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offence related to the possession of drugs with a value of €12,697 or more for the purpose of sale or supply, which is punishable by up to life imprisonment. It further provides in section 5 that the court shall, in imposing sentence, specify a minimum period of imprisonment to be served of not less than ten years upon conviction for the offence. Section 5 also provides, however, that a court is entitled to depart from the imposition of the minimum sentence where there are exceptional and specific circumstances relating to the offence or the person convicted of the offence which would make it unjust in all the circumstances to impose the minimum ten year sentence. Factors to which the court may have regard in this respect include whether the person pleaded guilty, and, if so, the stage at which the person indicated the intention to plead guilty and the circumstances in which the indication was given, and whether the person materially assisted the investigation of the offence.

The information available to me would suggest that the provision has resulted in some drug traffickers pleading guilty to serious drug trafficking offences and in some cases to the imposition of substantial sentences for such offences including the imposition of the minimum mandatory sentence of at least ten years. However, I am keeping its operation under review.

In particular, I am awaiting the results of a study which my Department has commissioned into convictions for the new drug trafficking offence created by section 4. Preliminary indications from the study suggest that the main factors taken into account by the courts in situations where a sentence of less than ten years has been imposed are where the accused pleads guilty to the offence, co-operates with the prosecuting authorities, and materially assists the Garda Síochána with its investigations.

I have also asked that the range of penalties applicable to firearms offences be urgently and critically examined. In all of these reviews, evidence and research available internationally is taken into account and, where appropriate, presented to Government to inform its decisions.

Drug Use.

36. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the results of the first drugs prevalence survey which showed that almost one in five young adults had taken an illegal drug, with cocaine becoming widely used; the steps he intends to take to reduce the drug supply in view of these figures; and if he will make a statement on the matter. [12688/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware of the findings referred to by the Deputy which were contained in the 2002-03 all-Ireland drug prevalence survey which is a general population survey examining

drug use in the whole island of Ireland. It was undertaken jointly by the national advisory committee on drugs, NACD, on which my Department is represented, and the drug and alcohol information and research unit, DAIRU, in Northern Ireland. The survey found that in Ireland, 19% of the respondents had used illegal drugs in their lifetime, 5.6% within the last year of their interview and 3% within the last month of their interview. These figures place Ireland broadly in line with European averages when compared to similar surveys undertaken across Europe.

This study gathered substantial further information which will be analysed over the coming months by the NACD, DAIRU and the drug misuse division of the health research board. The report containing these figures is the first in a series of bulletins which will be published as the analysis is completed on over 150 questions relating to tobacco, alcohol and illegal drug use, as well as findings relating to specific drugs, attitudes, perceived availability of illegal drugs and attempts to modify behaviour by quitting drug use. A second bulletin from the survey, which broke the data down into health board areas, was released recently.

The Government's strategy to combat the use of illicit drugs is contained in Building on Experience — National Drugs Strategy 2001-2008. In that strategy, one of the key performance indicators is to increase drug seizures by 25% by 2004 and by 50% by 2008, using the 2000 seizures figures as a baseline. The Garda Síochána and the Customs and Excise Service are achieving considerable success in relation to this target to date. Data on street value of drug seizures is as follows: Garda seizures: 2000 — €20 million; 2001 — €45 million; 2002 — €49 million; and 2003 — €100 million; and Customs and Excise seizures: 2000 — €11 million; 2001 — €60 million; 2002 — €34 million; and 2003 — €21 million.

The Government recognises that drugs seizures, while very welcome, must only be one part of our overall strategy in fighting the drugs problem which remains one of the great social ills of our times. While there is a strong legislative framework in place to tackle drug dealing and continuing efforts on the drug supply control side show positive results, we need to constantly continue to develop our range of responses, addressing both the causes and consequences of the problem.

In relation to cocaine use in particular, the survey shows that slightly over three percent of those surveyed had tried cocaine during their lifetime. The survey also provides information on both recent usage, that is, within the 12 months prior to the survey and current usage, that is, within thirty days of the survey. These figures are particularly informative in that they provide an insight into regular usage patterns. The figures for recent and current usage within Ireland are 1.1% and 0.3%, respectively. The survey shows that

cocaine usage is increasing among the general population albeit from a very low base.

These findings are in line with statistics in the Garda Síochána annual crime reports which show an increase in the number of offences involving cocaine over the past four years as shown below.

	Cocaine Offences	Total Offences
1990	169	7,173
2000	180	8,395
2001	297	8,529
2002	478	7,137

The Garda Síochána addresses the issue of the supply of illegal drugs, including cocaine, in a number of ways namely: the conducting of intelligence driven operations against criminal networks engaged in drug distribution; co-operating with other national law enforcement agencies in reducing the supply of illegal drugs into the State; undermining the structures and systems which support drug distribution networks through the concerted efforts of national units, including the Garda National Drugs Unit, the Criminal Assets Bureau and the Garda Bureau of Fraud Investigation; maintaining ongoing liaison with divisional and district drug units who are focused on addressing drug supply at a community level; and the conducting of proactive operations such as Cleanstreet and Nightcap designed to address drug supply within communities and places of entertainment.

As well as enforcing the legislation regarding drug misuse, the Garda Síochána is involved in a number of initiatives designed to reduce the demand for drugs. These include: the Garda schools programme aimed at primary level students which addresses a number of issues including substance misuse; the Garda special projects which engage young people and are focused on the prevention of anti-social behaviour including substance misuse; participation on the national drugs strategy team as well as the 14 local drugs task forces and the recently established regional drug task forces.

I am informed by the Garda authorities that they consider that these initiatives have resulted in considerable success in counteracting the activities of criminal networks involved in the sale and supply of illegal drugs. The Garda Síochána in collaboration with other agencies continually monitor changes in the pattern of illegal drug supply and undertake a variety of initiatives aimed at addressing emerging trends including cocaine usage.

Disability Bill.

37. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the reason for the delay in the publication of the Disability Bill; if this is in breach of the programme for Government and Sustaining Progress; and if he will make a statement on the matter. [9569/04]

40. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform when he expects that the promised Disability Bill will be published; the discussions he has had with disability groups regarding the terms of the Bill; and if he will make a statement on the matter. [12691/04]

172. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the role the European Commission has in the drafting or otherwise of the forthcoming Disability Bill; if a European agency or body has been consulted or is in the process of being consulted or will be consulted in relation to the Disability Bill; when he expects to publish the Bill; the groups that are taking part in consultations regarding the Bill; and if he will make a statement on the matter. [12949/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 37, 40 and 172 together.

The Agreed Programme for Government established the Government's commitment to complete consultations on the disability legislation and to bring an amended Bill through the Oireachtas. Sustaining Progress outlined the Government's aim to publish and enact the Bill before the end of 2003 following the enactment of the Education for Persons with Disabilities Bill 2003.

The Education for Persons with Disabilities Bill 2003 is awaiting Committee Stage in the Dáil and work is on schedule to publish the proposed Disability Bill either following, or in advance of, enactment of that legislation. Deputies will be aware that the Education for Persons with Disabilities Bill did not complete its passage through the Oireachtas in the time frame envisaged when Sustaining Progress was being published.

Where national legislation transposes an EU directive, there is a requirement on the State to communicate information to the Commission within specified time frames. Such is the case in relation to the Equality Bill 2004 which transposes Council Directives 2000/43/EC and 2000/78/EC, adopted under Article 13 of the EC Treaty, and Directive 2002/73/EC of the European Parliament and of the Council, adopted under Article 141 of the treaty. The Bill will amend the Employment Equality Act 1998 and the Equal Status Act 2000 to meet Ireland's obligations as a member of the European Union in implementing the directives and make further and better provision in relation to equality of treatment in the workplace and elsewhere. The Disability Bill does not involve the transposition of a directive so this procedure has not applied.

The Government has facilitated extensive consultation nationally in relation to disability legislation. The Government appointed an expert consultation team to oversee the national consultation process. This comprised experts in legal, economic and social affairs. The team met and received the views of the stakeholders,

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including the disability legislation consultation group, DLCG, the social partners, the community and voluntary sector and relevant Departments before completing its task in February 2003.

Many Deputies will know that the DLCG is a group representative of people with disabilities, their families, carers and service providers which was brought together by the National Disability Authority, NDA, to facilitate dialogue at national level, both within the sector and with the consultation team. Broad ranging consultations took place in 2002 and early 2003 following which the DLCG presented the document, *Equal Citizens — Proposals for Core Elements of Disability Legislation*, in February 2003.

Last year, the DLCG had meetings with a number of members of the Government, including the Taoiseach, the Tánaiste, the Minister of State, Deputy O'Dea, and the Minister of State, Deputy Tim O'Malley. The discussions at these meetings covered such matters as assessment of need; standards; service provision; the need to build capacity in key sectors of the public service so as to allow provision of disability accessible services in a cost effective way; and workable redress mechanisms.

Earlier this year, meetings took place between officials and the DLCG at which it was given an outline of the proposals for legislation. Its views about these proposals were discussed and noted for consideration by the Cabinet sub-committee on social inclusion. At present, contact is continuing between the group and the Minister of State, Deputy O'Dea.

The Disability Bill is a key part of the framework being put in place by the Government to underpin the equal participation by people with disabilities in Irish society. The framework includes: the Education for Persons with Disabilities Bill, 2003, which is awaiting Report Stage in the Dáil; the Comhairle (Amendment) Bill which is being prepared in the Department of Social and Family Affairs in relation to the provision of advocacy; sectoral plans for key public services; and equality legislation, to be updated by the Equality Bill 2004, which is currently awaiting Second Stage in the Dáil.

The Government is conscious of the complexity and cross-cutting nature of the issues involved and, to support ministerial engagement throughout the process, referred oversight of the Bill and other elements of the framework to the Cabinet sub-committee on social inclusion. The Government and the Cabinet sub-committee on social inclusion are giving particular attention to the Bill and to the views emerging through the consultation process. The Bill is at an advanced stage of preparation and will be published as soon as the Government has completed its work.

Constitutional Referendum.

38. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform when he plans to hold a constitutional referendum on the issue of Irish citizenship; and if he will make a statement on the matter. [8583/04]

56. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform his views on whether the reference to partnership, equality and mutual respect contained in the Good Friday Agreement is being honoured in his treatment of the citizenship referendum; and if he will make a statement on the matter. [12733/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 38 and 56 together.

Deputies will by now be aware of the decision to hold the referendum on citizenship on 11 June next. I am satisfied that the reference to partnership, equality and mutual respect contained in the Good Friday Agreement is being fully honoured in the context of the forthcoming referendum. I refer in particular to the joint interpretative declaration published by both the Irish and British Governments on 20 April last. It was never the intention of those engaged in the multi-party talks that an absolute right of Irish citizenship would be conferred on persons born to parents with little or no connection with Ireland. There is no conflict accordingly between the provisions of the Good Friday Agreement and the forthcoming referendum on citizenship.

Juvenile Liaison Officers.

39. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the number of juvenile liaison officers in the gardaí at the latest date for which figures are available; if he has plans to extend the scheme in view of the proven success of it in dealing with juvenile offenders; and if he will make a statement on the matter. [12680/04]

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 as at 29 April 2004, there were 85 JLO gardaí and eight JLO sergeants working in the various divisions throughout the country. In addition to this, the National Juvenile Office has a staff of one superintendent, two inspectors and two sergeants.

The Children Act 2001 came into law in May, 2002 and it was at this point that the Garda diversion programme began operating on a statutory basis. Included in this Act is the introduction into the criminal justice system of the concept of restorative justice and family conferencing, whose provisions are currently being put into effect by the Garda Síochána. The diversion programme is delivered throughout the

country by specially trained gardaí. Resource implications are constantly under review and applications for additional resources are made on a case by case basis when and where necessary.

Question No. 40 answered with Question No. 37.

Closed Circuit Television System.

41. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the way he proposes to extend the use of CCTV cameras and to grant aid local communities to provide them as promised in his Department's statement of strategy. [7679/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Garda CCTV systems are in currently in operation as aids to policing in the following areas: Dublin city — north central; Dublin city — south central; Cork city; and Tralee. In addition, 17 locations are also set to receive new Garda town centre CCTV systems, subject to the availability of funds. These locations are: Athlone, Ballyfermot, Bray, Carlow, Castlebar, Clondalkin, Clonmel, Dundalk, Dun Laoghaire, Ennis, Finglas, Galway, Kilkenny, Limerick, Sligo, Tallaght and Waterford.

Phase 1 of the scheme comprises Bray, Dundalk, Dun Laoghaire, Finglas, Galway and Limerick and the installation of these systems is ongoing. Phase 2 of the programme of CCTV implementation will consist of Athlone, Clondalkin, Tallaght and Waterford. I am informed by the Garda authorities that in order to implement and deliver these systems in the most efficient and cost effective manner, careful consideration must be given to the planning of the project as a whole. Consideration is currently being given to a restructuring of the manner in which these systems go to tender with a view to delivering the implementation of these CCTV systems within a shorter timeframe. Phase 3 comprises Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo. The planning for the installation of these systems is scheduled to commence later this year.

A grant-aid scheme has been launched to facilitate community based groups who wish to

install their own local CCTV system. Grant assistance of up to €100,000 will, subject to the availability of funds, be obtainable from my Department towards the cost of such schemes. It will be up to the community groups, in conjunction with the relevant local authority, to install, maintain and monitor the community based CCTV schemes. To qualify for grant aid, certain minimum standards will have to be met and the gardaí will have to be allowed access to the system when and as they require it.

The Department has received a significant number of expressions of interest — in excess of 200 — in the community based CCTV scheme. An application prospectus has been prepared by the Department which provides information on how to apply for grant-aid funding, outlines the application process and identifies the main issues that applicants will need to consider. Copies of this prospectus are available on request from my Department's Garda administration division.

A code of practice, drawn up in co-operation with the Office of the Data Protection Commissioner, and detailed technical specifications, drawn up by the Garda Síochána, are almost complete. When both the code of practice and the technical specifications have been finalised my Department will issue copies of same to all communities which expressed an interest in the community based CCTV scheme and any applications subsequently received will be evaluated and processed.

Asylum Applications.

42. **Mr. S. Ryan** asked the Minister for Justice, Equality and Law Reform the number of applications for asylum received during 2002, 2003 and to date in 2004; the number of applications upheld by the refugee appeals commission; the number of appeals submitted to the Refugee Appeals Tribunal and the number of such appeals upheld; the number of applications for leave to remain and the number of such applications granted; the number of deportation orders made and the number of such deportations carried out; and if he will make a statement on the matter. [12681/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested is contained in tabular form below.

Table 1: Number of asylum applications received and the number of recommendations by the Office of the Refugee Applications Commissioner to grant refugee status — at first instance — in 2002, 2003 and 2004*.

	2002	2003	2004*
No. of applications received	11,634	7,900	1,256
No. of recommendations to grant refugee status	893	345	107

* as at 31/03/04

** It is assumed that the reference in the Deputy's parliamentary question to refugee appeals commission refers to the office of the Refugee Applications Commissioner.

Table 2: Number of appeals submitted to the Refugee Appeals Tribunal and the number upheld — at appeal stage — in 2002, 2003 and 2004*.

	2002	2003	2004*
No. of appeals received	5,159	5,014	1,274
No. of appeals upheld (granted refugee status)**	1,099	831	207

* as at 31/03/04

** Substantive cases

Table 3: Number of deportation orders signed and number effected in 2002, 2003 and 2004*.

	2002	2003	2004*
No. of Deportation Orders signed	2,430	2,411	**745
No. of Deportation Orders effected	521	590	***217

* as at 31/03/04

** In addition to the 745 deportation orders signed, there have also been 43 Dublin II regulation transfer orders signed.

*** In addition to the 217 deportation orders effected, there have also been six Dublin II regulation transfers effected.

Table 4: Number of applications for leave to remain received from current or former asylum applicants.

	2002	2003	2004*
No. of applications received	6,887	1,272	88

* as at 31/03/04

Table 5: Number of applications granted for leave to remain by category.

	2002	2003	2004*
Parentage of Irish Born Child	3,113	172	0
Marriage to an Irish National	86	132	25
Dependant of EU Citizen	138	77	9
Humanitarian Grounds	159	83	10

* as at 31/03/04

Voter Registration.

43. **Mr. Ferris** asked the Minister for Justice, Equality and Law Reform if he has investigated reports of incidences of gardaí in Tralee, Galway, Dundalk, Kildare and Clare refusing to accept Garda National Immigration Bureau cards as valid identification for the purposes of voter registration of eligible asylum seekers who fled without passports or other forms of identification; and the action which has been taken by the Government to resolve this situation and to ensure that no eligible voter is disenfranchised as a result. [12740/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Garda National Immigration Bureau cards are not issued to asylum-seekers but to non-nationals who have been granted permission to remain in the State. Asylum-seekers are issued with a temporary residence certificate by the Office of the Refugee Applications Commissioner.

There are two circumstances relevant to the parliamentary question where persons wishing to vote may need identification. One is where a person who is not on the electoral register applies

to be included in a supplement to the register which is published prior to polling day. The application form must be signed and certified at a Garda station, and the person may be requested to produce photographic or other supporting identification. Up to recently, gardaí have not been in a position to certify applications by asylum-seekers where the only form of identification available was a temporary residence certificate, as it is expressed not to be an identity card but rather a statement that an individual claiming to be the person named in the certificate has applied to be recognised as a refugee in the State. However, the application form was recently amended to enable temporary residence certificates to be accepted for this purpose.

The other circumstance is where a voter is required to produce one of a number of specified documents at a polling station for identification purposes. The Minister for the Environment, Heritage and Local Government recently signed the Electoral (Amendment) Regulation 2004, specifying temporary residence certificates, among other documents, for this purpose.

Prison Building Programme.

44. **Ms Burton** asked the Minister for Justice, Equality and Law Reform if he has made a decision on the expressions of interest in the construction of a new prison in a greenfield site close to Dublin to replace Mountjoy, which he informed Dáil Éireann he expected to make by the end of March 2004; when he will announce a decision on the matter; and if he will make a statement on the matter. [12659/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The examination and rating of the expressions of interest received is still being carried out on my behalf by the Office of Public Works. When the OPW report is to hand, I will be asking the Irish Prison Service to carry out a security evaluation of the shortlisted sites. I hope to be in a position to bring a recommendation on this matter before Government in advance of the Dáil recess.

Departmental Papers.

45. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform if an investigation has been held into the circumstances in which Department of Justice, Equality and Law Reform papers were found in an illegal dump in Northern Ireland; and if he will make a statement on the matter. [12687/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my previous answer to Parliamentary Question No. 255 of Wednesday 3 March 2004 in relation to this matter. I am informed by the Garda Authorities that this investigation is still ongoing. I am sure the Deputy will appreciate that, in the circumstances, it would not be appropriate for me to comment any further on the matter at this stage.

Question No. 46 answered with Question No. 19.

Garda Deployment.

47. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform the detailed estimate costs of, and numbers of gardaí involved in policing the May day celebrations and the proposed visit to Ireland by United States President George W. Bush; and if he will make a statement on the matter. [12736/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the estimated number of gardaí involved in policing the May Day celebrations was 5,000 but that estimates of the associated costs are not yet available. I am further informed that in relation to the proposed visit of President George W. Bush to Ireland, policing plans have not yet been finalised. Accordingly, it is not yet possible to estimate the number of gardaí and associated costs involved.

Irish Sign Language.

48. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform if he will seek Constitutional recognition for Irish sign language; and if he will make a statement on the matter. [12737/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Two forms of sign languages are commonly in use in this country. The Commission on the Status of People with Disabilities received a broad range of submissions from the different disability organisations and from individuals, including proposals for the recognition of Irish sign language as the language of deaf citizens and for education to be provided to deaf children through Irish sign language. The commission pointed to the need for sign language to be recognised but did not recommend inclusion as an official language or specify a particular form of sign language.

Arising from its deliberations the commission made proposals relating to the education of deaf children and access to further education options through sign language. In this regard, the Education Act 1998 has made provision for support services in respect of students learning through Irish sign language or any other sign language, including interpreting services. The Education for Persons with Disabilities Bill 2003, which is currently before the Oireachtas, addresses the provision of services for children in education, focusing on the assessment of the needs of the individual child and this may include the consideration of appropriate sign language services. While I support appropriate measures to further social inclusiveness for people with disabilities, there are no current proposals to give recognition to Irish sign language as a third official language.

Garda Investigations.

49. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if he has received the report of the senior Garda officer who was requested by the Garda Commissioner to examine all matters featured in a television programme (details supplied) of 8 January 2004; and if he will make a statement on the matter. [12666/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the investigation regarding all matters featured in the television programme of 8 January 2004 is ongoing and it would therefore be inappropriate for me to comment further at this stage.

50. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform if he intends investigating the discovery of unknown remains at the sites of former Magdalene laundries; and if he will make a statement on the matter. [12734/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be no doubt aware, I have no role in the investigation of criminal offences. However, I have requested a report from the gardaí on the matter to which he refers and I am awaiting further material. I will revert to the Deputy as soon as the information is available to me.

Comment Cards.

51. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform if he will provide the results of any analysis of the standard comment cards that are available at Garda stations; and if he will make a statement on the matter. [12726/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the comment cards which were received in the Garda national quality service bureau for the second six months of 2003 have been analysed and the results are as follows: 58% of respondents were very positive-positive on their first impressions of the Garda station; 64% were happy with the area for dealing with queries; 67% were satisfied with the way the query was dealt with; 70% were happy with the time taken to deal with the query; 71% were very clear-clear about the course of action; 67% were satisfied with the information that was supplied on this visit; 66% were satisfied with the overall quality of service provided; and 77% thought that the access to stations was good; 63% are very satisfied-satisfied with the overall quality of services offered by the Garda Síochána.

Garda Strength.

52. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the membership of the gardaí at the latest date for which figures are available; if, in regard to his recent comments, he has sought and received Cabinet approval for the recruitment of the 2,000 additional gardaí promised prior to the general election 2002; the current annual capacity of the Garda training college at Templemore; if he has plans to extend the college or otherwise increase training capacity; and if he will make a statement on the matter. [12671/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the personnel strength of the Garda Síochána as at 29 April 2004 was 11,993 — all ranks. In relation to the commitment to recruit 2,000 additional gardaí, I refer the Deputy to my response to Priority Question No. 5 of today posed by Deputy Jim O'Keeffe.

Victim Liaison Units.

53. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform if he is considering measures to ensure that the victims

of crime and the families of victims are treated in a more sensitive way by the legal system; if he will consider the establishment by the gardaí and the Courts Service of victim liaison units, which would be responsible for ensuring that victims and their families are kept up to date with developments in their cases and that their practical needs are given attention during same; and if he will make a statement on the matter. [12657/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Priority Question No. 3 of today posed by Deputy Costello.

Strategic Management Initiative.

54. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform if he has received the report from the steering group working under the SMI on Garda organisational structures; the main findings of the report; if it is intended to publish the report; and if he will make a statement on the matter. [12679/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda SMI implementation steering group has finalised its report following a major review of the Garda organisation structures under the strategic management initiative programme of modernisation. The review looked in detail at a range of areas within the organisation and the steering group report makes recommendations with a view to ensuring the Garda organisation has appropriate and effective structures and management processes to best meet the needs of the public and the Garda Síochána. I have received the report which I am having examined in my Department and I will give careful consideration to all of the steering group's recommendations, and the question of publication.

Constitutional Provisions.

55. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that the provisions of Article 15(6)(1) and (2) of the Constitution are being respected. [11623/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government and I are committed to ensuring that the provisions of Article 15(6)(1) and (2) of the Constitution are respected and will take all available steps in that regard. The existence in the State of a paramilitary organisation is contrary to law and contrary to the Constitution. Support for or tolerance of any such paramilitary force is inconsistent with the citizen's fundamental political duty of loyalty to the State. Membership of Dáil Éireann is confined to citizens who owe the State that duty of loyalty. Any member of the Dáil who condones or supports any paramilitary

body in the State holds office under false pretences.

Question No. 56 answered with Question No. 38.

Crime Levels.

57. **Ms McManus** asked the Minister for Justice, Equality and Law Reform the measures he intends to bring forward to deal with the activities of criminal gangs in regard to his address to the Oireachtas Committee on Justice, Equality, Defence and Women's Rights on 9 December 2003; when he expects that the legislation will be published; and if he will make a statement on the matter. [12669/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): When I appeared before the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights on 9 December 2003, I addressed in some detail, with particular reference to the activities of criminal gangs, the measures which I intend bringing forward to enhance the investigation and prosecution of criminal offences.

I intend to provide for those measures which require legislative provision in the Criminal Justice Bill, which I expect to publish during the current session. For the information of the Deputy the measures, the heads of which I have already made available to the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights, will include: a statutory power to preserve a crime scene; a general power in relation to the issue of search warrants; increased detention powers of up to 24 hours for arrestable offences; some amendments to the Criminal Justice (Forensic Evidence) Act 1990, in particular to reclassify saliva as a non-intimate sample; extending the power of the prosecution to appeal in limited circumstances, in particular in relation to points of law; and general provisions, mostly of a technical nature, to improve efficiency in the prosecution of offences.

I informed the committee that I was considering a number of further proposals for inclusion in the Bill which have now been referred for drafting. These include a provision on the admissibility of statements made by witnesses, who subsequently refuse to testify or retract their original statements. I also informed the committee that while I see serious practical evidential difficulties in creating an offence of membership of a criminal gang, I am examining the issue in conjunction with the European Union joint action on participation in a criminal organisation adopted in December 1998 and the 2000 UN Convention on Transnational Organised Crime, in the context of giving effect to these instruments in Irish law. Each of these instruments contain provisions on contributing to or participating in the activities of a criminal organisation. I am also examining relevant legislative provisions in other jurisdictions aimed

at the activities of criminal gangs. Any proposals I have in this matter, I will also consider in the context of the forthcoming Criminal Justice Bill.

I also intend to bring forward proposals to Government to seek approval to the inclusion, whether on publication or on Committee Stage, of firearms control provisions in the Bill. In addition I am examining the issues surrounding sentencing in relation to drug trafficking offences and firearms offences and if I consider it appropriate I will bring forward proposals to strengthen the law in this respect.

One further area I will briefly mention is the question of a DNA databank. As the Deputy may be aware, the Law Reform Commission recently published a consultation paper on the establishment of a DNA database. I am examining the issues highlighted by the commission in its paper and look forward to hearing the views and opinions of those who will take part in the consultation process. As I have said previously, it is my intention to draw up proposals for a databank which would, having regard to constitutional requirements and the requirements of the European Convention on Human Rights, permit as extensive a databank as possible. I intend to bring these proposals to Government in due course.

I understand that the Joint Oireachtas committee is expected to publish its report on the administration of justice shortly. I look forward to examining it and I will be prepared to take whatever action may be appropriate on foot of the report, including bringing forward further proposals for legislative reform, if necessary.

Constitutional Provisions.

58. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if the Government is taking steps to give effect to Article 41(2)(2) of the Constitution. [11625/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government has instituted a number of measures that support the right of women to work in the home. These include the home carer's tax credit, child benefit and the homemakers scheme. The home carer's tax allowance, now a tax credit, was introduced in the Finance Act 2000 in respect of those spouses of married one income families, jointly assessed, who work in the home caring for certain dependent persons, including children. The maximum home carer's tax credit for the current tax year is €770.

Over the period since 1997, the monthly rates of child benefit have increased by €93.51 at the lower rate and €115.78 at the higher rate, increases of 246% and 234%, respectively, compared with inflation of 26.9%. This level of increase is unprecedented and delivers on the Government's objective of providing support for children generally while offering real choice to all parents. Child benefit is paid to mothers and is not means-tested.

[Mr. McDowell.]

The homemakers scheme, introduced in 1994, is intended to protect the pension entitlements of those who take time out of the paid workforce for caring duties. My Department has allocated a grant of €7,260 to the organisation, Women In The Home, WITH, for development activities. The aims of WITH are to provide support and a forum for women working in the home through which they can have a voice and influence society.

Government policy in relation to the position of women generally is guided by the provisions of the EU treaties in relation to non-discrimination and equality of opportunity. Furthermore, the Government is committed to facilitating women who wish to avail of education and employment opportunities while allowing them at the same time to reconcile work and family commitments. To this end, legislative provision has been made for maternity leave, adoptive leave, parental leave, carer's leave and part-time work. In addition, a national framework committee on work-life balance at the level of the enterprise has been established under Sustaining Progress.

The Government has also supported a number of initiatives aimed at assisting women who wish to return to the workforce after their children have been reared. My Department is supporting the FÁS, Gateways for Women, initiative which is specifically targeted at these women.

In conclusion, the Government is providing significant resources to support mothers who wish to care for their children in the home, while also supporting the significant number of women who wish to work in either a full-time or part-time basis.

Search Warrants.

59. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of search warrants issued to members of the gardaí in each of the past five years; the number of such warrants which were found by the courts to have been invalid or used after expiry; if new guidelines have been issued to members of the gardaí regarding the timeframe for execution of such warrants in view of the outcome of a recent court case (details supplied) in Tralee, County Kerry; and if he will make a statement on the matter. [12655/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the statistical information requested is not readily available and could only be obtained by the expenditure of a disproportionate amount of staff time and resources. As the Deputy will be aware, provisions concerning search warrants are contained in a number of statutes which set out different criteria as to who may execute the warrant and the time limits which apply. I am also informed that the Garda Commissioner is currently circulating a directive to the force instructing all gardaí to take cognisance of the

recent court ruling when executing search warrants.

Question No. 60 answered with Question No. 26.

Disability Support Services.

61. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the findings of the recent report, Disability and Labour Market Participation, which found that Irish people with disabilities or chronic illnesses have one of the poorest educational records and are more likely to be unemployed than their disabled European counterparts; the steps being taken to deal with this situation; and if he will make a statement on the matter. [12693/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department provides a focal point for disability equality policy and legislative development generally. It does not have main responsibility for sectoral policies. Since the introduction of the policy of mainstreaming in June 2000, responsibility for sectoral policies as they relate to people with disabilities rests with the Department or agency with responsibility for the development and delivery of the policy concerned. As such, the Deputy is advised to address questions which he may have in relation to employment policy for people with disabilities to the Minister for Enterprise, Trade and Employment. Similarly, the Deputy is advised to direct questions relating to education policy to the Minister for Education and Science.

Equality Issues.

62. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the call made at the recent conference in Dublin Castle on gender mainstreaming that all Government policy decisions should be scrutinised to assess their impact on gender equality; the role of the gender equality unit in this regard; and if he will make a statement on the matter. [12694/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Gender Mainstreaming — Partnership in Practice conference, which took place on 15 April was organised by the NDP gender equality unit in my Department and was opened by the Minister of State with responsibility for equality matters, Deputy O'Dea.

Gender mainstreaming is the key strategy adopted at European Union level to advance gender equality, and under the EU Structural Fund regulations, member states are required to use the funds, *inter alia*, to promote equality of opportunity between women and men. This requires policy makers to take into account the gender impact of policies and programmes at the

planning, design and implementation stages across the Structural Funds.

At the time the national development plan was being finalised, the Government decided that even though EU Structural Funds account for just 7% of the expenditure in the NDP, the gender mainstreaming principles would be applied to the entire plan, with the exception of some infrastructural measures. This means that most expenditure programmes in the €50 billion national development plan are being gender mainstreamed.

The NDP gender equality unit was established in 2000 to assist Departments and implementing bodies with this work, through the provision of advice, training and support. The unit also provides assistance to Departments in carrying out gender impact assessments of policy proposals drawn up in the context of the national development plan. Funding of €5.36 million over the period 2000 to 2006 has been allocated from the national development plan for this purpose. The unit also has a key role in the development of gender disaggregated statistics and indicators to support gender mainstreaming in the national development plan. A gender equality unit has also been established in the Department of Education and Science to deal with gender issues in relation to education policy.

In addition to the gender mainstreaming of the NDP, all memoranda for Government are gender proofed and must identify the impact, if any, on women, of proposals coming before Government. There is also a number of other areas of policy beyond my remit, where Departments are taking account of the gender impacts of policy, such as health, social inclusion, development aid, etc. Taken together, these activities demonstrate this Government's commitment to gender mainstreaming and to the achievement of equality of opportunity for women and men in Ireland.

Prison Building Programme.

63. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform his proposals for a new prison on Spike Island; and if he will make a statement on the matter. [12661/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I recently announced that I am considering the building of a new prison on Spike Island. This new facility would augment the existing Fort Mitchell detention centre on the island as well as replacing the existing Cork Prison. It would be a significant prison complex with separate sections devoted to male adult prisoners, 16 to 17 year old prisoners, and female prisoners. I am proposing to take this step because the existing Cork Prison suffers from chronic overcrowding and extending this prison on its existing site is not possible due to its location in a densely populated area of Cork city. Cork Prison needs to be replaced with a new, modern facility with the full range of work,

training, educational and medical services for inmates as well as predominantly single cell accommodation with proper in-cell sanitation facilities. The proposed facility would provide adequate prison places for the southern region.

As a first step in the planning for the new facility, I have instructed the director general of the Prison Service to engage with the Office of Public Works and Cork County Council in the development of a plan for the construction of a bridge across to Spike Island from the mainland. The existing arrangement whereby prisoners, staff and contractors engaged in the maintenance of Fort Mitchell are brought to the island by boat is uneconomic and the bridge will enable the existing prison and the proposed new complex to operate effectively and efficiently.

US Security Personnel.

64. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform if it is proposed to accord immunity from prosecution to US presidential security personnel, in respect of certain unspecified eventualities, on the occasion of the forthcoming visit of the US President George W. Bush; and if he will make a statement on the matter. [12589/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are no proposals to accord immunity from prosecution for US security personnel on the occasion of the forthcoming visit of President George W. Bush.

Equality Issues.

65. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform his views on the Law Reform Commission report on the rights of unmarried couples; and if he will make a statement on the matter. [12692/04]

66. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he intends granting additional rights to cohabiting and unmarried couples; and if he will make a statement on the matter. [12729/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 65 and 66 together.

The consultation paper on rights and duties of cohabiters published by the Law Reform Commission on 27 April 2004 makes substantial recommendations for the reform of the law in this area. However, the purpose of the paper is to enable those who wish to make submissions to the commission to do so before 30 September 2004. The Law Reform Commission will publish a report containing its final recommendations when the consultation process is complete. I look forward to examining the commission's final recommendations as soon as they become available.

Drugs in Prisons.

67. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the proposals he is considering to reduce drug use in prisons; if his attention has been drawn to the comments made by a person (details supplied) questioning whether the proposals advocated by him will achieve their stated purpose; and if he will make a statement on the matter. [12662/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware that many differing views have been expressed on how to tackle the long standing problem of drug abuse in our prisons. The programme for Government commits me to creating a drug free prison system. This includes treatment and rehabilitation, elimination of supply and the introduction of compulsory drug testing for prisoners.

A group consisting of Irish Prison Service management, prison governors, health board staff together with relevant clinicians has drafted proposals for a new prison drugs policy. This policy would, in so far as practical, seek to apply consistent regulation and operational structure to the provision of drug treatment services both in the general community and in prison. I am currently considering this draft policy and examining whether it would be effective in ridding our prisons of drugs.

I also expect to receive shortly from the Office of the Parliamentary Counsel a new set of prison rules which will make provision for, among other things, mandatory drug testing. Such drug testing can, at an individual level, identify those persons engaged in the use of intravenous drugs within the prison environment, and can, at an institutional level, provide prison management with important information on the presence of drugs in prisons. I am satisfied that mandatory drug testing has a valuable contribution to make to the overall strategy for tackling drug misuse among prisoners.

Unaccompanied Minors.

68. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform the response he has made to the serious concerns raised in writing to him on 3 March 2004 by the principals of ten second level schools in Dun Laoghaire regarding the difficulties faced by the 30 leaving certificate students transferred to Kilmallock House from the Old School House in Eblana Avenue, Dún Laoghaire; and if he will make a statement on the matter. [12731/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The care of unaccompanied minors is the statutory responsibility of the health boards and my Department has no role whatsoever in this regard. In the Eastern Regional Health Authority Area, the East Coast Area Health Board, ECAHB, carries out this function for the three local area health boards.

The Social Welfare (Miscellaneous Provisions) Act 2003, which was commenced on 27 May 2003, restricts the awarding of a rent supplement to asylum-seekers. Guidance issued to health boards by the Department of Social and Family Affairs — SWA Circular No. 02/03 — stipulates that, where unaccompanied minor asylum-seekers reach 18 years of age and are discharged from the care of a health board, they should be offered placement in adult direct provision accommodation.

Arising from this, when unaccompanied minors reach 18 years of age and are discharged by the health boards from their care, they are provided with direct provision accommodation by the Reception and Integration Agency, RIA, which operates under the aegis of my Department.

It should be noted, however, that a health board, in line with the provisions of social welfare legislation, may exercise discretion and retain persons in its accommodation who have attained 18 years of age where there is a determination that the individual is vulnerable or does not have a sufficient level of maturity to be accommodated in an adult facility.

To date, the RIA has arranged placements for approximately 150 former unaccompanied minors in direct provision accommodation at the request of the ECAHB. In addition, the RIA has also arranged a small number of placements in such accommodation in the Cork city area at the request of the Southern Health Board.

The RIA, in consultation with the dedicated social work team of the ECAHB working with unaccompanied minors, has made a major effort to ensure that former unaccompanied minors who are second level students are facilitated in continuing to attend school by effecting placements close to their previous health board accommodation.

During the February mid-term break, a senior official from the RIA attended meetings with former unaccompanied minors who had been relocated to direct provision accommodation to discuss what further initiatives could be put in place to facilitate their continuance in education. Arising from this, the RIA has facilitated the establishment of a group comprising representatives of VECs, partnership groups, refugee support groups, health boards and my Department. This group has met on a number of occasions and has agreed on the provision of enhanced transitional supports for unaccompanied minors who are subsequently relocated to direct provision.

In addition, study facilities are being enhanced in direct provision centres. It is also intended to improve tutor supports for leaving certificate students where former unaccompanied minors are placed. In the context of transitional supports, the Northern Area Health Board which has responsibility for the administration of supplementary welfare allowance payments to all asylum-seekers in the eastern region, will ensure

that all leaving certificate students in direct provision receive appropriate SWA payments. In addition, every full-time student is being advised to avail of their entitlement to child benefit until they reach 19 years of age.

Further referrals of former unaccompanied minors are due to take place over the coming months and I am informed by the RIA that they have agreed with the ECAHB to defer referrals of examination students until the State examinations have been completed in late June 2004.

Northern Ireland Issues.

69. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the action which has been taken to implement the recommendations of the Nally report regarding the keeping of better records of North and South contacts and exchanges in intelligence matters and a written code of instructions and guidelines on intelligence gathering and agent handling; and if he will make a statement on the matter. [12676/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that appropriate action has been taken in line with the recommendations of the Nally report.

Penalty Points System.

70. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the current delays in issuing penalty points; and if he will make a statement on the matter. [6726/04]

71. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform if he will report on the delays in issuing penalty points; and if he will make a statement on the matter. [11016/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to answer Questions Nos. 70 and 71 together. Section 5 of the Road Traffic Act 2002 deals with the notification to licence holders of the endorsement of penalty points. This aspect of the system is a matter for the Minister for Transport rather than the Garda Síochána. The main objective of the penalty points system, and all Garda activity in the area of road safety, is to change road user behaviour through enforcement and surveillance ultimately resulting in a reduction of the numbers killed and injured on our roads. While there is no room for complacency, particularly given the number of tragedies this year, there was a reduction of 36 in the number of road deaths in 2003 compared with 2002.

I am aware that some people have experienced delays. However, as the Deputy will appreciate, the penalty points system is currently operating on a semi-manual basis. This will change later this year when the fixed charge processing system becomes operational. The Deputy will agree that the benefits of the considerable advances in road

safety achieved in the period since the introduction of penalty points outweigh the regrettable delays resulting from the operation of the interim manual system. I am satisfied that the role played by the Garda Síochána to date in the introduction and ongoing enforcement of the penalty points has been vital in the progress made.

Departmental Reports.

72. **Mr. Perry** asked the Taoiseach if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12798/04]

The Taoiseach: The following reports have been prepared by my Department since 1 July 2003. Internal audit reports: value for money audit report on courier services; and report on the winding up of the millennium fund. It is not normal practice to publish internal audit reports; Sustaining Progress, first progress report — laid Before the House in July 2003; Sustaining Progress, second progress report — laid before the House in October 2003; Sustaining Progress, third progress report — laid before the House in January 2004; and Sustaining Progress, fourth progress report — laid before the House in April 2004.

My Department submitted six monthly reports to the Oireachtas on 24 September 2003 and 23 March 2004. These are in accordance with section 2(5) of the European Union (Scrutiny) Act 2002, whereby all Departments are required to submit six monthly reports to the Oireachtas on measures, proposed measures and other developments in relation to the European Communities and the European Union. These reports provided an overview of draft legislative measures for which the Department is responsible, which have been submitted to the Oireachtas for scrutiny. The reports also included a brief summary of significant European events and developments for which the Department was responsible during the specified six month periods. These reports are prepared internally at marginal cost. Reports are laid before both Houses of the Oireachtas and copies are available for viewing from the Oireachtas Library.

The cross-departmental team to the Cabinet sub-committee on housing, infrastructure and PPPs, public private partnerships, laid its annual fifth progress report 2003 in the Oireachtas Library on 22 April 2004. The progress report is also available on the Department of the Taoiseach website.

In keeping with the phased approach outlined in general council report 1398 on the introduction of upward feedback within the Civil Service performance management and development system, the Department commissioned Watson

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Wyatt to undertake a web-based employee opinion survey, following a tender process. The initial results of the survey have been presented to all staff, with some further analysis due to be undertaken by end May 2004. The overall project costs are approximately €34,000.

A report on assessments of display screen equipment workstations in the Department was completed by the health and safety unit of IBEC for the Department in 2004. This report was compiled in compliance with health and safety legislation at a cost of €8,000. The report will not be published but is the basis for improving working conditions for staff to ensure a safe and healthy work environment.

In 2003, an internal report was prepared to analyse the results of a survey of 400 departmental customers as part of the process of preparing a customer charter for the Department. The charter has been published and copies are available from my Department or on the Department website. Customer Charters — Guidelines for Preparation was published in September 2003. Our Commitments to our colleagues — Internal Customer Service in the Civil Service was published in January 2004.

The action plan and progress report drawn up by the anti-inflation group, comprising representatives from the Departments of the Taoiseach, Finance and Enterprise, Trade and Employment, together with representatives from IBEC and ICTU, was prepared by officials of my Department at no additional cost. The report was published in November 2003. Regulating Better, a Government White Paper setting out six principles of better regulation was published in January 2004. The Department's report on the implementation of the strategy statement for 2003 is currently being prepared and, as for previous reports, will be available in both Irish and English on the Department's website. The Department's reports to the Civil Service performance verification group are available, along with the reports of other Departments, on the Department of Finance website.

The Information Society Commission has published the following reports since 1 July 2003: Modernising Public Procurement, September 2003; eGovernment, October 2003; eInclusion — expanding the Information Society in Ireland, October 2003; Ireland's Broadband Future, December 2003; and Current Perspectives on the Information Society, April 2004. The ESRI has been commissioned to prepare a report into trends arising from ISC surveys since 1996. The report is expected to be published in June 2004.

Departmental Documentation.

73. **Ms Enright** asked the Taoiseach if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party

or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department; and if he will make a statement on the matter. [12833/04]

The Taoiseach: Staff are not so engaged. In performing my functions as Taoiseach, I am always mindful of the requirements in the code of conduct for office holders, including the requirement that official facilities should be used only for official purposes. I expect all Ministers and Ministers of State to be equally mindful of this requirement and I recently wrote to them to remind them of this in the context of the forthcoming European Parliament and local elections.

Child Care Allowance.

74. **Mr. Crowe** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will withdraw the proposal to cut back the child care allowance for parents participating in the back to education scheme (details supplied). [12769/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): FÁS provide a child care allowance on a sliding scale to participants on a range of training programmes. The aim of the allowance is to support people actively seeking to re-enter the labour market. FÁS funds this allowance from its training and integration supports budget and is responsible as part of its day to day activities for decisions relating to actual annual breakdowns between schemes and for payments to individual participants. I am advised by FÁS that there is no decision to cut back the child care allowance allocation in 2004 which amounts to almost €6 million. The back to education allowance scheme is a separate initiative for which the Department of Education and Science has responsibility.

Departmental Reports.

75. **Mr. Perry** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will detail reports that have been internally prepared or externally commissioned by her Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12799/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Since July 2003, my Department has prepared a total of 29 reports. These reports include only those which are published by my Department, or which provide formal statements of information on activities of the Department, and do not include reports or minutes of meetings, etc.

Expenditure review of the property portfolio of IDA Ireland: As part of an expenditure review of

the property portfolio of IDA Ireland currently being carried out by my Department, DTZ PIEDA Consulting was commissioned, at a total cost of €60,500, inclusive of VAT, to provide an analysis of the role of property in attracting foreign direct investment in an agreed sample of overseas jurisdictions. Work on the expenditure review is now at an advanced stage and the final report will be made available in accordance with the Government's expenditure review initiative. Before completion, the report will be examined by an independent consultant at an additional cost of €1,500.

Expenditure review of the overseas office network of Enterprise Ireland: My Department is finalising an expenditure review of Enterprise Ireland's overseas office network. The review will be made available as part of the expenditure review initiative. The report will shortly be examined by an independent consultant at a cost of €1,500.

eBusiness monitoring report: Forfás, on behalf of the Department, with funding from the information society action plan fund, commissioned PriceWaterhouse Coopers to conduct an eBusiness monitoring report in August 2002. The final eBusiness monitoring report was published in December 2003. The total cost for the two years was €126,000.

Review of industrial policy and performance 2003: This review was prepared internally and published in September 2003. The review is a detailed review of enterprise performance and policy for the three year period to 2003. It is a statutory requirement that such a review be produced by the Minister every third year. The only costs associated are printing costs.

City and county enterprise boards: Since 1 July 2003, my Department published two reports on the city and county enterprise boards, CEBs. A review of the role of county and city enterprise boards, CEBs, in the development of micro-enterprises was published in February 2003. The report, jointly commissioned by my Department and Forfás, was carried out by Fitzpatrick's Associates. The cost of the report was €69,878. The report is published on the Department's website. Local enterprise, a decade of support, a review of the city and county enterprise boards was published in February 2004. The report was prepared internally by my Department in conjunction with the CEBs. The cost of the report was €6,813. The report is published on the Department's website.

Mid-term evaluation of productive sector operational programme 2000-2006: This report was prepared externally by Indecon Consultants at a total cost of €173,358. Funding for this report was provided through the technical assistance priority of the productive sector operational programme. This was circulated to all members of the programme's monitoring committee, which is composed of representatives of implementing Departments and agencies, sectoral interests and

the social partners. This was published in October 2003.

Reports on the productive sector operational programme, PSOP: Each year the Department prepares a progress report on the PSOP covering the first six months of the year and an annual implementation report covering the full year. These reports are prepared internally and circulated to members of the monitoring committee. The only associated costs are of having these reports copied.

Science and technology in Ireland: This report was published February 2004 by Forfás in conjunction with my Department. The total cost of publishing was €13,285.80.

Phase II of the review of the operation of Ireland's export controls system: The report of phase II of the review of the operation of Ireland's export controls system, which the Department requested Forfás to have carried out, is nearing completion and should be submitted shortly to Minister with responsibility for trade and commerce, Deputy Michael Ahern. The Minister of State had previously stated that it is his intention to make the report publicly available. The cost is estimated at €30,000.

National statement of trade policy: The Department is currently preparing a revised national statement of trade policy. It is expected to publish this statement shortly. Companies report 2002 and the companies report 2003: These reports are produced in accordance with section 392 of the Companies Act 1963, which provides that "The Minister shall cause a general annual report of matters within this Act to be prepared and laid before both Houses of the Oireachtas." Company law review group: The company law review group, which is the statutory advisory body on the reform and modernisation of company law, has produced a report covering its work programme for the period 2002 to 2003. This report, detailing its analysis and recommendations on a number of sectoral areas of company law and accompanying recommendations for reform is now complete and is being published. I expect shortly to lay copies of the report before the Houses of the Oireachtas, to circulate it to interested parties, and to place it on my Department's website. A restricted tender process for publication is underway.

The consumer strategy group: The consumer strategy group was established in March 2004 to advise and make recommendations for the development of a national consumer policy strategy. The group is to produce a final report to the by end of 2004. Any decision regarding publication will be taken closer to the date of the report's completion and submission to the relevant Minister.

Preliminary report the non-life insurance market: In 2002, the Competition Authority, in conjunction with my Department commenced a study on competition issues in the non-life

[Ms Harney.]

insurance market, with particular reference to motor insurance, employer's liability and public liability. As part of this study, the authority released a preliminary report and consultation document on 18 February 2004 for comments by interested parties.

Study of proposed EU directive on unfair commercial practices: The study is due to be submitted in May 2004 to consumer and competition policy section of my Department. No decision has yet been taken on publication. The estimated cost of the study is €7,500.

National employment action plan: The Department is responsible for the preparation and co-ordination of the national employment action plan, which is Ireland's response to the European employment guidelines. The plan for 2003 to 2005 was prepared in consultation with the social partners and takes into account existing policies and strategies. The plan was submitted to the European Commission on 1 October 2003 and published on the Department's website

A review of the functions of the employment rights bodies: As part of the programme for Government 2002-07, a review of the functions of the employment rights bodies was undertaken, commencing in September 2003. An inter-departmental group comprising my Department and the Department of Justice, Equality and Law Reform undertook the review and a report is nearing completion. The report will be made available on the website of both Departments in due course.

The review of the Employment Agency Act 1971: Under paragraph 18.5 of Sustaining Progress, the Government made a commitment for a review to be undertaken, in consultation with the social partners and others, of the need to adapt the Employment Agency Act 1971, or the necessity for new legislation.

A discussion document addressing the various options that might be considered for the regulation of employment agencies and their recruitment and placement activities in this country is currently being finalised by my Department. This discussion document will be circulated to all interested parties for their views shortly and will also be published on the Department's website. This will be followed by meetings aimed at seeking a consensus on the most appropriate approach to adopt.

Report published by Employment Appeals Tribunal in October 2003: The Employment Appeals Tribunal is required to submit an annual report to me. This report must be published. The most recent report was published in October 2003 and reviews the activities of the tribunal for the year 2002. The Employment Appeals Tribunal was established under the Redundancy Payments Act 1967 for the purpose of resolving disputes concerning employees' entitlements to statutory redundancy payments. The tribunal's remit was

subsequently extended to include responsibility for the settlement of disputes under various Acts.

A review of reception facilities in Kildare Street, Davitt House, Earlsfort Centre and Parnell House: The review sought to outline the effectiveness and quality of customer service being provided in each of the reception areas under review, to identify areas for improvement, and to make recommendations for enhancing the reception facilities in the offices concerned. The final report issued to information and organisation resources unit on 26 August 2003. The report is for internal Departmental use only, and had no financial costs.

A review of the ministerial representation system: This review aimed identify any difficulties with the current procedures and practices in dealing with ministerial representations and to make recommendations for enhancing the efficiency of the ministerial representation system overall. The final report issued on 24 November 2003. The report is for internal Departmental use only, and had no financial costs.

Internal review of support staff to the Tánaiste and Minister for Enterprise Trade and Employment: The review provided recommendations for optimising the level of service being provided to me by support staff in the Minister's private office, the secretariat, the press office and the constituency office. The final report issued on 8 April 2004. The report is for internal Departmental use only, and had no financial costs.

Business continuity-disaster recovery plan: The plan provides a business continuity-disaster recovery plan for the Department. This plan will provide a strategy and structure to respond to disaster, loss or damage and to reinstate critical units-sections of the Department on a phased basis according to a pre-determined, prioritised plan. The final report is to issue at end May 2004. It was externally commissioned but for Departmental use only. The cost including, consultants costs, software licence and training was €92,624.94.

Feasibility study into on-line filing: The study evaluates the feasibility of the Patents Office providing on-line filing facilities for trade mark, patent and industrial design applications. The final report issued in September 2003. The report is for internal Departmental use only, and had no financial costs.

Annual report 2003: My Department has recently published its annual report in respect of activities set out in the statement of strategy 2003 to 2005 which were undertaken during 2003. The report was published on-line on the Department's website, www.entemp.ie, and will be made available in hard copy shortly.

Sustaining Progress action plan progress reports: My Department compiled an action plan under the Sustaining Progress social partnership agreement in which it outlined a number of modernisation initiatives to be implemented over the course of the agreement. The Department has

compiled two progress reports to date, the first of which is published on-line, the second of which is expected to be made available shortly.

Freedom of information sections 15-16: The Department's freedom of information sections 15 and 16 reference book is compiled in accordance with the Freedom of Information Acts. The reference book is a guide to the functions, records, rules and practices of the Department. The report was published on the Department's website, *www.entemp.ie*

Management information reports: My Department prepares management information reports on a monthly basis for the information of the Department's management board. The report contains details of activities undertaken within the divisions. My Department has recently decided that these reports will be made available to the public. This process will commence shortly.

Departmental Documentation.

76. **Ms Enright** asked the Tánaiste and Minister for Enterprise, Trade and Employment if staff at her Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12834/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): No officials at my Department are engaged in work for use by a specific political party or individual candidates in the local or European Parliament elections. My Department provides briefing material and information for Oireachtas Members, when requested, irrespective of party allegiance and

will continue to do so in an impartial and even-handed way.

Company Closures.

77. **Mr. Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the situation with respect to the liquidation of IFI at Arklow, County Wicklow; if all the creditors have been paid; and if she will make a statement on the matter. [13008/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I understand the liquidation is progressing in an orderly and efficient manner and that considerable progress has been made in the realisation of the company's assets. However, while the company's principle properties at Arklow and Marino Point have been placed on the market, I am advised that it may take some time to sell them.

I also understand that the company's obligations to secured creditors has now been settled in full while payments to preferred creditors, which would include some amounts due to former employees, have been or are in the course of being made. Unfortunately, it is unlikely that any payments will be made to unsecured creditors until the main property assets are sold, which I understand could take some time.

Departmental Reports.

78. **Mr. Perry** asked the Minister for Defence if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they have been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12800/04]

Minister for Defence (Mr. M. Smith): The information sought by the Deputy is set out in the following table:

Report	If Published
Confidential Report to Government on Emergency Planning 2002-2003	Not intended for publication
Feasibility study on possible relocation of military archives to National Museum of Ireland	No plans to publish
Department of Defence Annual Report 2002	Published August 2003
Department of Defence Annual Report 2003	Due June 2004
Defence Forces Annual Report 2003	Due June 2004
Expenditure Review of the Maintenance of Aircraft in the Air Corps	Will be published later this year
Defence Forces Financial Report 2003	Due May 2004
Report on the Rotary Wing Requirements of the Air Corps	No plans to publish
Defence Forces Human Resource Management Annual Report 2002	Published October 2003

The only externally commissioned report was the feasibility study on possible relocation of military archives to National Museum of Ireland, at a cost of €19,360.

Departmental Documentation.

79. **Ms Enright** asked the Minister for Defence if staff at his Department is engaged in the preparation or production of documentation,

briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12835/04]

Minister for Defence (Mr. M. Smith): Staff at my Department are not so engaged nor have they

[Mr. M. Smith.]

been so engaged. None of the items mentioned by the Deputy has been disseminated from the Department.

It might be noted, however, that my Department receives regular requests from all political parties for information relating to the activities of the 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 whether through answers to parliamentary questions, press releases, speeches or existing briefing material.

Departmental Reports.

80. **Mr. Perry** asked the Minister for Agriculture and Food if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12801/04]

Minister for Agriculture and Food (Mr. J. Walsh): The information requested by the Deputy is contained in the following schedule. It does not include routine internal reports.

Schedule

Internally Prepared Reports

Title of Report	Date of Publication	Expected Date of Publication
2002 Consumer Liaison Panel Annual Report Annual Review and Outlook 2003/4	August 2003	May 2004
First Interim Report to the Civil Service Performance Verification Group	November 2003	May 2004
Second Interim Report to the Civil Service Performance Verification Group		May 2004
Expenditure Review of the Beef Carcase Classification Scheme		Summer 2004
Expenditure Review on Overseas Development Aid		End 2004
The Report of the Inter Departmental-Agency Committee on Disposal Options for Meat and Bonemeal (MBM)	6 January 2004	
The CMMS (Cattle Movement Monitoring System) statistics report for 2002	August 2003	
The Agriculture Appeals Office Annual Report 2002	9 October 2003	
The Annual Report of the Department of Agriculture and Food (2002)	August 2003	
Expenditure Review of the Potato Sector		May 2004
Report of Mushroom Task Force		May 2004
Expenditure Review of: (1) Purchase for Destruction (2) Installation Aid (3) Farm Waste Management		July/August 2004

Externally Commissioned Reports

Title of Report	Date of Publication	Expected Date of Publication	Cost (If not Published)
Food Labelling Research	December 2003		€
The Luxembourg CAP reform Agreement: Analysis of the impact on EU and Irish Agriculture	October 2003		
ICT Strategy 2004	March 2004		
Review of Implementation of the 2000 IT Strategy			10,164
Scoping study for SAP upgrade			58,625
Review of 1996 Forestry Strategy: "Growing for the Future".		September 2004	
Report of the Certifying body on the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Account for 2003 (*)			216,368
Annual IT Security Reports			20,010

(*) Report is not intended for publication. Summary details of FEOGA guarantee expenditure are included in the Department's annual report.

Grant Payments.

81. **Mr. Crawford** asked the Minister for

Agriculture and Food when a person (details supplied) in County Monaghan will be awarded the balance due on their suckler cow and other

premiums payments; and if he will make a statement on the matter. [12824/04]

Minister for Agriculture and Food (Mr. J. Walsh): The person named applied on 32 animals under the 2003 suckler cow premium scheme. An advance payment amounting to €5738.24 issued on 17 October 2003 with the balancing payment for €1434.56 issuing on 14 April 2004. These represent payment in full for the 32 animals applied on.

The person named submitted two applications under the 2003 special beef premium scheme, one on 20 June 2003, in respect of 16 animals, and a second on 31 December 2003 in respect of one animal. The 80% advance in respect of the first application issued on 17 October 2003, while the balancing payment issued on 8 April 2004. The full payment in respect of the second application also issued on 8 April 2004. These represent payment in full for the 17 animals in question.

During 2003 ten animals eligible for the slaughter premium scheme were slaughtered under the herd number of the person named. Advance payments in respect of four of these animals issued on 21 October 2003 and in respect of six animals on 26 January 2004. The balancing payments in respect of all ten animals issued on 14 April 2004.

82. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason payment under the 2002 slaughter premium scheme has not been made to a person (details supplied) in County Galway; and if he will make a statement on the matter. [12825/04]

Minister for Agriculture and Food (Mr. J. Walsh): Under the 2002 slaughter premium scheme, all bovine animals which, *inter alia*, were aged eight months and over on the date of slaughter and were slaughtered in licensed meat export premises-local abattoirs within the EU, were eligible under the scheme. Forty-seven animals were slaughtered under the herd number of the person named. Payment in full has issued in respect of 27 eligible animals. However, no payment will issue on the remaining 20 animals as they were slaughtered before they reached eight months of age.

83. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a forestry grant has not been awarded to a person (details supplied) in County Galway; and if he will make a statement on the matter. [12826/04]

Minister for Agriculture and Food (Mr. J. Walsh): The 2004 forestry premium payment will be made to the person in question shortly.

Departmental Documentation.

84. **Ms Enright** asked the Minister for Agriculture and Food if staff at his Department is engaged in the preparation or production of documentation, briefing materials, information,

booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12836/04]

Minister for Agriculture and Food (Mr. J. Walsh): My Department receives regular requests from public representatives for information relating to its activities. This generally involves the provision of raw material which is already a matter of public record, whether through answers to parliamentary questions, press releases, speeches, publications or existing briefing material.

85. **Ms Enright** asked the Minister for Finance if staff at his Department is engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12837/04]

Minister for Finance (Mr. McCreevy): The staff of my Department is not involved in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of any specific political party or individual candidates in the local or European Parliament elections. My Department does, from time to time, provide publicly available information, on request, to members of the public, the media and the Oireachtas. Where such requests come from any political party and the information is available it is provided.

Garda Stations.

86. **Mr. Durkan** asked the Minister for Finance the stage of negotiation or proposals in respect of the provision of the long since promised new Garda station at Leixlip, County Kildare; the next required step; if the project can proceed with all possible speed; and if he will make a statement on the matter. [12926/04]

Minister of State at the Department of Finance (Mr. Parlon): A revised brief for Leixlip Garda station was received from the Department of Justice, Equality and Law Reform on 30 March, 2004. On foot of that brief, the Office of Public Works is preparing a revised architectural sketch scheme which will be submitted to the Department for approval by July 2004. When the revised sketch scheme receives the Department's approval the project can proceed to the planning stage.

Tax Code.

87. **Mr. R. Bruton** asked the Minister for Finance if an order has been made bringing into force the provisions of section 43 of the Finance Act 2002 in respect of wind farms; and if he will make a statement on the matter. [13006/04]

Minister for Finance (Mr McCreevy): Section 43 of Finance Act 2002 provided for an extension of the qualifying period for tax relief for corporate investment in certain renewable energy projects from 17 March 2002 to 31 December 2004. EU State aid clearance for this measure was necessary. A commencement order cannot bring the tax provision into effect until State aid clearance is confirmed. The Department of Communications, Marine and Natural Resources is responsible for obtaining State aid clearance for this measure. A formal notification to extend the period of the tax relief for corporate investment in renewable energy generation was subsequently notified to the EU Commission after market interest in the measure was confirmed. The Budget Statement in 2004 provided for a further extension of the qualifying period from 31 December 2004 to 31 December 2006. The initial notification was subsequently amended to take into account the new termination date. A response from the EU Commission is awaited.

Colombia Three.

88. **Mr. R. Bruton** asked the Minister for Foreign Affairs if he will make arrangements to ensure the safety of the persons released by the Colombian authorities following the recent court decision. [13065/04]

90. **Mr. Gregory** asked the Minister for Foreign Affairs the action he has taken following the court verdict in Colombia on the three Irish citizens; if he has impressed on the Colombian Government the need to ensure the safety of the three persons; if he has requested their urgent repatriation; and if he will make a statement on the matter. [12830/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 88 and 90 together.

Following the decision of the court to acquit the three Irish citizens in Colombia on the charge of training terrorists and to convict them on the charge of travelling on false passports, my Department has remained in continuous contact with the Colombian authorities, as well as with the men's defence team.

In all our contacts, we have strongly emphasised the importance of ensuring the men's safety and that of their representatives and facilitating their quick return to Ireland. The Colombian authorities, in response, said they share our concerns to ensure the safety and well-being of the men, and are willing to provide them with appropriate security for any time they may

spend between leaving the prison and returning to Ireland. This latter issue has been the subject of ongoing discussion between the Colombian authorities and the men's representatives.

Furthermore, we believe that the most effective way of guaranteeing the men's safety is to ensure their rapid departure from Colombia. In this regard, the Irish ambassador to Mexico, who is also accredited to Colombia, has conveyed to the Colombian authorities our wish to see the men's early return to Ireland, and expressed our hope that, given the court's decision, this will be facilitated.

In addition, as part of the consular service offered by my Department to Irish citizens abroad, we have agreed to advance funds to cover the bond which must be paid to secure their release from prison, in accordance with the terms of the court decision, on the basis of a firm undertaking to repay this money at an early date.

The Deputies may be assured that, as from the start of this case, my Department will provide all possible consular assistance to the men and their families and supporters, and do its utmost to ensure the men's safety and well-being.

Departmental Reports.

89. **Mr. Perry** asked the Minister for Foreign Affairs if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12803/04]

Minister for Foreign Affairs (Mr. Cowen): I understand that the Deputy is seeking details of reports compiled by external consultants since 1 July 2003. The Department of Foreign Affairs is responsible for two Votes — Vote 28, foreign affairs, and Vote 29, international co-operation.

Vote 28: as part of preparations for Ireland's EU Presidency, two separate internal papers, in the area of conflict prevention, were commissioned from the Stockholm International Peace Research Institute, SIPRI, and from International Alert-Saferworld, non-governmental organisations operating in the area of conflict prevention. Publication of these papers is not foreseen. SIPRI and International Alert-Saferworld received funding from my Department to the value of €5,000 and €10,000, respectively, for their work in preparing the papers in question.

The Department engaged Indecon Consultants, at a cost of €9,090, to review a background document on Ireland's possible future engagement with the Arab world. It is not envisaged that this report will be published.

Vote 29: at appendix A are details of consultancies commissioned by the development co-operation directorate of this Department under Vote 29, international co-operation. These

consultancies deal with a broad range of topics, with particular emphasis on appraisal and evaluation of development programmes, some of which are undertaken on behalf of partner Governments and partner organisations. The

ensuing reports, with the exception of those specifically listed, are not generally published but are available from the development co-operation directorate on request.

Appendix A

Consultancy Reports published by Development Co-operation Directorate — from July 2003.

Consultant	Report Title
Mokoro	Evaluation of the Uganda Country Programme 2000-2003 (published November 2003)
ODI	Preparation of Strategy on Information and Communication Technologies and Development (published December 2003)
Cosgrave, John	Public Expenditure Review — Support to Afghanistan (due for publication July-August 2004)
ECORYS-NEI	Evaluation of Phase 3 of the Debt Sustainability Capacity Building Programme for Highly Indebted Poor Countries (due for publication December 2004)
Woods, Eric	Desk Study for Development Co-operation Ireland of Support to the Education Sector in Zambia and Uganda 2000-2003 (due for publication August 2004)
Agulhas	An Assessment of the Lesotho Country Programme 1999-2004 (due for publication August 2004)
Mokoro	Evaluation of Ethiopia Country Programme Modalities 2002-2004 (due for publication August 2004)

Consultancies commissioned by Development Co-operation Directorate from July 2003 to December 2003.

Consultant		
Grindle, John	Tanga Coastal Zone Conservation & Development Programme, Tanzania, Nov-Dec 2003	€7,572.00
Mulkeen, Aidan	Information and Communication Technologies in Education Study in Uganda, August-Sept 03	€11,760.34
O'Sullivan, Margo	Teacher Development & Management Systems — Evaluation of Centre Co-ordinating Tutor (CCT) Performance, Uganda, June-Aug 03	€17,585.77
Heneveld, Ward	Education Quality Review, Uganda, September -December 2003	€34,244.49
DECO — Wirak, Anders	Education Joint Review Mission 2003, Ethiopia, Oct-Nov 2003	€21,625.69
Moore, Kevin	Briefing for the Office of the President on promoting Private Sector Development in Timor-Leste, July-Aug 2003	€10,241.15
Uwakwe, Pamela	Review and Update of Financial Policies, Guidelines and Procedures, Sept 2003-March 2004	€7,921.24 (€18,698.76 due)
Carr, Bronagh	Malawi — Evaluate Emergency Response (2002-03), Oct-Nov 2003	€21,457.76
Hall, Nick	Review the Financial Procedures in non-governmental organisation Partners during the 2002 to 2003 Emergency Response in Malawi, November 2003	€14,909.77
Salephera Consulting Ltd.	Team Member to Evaluate the 2002 to 2003 Emergency Response in Malawi, November 2003	(€6,000.00 due)
BDO Simpson Xavier	Financial Management Systems Review of GOAL under Multi-annual Programme Scheme Funding, Dublin, November 2003	€18,634.00
Mokoro	Evaluation of the Uganda Country Programme 2000-2003, Aug-Sept 03	€95,339.26
Grindle, John	Evaluation of Development Co-operation Ireland (Balkans and Commonwealth of Independent States (CIS)) Desk Top Study 2003-04, Dec 2003 to March 2004	€8,000.00 (€2,000 due)
ODI	Preparation of a Strategy on Information and Communication Technologies and Development, June-Sept 03	€24,980.12
Brugha, Ruairí (LSHTM)	Attendance at a Confidential Briefing on the Results of the Mema Kwa Vijana Project Meeting, July 2003	€1,573.00
Peberdy, Max	Facilitator for a three day Workshop on the Technical Section's Strategic Plan, Dublin	€3,834.49
Kinsella, Jim (UCD)	Attendance at Development Assistance Committee PovertyNet meeting, Florence, Oct 03	€3,568.94
O'Dwyer, Jerry	Support to Global Fund to fight AIDS, TB and Malaria, Oct-Dec 03	€12,868.02
Jennings, Mary	Goal Strategy Planning/Multi-annual Programme Scheme Development	€750.00
Grindle, John	Evaluation of Bóthar Projects (2003-04), Nov 2003- Jan 2004	€2,100.00 (€4,900.00 due)
Honan, Annette	Development Education Grants Committee Member	€7,000.00

Consultant		
Mollaghan, Mary	Production of a Guide to Teaching Resources for Development Education	€9,450.00
Horgan, Geraldine	The completion of a Project Funding Proposal for the implementation stage of the Primary Pre-service Teacher Education Project, July-August 2003	€1,000.00
Hayes, Mahon	Constitutional Expert for the Palestinian Authority, June-July 2003	€5,876.29
Scott, Mike	Ireland Aid-AMSCO (African Management Services Company) Partnership Review, June-Dec 2003	€2,987.39 (€6,160.00 due)
Carr, Bronagh	Identify most appropriate funding strategies for Ethiopia (Nov-Dec 2002)	€5,152.03
Smillie, Ian	Background Paper on and Mission to Sierra Leone, Sept-Oct 2003	€23,882.52
Godden, Kate	Independent Consultants for the Emergency Humanitarian Assistance Fund — Emergency Preparedness and Post-Emergency Rehabilitation Fund (EHAF-EPPR) Funding Committee (2003)	€1,210.00
CDP	Review of Development Co-operation Ireland Supported District Development Programmes, Tanzania, October to November 2003	€42,624.96
Mulkeen, Aidan	Information and Communication Technologies in Education Study in Uganda, Follow Up, December 2003	(€4,800.00 due)
Shine, Tara	Support on Climate Change, Nov 2003-June 2004	€20,002.51 (€10,602.51 due)
Kinsella, Jim (UCD)	Attendance at Development Assistance Committee PovertyNet Meeting, Paris, Dec 03	€1,416.00

Consultancies commissioned by Development Co-operation Directorate from January 2004 to 30 April 2004.

Consultant		
Mokoro	Preparation of Country Strategy for Palestine 2004-2007, January-April 04	€9,384.00 (€34,932 due)
Madsen, Camilla	Independent Consultants for the Emergency Humanitarian Assistance Fund-Emergency Preparedness and Post-Emergency Rehabilitation Fund (EHAF-EPPR) Funding Committee (2004)	€813.12
Heneveld, Ward	Education Quality Review Phase II, Jan-April 2004	€12,425.26 (€11,211.99 due)
HSLP Group	Finalise a Strategic Framework for Uganda AIDS Commission Secretariat, Uganda	(€61,002.00)
Santos Marinho, G	Participation in Evaluation of Adventist Development and Relief Agency Projects, Brazil, Feb-April 04	€1,993.83 (€4,099.48 due)
Alves Maia, Maria L	Participation in Evaluation of the Adventist Development and Relief Agency Projects, Brazil, Feb-April 04	€1,993.83 (€4,099.48 due)
Jennings, Mary	Participation in Evaluation of the Adventist Development and Relief Agency Projects, Brazil, Feb-April 04	(€10,000.00 due)
Cosgrave, J	Public Expenditure Review — Support to Afghanistan, Jan-May 2004	€8,739.24 (€6,500 due)
O'Dwyer, Jerry	Support to Global Fund to fight AIDS, TB and Malaria, Jan - Dec 04	€7,935.82 (€15,400 due)
Annesley Resource Partnership	Real-Time Evaluation of Institute of Public Administration Training Programme for Russian Private Sector Managers, January-February 2004	€3,267.00 (€5,733.00 due)
Deloitte & Touche	Completion of Risk Management Rollout in Development Co-operation Ireland, Dublin, January to March 2004	€3,847.00 (€8,978.00 due)
McClellan, Diarmuid	Development of a Strategic Plan on HIV/AIDS for 2004-2006, Tanzania, February 2004	€15,672.56
William O'Brien	The Private Sector and Agriculture Study, Dublin, February 2004	(€6,000.00 due)
Jeremy Ockelford	Evaluation of Northern Province Rural Water Supply and Sanitation Programme 2000-2002, Zambia, March to April 2004	€9,199.93 (€13,000 due)
Johnny O'Regan	Provision of Audit Management Support to the Evaluation and Audit Unit, February to May 2004	€8,000.00 (€8,000.00 due)
James F. Phelan	Task Force No. 3 on Agricultural Services Agricultural Sector Development Programme, Preparation Mission, Tanzania, February 2004	(€13,000.00 due)
Gaynor, Cathy	Strengthening Mainstreaming HIV/AIDS in the Development Co-operation Ireland Programme, Mozambique, January to March 2004	(€9,100.00 due)

Consultant		
Jennings, Mary	Strengthening Mainstreaming HIV/AIDS in the Development Co-operation Ireland Programme, Mozambique, January to March 2004	(€9,100.00 due)
Scott, Mike	Private Sector Resource Specialist, April to December 2004	(€20,250.00 due)
Conroy, Anne	Monitoring of Development Co-operation Ireland Recovery Programme, Malawi, March to December 2004	(€10,648.00 due)
Fell, Arthur	Participation in the Projects Appraisal and Evaluation Group Meetings, May 2004 to December 2005	(€17,968.50 due)
Grindle, John	External Evaluator for Development Co-operation Ireland Project Proposals for the Balkans and the Commonwealth of Independent States (CIS), January to December 2004	(€12,500.00 due)
Grindle, John	Preparation for and Attendance at a Forum on Global Biotechnology, Chile, December 2003 to May 2004	(€7,500.00 due)
Hockley, Tom	Relief to Development in Ethiopia, March-April 2004	(€14,520 due)
Kinsella, Jim	Technical Support for follow up of Poverty Net Working Group on Agriculture, March to December 2004	(€6,000.00 due)
Leen, Maura	Participation in the Projects Appraisal and Evaluation Group meetings, May 2004 to December 2005	(€13,500.00 due)
McKeown, Mary	Participation in the Projects Appraisal and Evaluation Group meetings, May 2004 to December 2005	(€13,500.00 due)
Meenan, Nahor	Attendance at the United Nations Conference on Trade and Development (UNCTAD) International Policy Dialogue in Konigswinter, Germany, 25-26 February 2004	(€1,950.00 due)
Ngunyi, Mutahi	Monitoring of Development Co-operation Ireland Recovery Programme, Kenya, March to December 2004	(€10,648.00 due)
ECORYS-NEI	Evaluation of Phase 3 of the Debt Sustainability Capacity Building Programme for Highly Indebted Poor Countries, March to November 2004	(€241,637.00 due)
Enterplan	Limited Review of Projects Supported by the African Management Services Company — Stichting, April-July 2004	(€30,957.85 due)
ETC East Africa	An Independent Evaluation of the Kilosa District Programme and a Community Level Evaluation of the Kilosa District Programme, Tanzania, May to June 2004	(€58,110.25 due)
Farrell, Deirdre	Member of the Development Education Grants Committee, March to September 2004	(€5,000.00 due)
Jackson, John	Attendance at and Participation in the Ten Year Review of the International Conference on Population and Development, New York, March 2004	(€5,000.00 due)
Woods, Eric	Desk Study for Development Co-operation Ireland of Support to the Education Sector in Zambia and Uganda 2000-2003, April to June 2004	(€16,637.5 due)
Agulhas	An Assessment of the Lesotho Country Programme 1999-2004, April-June 2004	(€57,523.40 due)
Brugha, Ruairí	Attendance at Combating Diseases associated with Poverty: Financing Strategies for Product Development and the Potential Role of Public-Private Partnerships, London, 15 to 16 April 2004	(€3,932.50 due)
Grindle, John	Preparation for and Attendance at Crime Commission and IDB meetings on the Rule of Law and Development, Vienna, 10 to 27 May	(€7,500.00 due)
McClellan, Diarmuid	Participation in Consultative Meeting on Reproductive Health and HIV/AIDS in Montreux, Switzerland, 3-4 May 2004	(€2,500.00 due)
Mokoro	Evaluation of Ethiopia Country Programme Modalities 2002-2004 (April-June 2004)	(€61,692 due)

Question No. 90 answered with Question No. 88.

Departmental Documentation.

91. **Ms Enright** asked the Minister for Foreign Affairs if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has

already been disseminated from the Department. [12838/04]

Minister for Foreign Affairs (Mr. Cowen): Staff in my Department are not engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections. 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

[Mr. Cowen.]
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.

Passport Applications.

92. **Mr. Gormley** asked the Minister for Foreign Affairs if a person (details supplied) obtained an Irish passport from the embassy in Kuala Lumpur, Malaysia in the name of another person; if it subsequently emerged that this person was not entitled to an Irish passport; if this person succeeded a second time in obtaining an Irish passport under a false name; and if he will make a statement on the matter. [12883/04]

Minister for Foreign Affairs (Mr. Cowen): I confirm that the person about whom the Deputy has supplied details fraudulently obtained an Irish passport from the Irish embassy in Kuala Lumpur in November 1996. Irish passport facilities had previously been afforded to him using the same fraudulent identity. It was only after his death in 1998 that it came to light that the identity used by him to obtain those passports was false and that he was not an Irish citizen entitled to an Irish passport. The rigorous checking procedures to detect fraudulent passport applications have been reviewed in the light of this case and are continually updated.

Diplomatic Representation.

93. **Mr. Gormley** asked the Minister for Foreign Affairs the time of the last visit to a person (details supplied) from Irish embassy personnel; if his attention has been drawn to the fact that the person must buy all their own food, toiletries and clothing; if the Irish embassy can help with such costs as is the practise with embassies of other countries such as Britain, Germany and France. [12884/04]

Minister for Foreign Affairs (Mr. Cowen): As I informed the Deputy on 4 March 2004, the Irish embassy in Malaysia, which is also accredited to Thailand, and the honorary consulate in Bangkok have been in regular contact with the person to whom the Deputy refers since his imprisonment. The last consular visit by a diplomatic officer of the Irish embassy in Kuala Lumpur took place on 29 August 2003. Another visit is scheduled in the coming weeks. The honorary consul remains in regular written contact which takes place, on average, every three weeks with the person concerned. The consul delivers parcels to him from Ireland about three or four times a year. The honorary consulate staff regularly purchase items for him at his request and ensure that money sent to him from Ireland is paid into the prison account for him. I regret that there is no provision for the funds available in my

Department's Vote to be used for the purchase of personal supplies for Irish prisoners overseas.

The honorary consulate has also written on behalf of the person concerned to both the Thai department of corrections and the prison in which he is detained and arranged numerous visits to him by his family and friends. The person in question is currently applying for parole, an application to which my Department through the embassy in Kuala Lumpur has lent its support.

Pension Provisions.

94. **Mr. Neville** asked the Minister for Education and Science the situation with regard to the proposed changes to pension terms for new entrants to the public service. [12756/04]

Minister for Education and Science (Mr. N. Dempsey): The position is that the Public Service Superannuation Act was passed into law on 25 March. It provides that the minimum age at which pension will be paid to the generality of new entrants to the public service, including teachers, will be 65. It also abolishes compulsory retirement on grounds of age in the case of new entrants. The Act defines the term "new entrant". While the definition is complex, broadly-speaking, a new entrant is a person who takes up employment in the public service on or after 1 April 2004 and whose last employment in the public service, if any, terminated more than 26 weeks earlier. Going forward, a person who is not a new entrant but whose employment in the public service terminates and who does not return to employment in the public service within a period of 26 weeks will, on such return, become a new entrant.

The Act provides that employees in certain sectors of the public service must continue to retire before age 65. These are sectors where, unlike the provision for the majority of public servants including teachers retirement before 65 has always been required for operational reasons. The sectors in question comprise the Defence Forces, the Garda, the prison service and the fire service. The reforms which have been enacted arose from consideration by Government of the recommendations of the commission on public service pensions. Apart from the reforms enacted, the Minister for Finance also announced in his Budget Statement that the Government had decided to implement the bulk of the commission's recommendations. A joint management-union group, which includes representatives of the INTO, has been established as a forum within which practical aspects of the implementation of the commission's recommendations can be discussed. The group has already met on a number of occasions and further meetings are planned.

Schools Recognition.

95. **Mr. Deenihan** asked the Minister for Education and Science if permanent recognition

will be granted to a school (details supplied) in County Kerry; and if he will make a statement on the matter. [12757/04]

Minister for Education and Science (Mr. N. Dempsey): The school referred to by the Deputy is operating with provisional recognition from my Department since September 2002. An application for permanent recognition was recently received in the school planning section of my Department and is currently being considered. Officials will advise the school authority of the outcome of the application as soon as it has been fully examined.

Disadvantaged Status.

96. **Mr. Noonan** asked the Minister for Education and Science if he has received a request from a school (details supplied) for disadvantaged status; if his attention has been drawn to the fact that it is the only school in the parish or in the adjoining parish which has not been granted disadvantaged status; and if he will make a statement on the matter. [12768/04]

Minister for Education and Science (Mr. N. Dempsey): Any decision to expand or extend any of the initiatives aimed at tackling educational disadvantage will be made on foot the broad review of all such initiatives which is currently nearing completion.

Schools Refurbishment.

97. **Mr. J. Bruton** asked the Minister for Education and Science the categories under which Culmullen national school, Drumree, County Meath failed to have the necessary works required in the school, to improve the quality of the drinking water in the school, to provide insulation in the school building to provide the installation of a trip switch in the electrical mains in the school, to allow the roof to be repaired and the ceiling replaced, carried out in the summer works project 2004; the reason the school was not successful to have the works carried out in 2004; and if he will make a statement on the matter. [12770/04]

Minister for Education and Science (Mr. N. Dempsey): The management authority of Culmullen national school prioritised the water treatment system as its most urgent project in its application under the summer works scheme. The application was not approved for grant aid as it is deemed to be a maintenance issue which should be dealt with by the school itself under the annual devolved grant scheme for minor works. The roof repairs and general internal upgrading of the school should also be dealt with from this grant scheme.

School Accommodation.

98. **Mr. Carey** asked the Minister for Education and Science if and when his Department is going to sanction the provision of a pre-fabricated building in a school (details supplied) in Dublin 11 to accommodate an extra teacher due to rising pupil numbers; and if he will make a statement on the matter. [12771/04]

Minister for Education and Science (Mr. N. Dempsey): Officials in the school planning section of my Department are currently assessing and prioritising all applications for temporary accommodation. I will shortly publish details of all temporary accommodation projects which will proceed in 2004.

Special Educational Needs.

99. **Mr. Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 263 of 16 December 2003 if a decision has been made in relation to same; if he has satisfied himself that the delay in making a decision on this matter is acceptable; and if he will make a statement on the matter. [12791/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is continuing its deliberations on the matter referred to by the Deputy and expects to be in a position to advise the relevant service providers of its decision shortly.

School Accommodation.

100. **Mr. S. Ryan** asked the Minister for Education and Science if he will sanction the provision of one additional classroom for Donabate girls national school to facilitate the increased number of pupils for September 2004. [12792/04]

Minister for Education and Science (Mr. N. Dempsey): Officials in the school planning section of my Department are currently assessing and prioritising all applications for temporary accommodation. I will shortly publish details of all temporary accommodation projects that will proceed in 2004.

Departmental Reports.

101. **Mr. Perry** asked the Minister for Education and Science if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12804/04]

Minister for Education and Science (Mr. N. Dempsey): The tabular statement below details information on the reports internally prepared or

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externally commissioned by my Department since
1 July 2003. It has not been possible to isolate

costs in respect of internal reports or in respect
of those reports which are not yet finalised.

Department of Education and Science reports internally prepared or externally commissioned since 1 July 2003.

Report Name	Published	Cost
		€
Tuarascáil Athbheithnithe ar an Scrúdú le hAghaidh Cailíochta sa Ghaeilge	Published — February 2004.	—
Internal Review of the School Transport Scheme	Being finalised.	—
Review of the Minor Works Grant for National Schools	Being finalised.	—
Independent Review of the processes and procedures operated by the Department of Education and Science in making discovery to the Commission to Inquire into Child Abuse	No decision has been made on publication.	111,358.73
Review of the operation of the Finglas Child and Adolescent Centre	Being finalised.	—
An Inspection of St. Joseph's School, Clonmel pursuant to the Children Act, 1908	Report to published on completion of review.	—
A more Integrated and Effective Delivery of School-Based Educational Inclusion Measures	Published December 2003.	—
Priority Areas for Action within the Adult and Community Education sector	Report completed. No decision has been made on publication.	—
Supporting Equity in Higher Education — A Report to the Minister for Education and Science	Published August 2003.	13,899
2001/2002 Tuarascáil Staitistiúil (Annual Statistical Report)	Published February 2004.	16,874.70

Special Educational Needs.

102. **Ms Burton** asked the Minister for Education and Science if he will make a statement in relation to the application of a person (details supplied) with Down's syndrome who is hoping to attend St. Francis Xavier junior national school from September 2004 provided that the school is supplied with adequate special needs teaching and support assistance; if he will make a statement as to whether he has received an application from the school in respect of the applicant; and if he will state if the appropriate special needs teaching resource and assistance will be provided to allow this child to attend the national school of their parents choice.
[12827/04]

Minister for Education and Science (Mr. N. Dempsey): I confirm that my Department has received an application for special educational resources, SER, for the pupil referred to by the Deputy. SER applications received between 15 February and 31 August 2003 are being considered currently. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to at or before the commencement of the current school year. The balance of more than 4,000 applications has been reviewed by a dedicated team comprising members of my Department's Inspectorate and the National Educational Psychological Service, NEPS. These applications are being further considered in the context of the outcome of surveys of SER provision conducted over the past year and the data submitted by

schools as part of a nationwide census of SER provision.

The processing of the applications is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03 which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school. In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements. These are making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessment, reduce the volume of applications to my Department for additional resources for individual pupils and provide greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs. The detailed arrangements for processing applications for resources, including

those for special needs assistants and those received after 31 August last, will be set out in a circular to be issued to schools before the end of the current school year. It is intended also that schools due to receive the additional posts will be notified within this timeframe.

103. **Mr. Connaughton** asked the Minister for Education and Science if his attention has been drawn to the deplorable state of affairs concerning children with special needs at schools (details supplied); if his attention has further been drawn to the fact that under the new review for special educational needs that any child unfortunate enough to have been assessed in the past 18 months or to have their sanction withdrawn or reviewed that such pupils are now caught in a state of educational limbo; if his attention has further been drawn to the fact that some children are now old enough to leave the primary school system without their right to extra help having been fulfilled; and if he will make a statement on the matter. [12828/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is reviewing existing arrangements for the allocation of special educational supports to primary schools. In that context, my officials have been involved in ongoing discussions on a weighted system of allocation with representative interests. At this stage it would be premature to anticipate the outcome for the schools in question. I can confirm, however, that the basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

The processing of applications for special needs supports is a complex and time-consuming operation. However, my Department is endeavouring to have this completed as quickly as possible and my officials will then respond to all applicant schools. Pending a response, schools are advised to refer to circular 24/03 which issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school. In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements. These are making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological

assessment, reduce the volume of applications to my Department for additional resources for individual pupils and provide greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs. The detailed arrangements for processing applications for resources, including those for special needs assistants and those received after 31 August last, will be set out in a circular to be issued to schools before the end of the current school year. Schools due to receive the additional posts will be notified within this timeframe also.

Higher Education Grants.

104. **Ms Burton** asked the Minister for Education and Science if he can examine the case of a person (details supplied) in Dublin 15 who has been refused a grant in respect of her PhD programme in sociology and ethnic studies at NUI Maynooth; when her grant will become payable and the problems that exist in relation to the payment of this grant. [12829/04]

Minister for Education and Science (Mr. N. Dempsey): Under the terms of my Department's higher education grant schemes, grants are not payable to candidates who already hold a post-graduate qualification and subsequently pursue another post-graduate course at the same level, irrespective of whether or not funding was previously awarded. The schemes, however, provide for progression at postgraduate level. The schemes provide that candidates who already hold a post-graduate qualification, or qualifications, and are progressing to a further post-graduate course at a higher level — which represents progression from the level at which the previous post-graduate qualification or qualifications were attained — may be deemed eligible for grant aid.

My Department understands that the student to whom the Deputy refers already holds a masters degree and that in the current academic year she commenced a PhD programme in sociology and ethnic studies at NUI, Maynooth. My Department understands that the general practice at the college, as with a number of others, is initially to register students at MLitt level and, subsequently, transfer them to PhD level once a progress review has established satisfactory performance in their studies. The student in question had been advised that she was ineligible for grant assistance under the prescribed terms and conditions of the higher education grants scheme on the basis that she already held a masters degree and was again registered at the same level — MLitt — in the current academic year.

Additional details have recently been submitted to my Department which indicate that the student was transferred to the PhD degree register at the college in March 2004. My

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Department has requested additional clarification in relation to the additional material received. The case will be re-examined by my Department on receipt of same.

Departmental Documentation.

105. **Ms Enright** asked the Minister for Education and Science if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12839/04]

Minister for Education and Science (Mr. N. Dempsey): No staff at my Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections. However, it has always been the policy of my Department to provide the maximum amount of information to all political parties. I have done so and will continue to do so. I see this as an important part of the work of the Department.

Schools Recognition.

106. **Mr. Curran** asked the Minister for Education and Science the grounds on which the advisory committee has refused recognition of a new Gaelscoil in Lucan, in view of the fact that this new Gaelscoil has 48 students enrolled, that future potential development at Gaelscoil Naomh Pádraig is limited, that the population of Lucan continues to grow with a significant increased demand for primary school places and that Gaelscoil Cois Life will have capacity for a significant number of Irish speaking second level students for the foreseeable future; if he will review this decision and grant recognition to this school. [12851/04]

Minister for Education and Science (Mr. N. Dempsey): An appeal of the decision not to grant recognition to the proposed new Gaelscoil in Lucan was recently received in my Department. The independent appeals committee will assess the appeal and issue its decision to the patron within 15 working days.

It would be inappropriate for me to comment any further in this matter while the appeal process is ongoing.

Educational Disadvantage.

107. **Ms O'Sullivan** asked the Minister for Education and Science if his attention has been drawn to the fact that applications for

disadvantaged status, Breaking the Cycle, Early Start and other such initiatives have been closed since 2000; if his attention has further been drawn to fact that the same schools that have the socio-economic statistics to qualify for such schemes are excluded; the plans he has to expand progress to address educational disadvantage; and if he will make a statement on the matter. [12852/04]

Minister for Education and Science (Mr. N. Dempsey): Any decision to expand or extend any of the initiatives aimed at tackling educational disadvantage is being considered in the context of a broad review of all such initiatives, which is currently nearing completion.

Schools Recognition.

108. **Ms O'Sullivan** asked the Minister for Education and Science if he will grant disadvantaged status to Gaelscoil Shaoirse Clancy, Southill, Limerick in view of the fact that it clearly qualifies and is the only excluded school in Southill; and if he will make a statement on the matter. [12853/04]

Minister for Education and Science (Mr. N. Dempsey): Any decision to expand or extend any of the initiatives aimed at tackling educational disadvantage is being considered in the context of a broad review of all such initiatives, which is currently nearing completion.

Departmental Schemes.

109. **Mr. Stanton** asked the Minister for Education and Science if EU citizens are eligible for qualification for the mature student grant; and if he will make a statement on the matter. [12946/04]

Minister for Education and Science (Mr. N. Dempsey): Under the terms of my Department's four student maintenance grant schemes, grants are payable to candidates pursuing approved full-time courses who meet prescribed conditions, including those pertaining to nationality, residency, means, age and previous academic attainment. All EU nationals are included in the categories eligible to be considered under the nationality clause of the schemes.

Under the residency requirement a candidate's parents, or in the case of an independent mature candidate, the candidate herself or himself, must have been resident in the State from 1 October of the year prior to entry on an approved course. Under the means test requirements, other than in the case of independent mature candidates, the candidate's means and those of his or her parents or guardians must be below a prescribed limit. This provision requires that the parents' income be taken into account, irrespective of the individual circumstances in any case where the student is not an independent mature student.

Mature students are categorised as either independent mature students or mature students dependent on parents. An independent mature

student is defined as a mature student who was not ordinarily resident at home with his or her parents or guardians from 1 October preceding his or her entry to an approved course. Independent mature students are assessed without reference to either their parents or guardians income or address.

Under the terms of the scheme, all maintenance grants are payable at either the adjacent or the non-adjacent rate. The adjacent rate of maintenance grant is payable where the grant holder's normal residence is 15 miles or less from the college which he or she is attending. The non-adjacent rate of maintenance grant is payable in all other cases, including all eligible mature students who, with effect from the 1999-2000 academic year, qualify for the higher non-adjacent rate of grant.

Special Educational Needs.

110. **Mr. Stanton** asked the Minister for Education and Science if he will review rule 46 of the rules and programmes for secondary schools in relation to exemption from Irish to take into account up to date research and modern understanding of dyslexia, dyspraxia, ADD, ADHD and autism; and if he will make a statement on the matter. [12947/04]

Minister for Education and Science (Mr. N. Dempsey): Guidelines in regard to an exemption from Irish at post-primary level are outlined at rule 46 of the rules and programmes for secondary schools and in circular letter M10/94. This circular was drafted as a result of an expansion of the criteria under which pupils may seek an exemption from the study of Irish. Previously, exemptions were only granted to pupils whose primary education up to the age of 11 years was obtained outside Ireland and this remained the criteria for granting exemption at primary level until 1996 when the criteria changed to take account of second level conditions.

Irish as a subject is offered at three different levels, foundation, ordinary and higher in the post primary curriculum. There is an aural examination in both the junior and leaving certificates with an oral component in the leaving certificate. Irish language as a subject should be accessible to the vast majority of students, irrespective of many learning difficulties. The National Educational Psychological Service has advised my Department that it is satisfied that the current criteria in relation to tenth percentile is still acceptable as a guideline in the case of specific learning disability and that, although the conditions or syndromes referred to by the Deputy are not specifically mentioned in the circular, such students are broadly catered for in principle.

Schools Recognition.

111. **Mr. Crowe** asked the Minister for Education and Science if his Department will allocate and purchase a permanent site for Donabate-Portrane Educate Together national school. [13007/04]

Minister for Education and Science (Mr. N. Dempsey): Donabate-Portrane educate together national school received permanent recognition from my Department with effect from 1 February 2004. Since that date the school is eligible for consideration for the provision of permanent accommodation. A number of factors including competing demands for the capital allocation will determine the rate of progress on the delivery of such accommodation for the school.

On being granted provisional recognition, the school was made aware that it would remain the patron's responsibility to provide interim accommodation until my Department is in a position to provide a permanent solution.

Schools Building Projects.

112. **Mr. Timmins** asked the Minister for Education and Science the situation with respect to the proposed new primary schools for Blessington and Lackan; and if he will make a statement on the matter. [13009/04]

Minister for Education and Science (Mr. N. Dempsey): I am pleased to advise the Deputy that the school building project for Lacken national school is listed for proceeding to tender and construction as part of the 2004 school building programme. The school authorities will be kept advised of developments for the delivery of this project.

When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects that were not authorised to proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005.

I expect to be in a position to make further announcements in the course of the year to update schools in the context of the multi-annual programme of works including public-private partnerships. The application for a new primary school for Blessington will be considered in this regard.

Harbours and Piers.

113. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources when work on the new Killybegs Fishery Harbour Centre will be completed and the centre opened; the number of new jobs that will be created at this new centre by his Department; and the recruiting procedures that are in place. [12795/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I will shortly perform the official opening of the new Killybegs harbour development.

A review is currently underway to identify the revised staffing complement required for the effective and efficient operation of the new facility. Once this has been completed, recruitment will commence in accordance with standard procedures.

Departmental Reports.

114. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will detail reports that have been internally

prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12805/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The information sought by the Deputy is contained in the following list of reports that have been internally prepared or externally commissioned since 1 July 2003. Reports internally prepared or externally commissioned by the Department of Communications, Marine and Natural Resources since 1 July 2003

Communications Sector.

Reports	Published/Not Published
<i>External Reports</i>	
Review of Cost Savings as stipulated by the An Post ESOP Term Sheet commissioned from Ernst and Young Consultants	Decision yet to be taken on publication cost €25,171
Review of Radio Licensing by OX Consultants	Will be published shortly
Review of RTE licence fee application by Price Waterhouse Coopers 2003	Published
<i>Internal Reports</i>	
Report in response to the Public Consultation Process on the EU Electronic Communications Regulatory Package 26 July 2003	Published on the Department's website
Very Small Aperture Terminal (VSAT) Report on Internet access by satellite	Published
Netsecure Report on safer use of computers and the Internet	Published
Guide to Telecommunications Networks from an Emergency Planning perspective	Report for use by Government Departments only
Report on Public Service Broadcasting Charter Consultation	Will be published shortly
Review of ban on Religious Advertising	Published

Marine Sector.

Reports	Published/Not Published
<i>External Reports</i>	
Assessment of Irish Commercial Seaport Capacity commissioned from Baxter Eadie Limited	Not for publication as it contains commercially sensitive information — cost €17,500
Review of Inland Fisheries sector in Ireland commissioned from a Consortium comprising of Farrell Grant Sparks Consulting (FGS) the Centre for Environment Fisheries and Aquaculture Science (CEFAS) and the National Institute for Regional and Spatial Analysis (NIRSA)	Not finalised. Intended for publication in due course
Report on salmon mortalities in Donegal Bay commissioned from the Marine Institute	Published
Investigations of Salmon Mortalities at Inver Bay and McSwynes Bay Fish Farm, summer 2003. Commissioned from Kirk McClure Morton, Consulting Engineers, Belfast, NI	To be published summer 2004
Study to assess the Status of Ireland's Tide Gauge Infrastructure and outline current and future requirements. Commissioned from Hydraulics and Marine Research Centre, University College, Cork	To be published shortly
<i>Internal Reports</i>	
Review of monitoring and control of aquaculture	Intended for publication

Natural Resources Sector.

Reports	Published/Not Published
<i>External Reports</i>	
Assessment of the Fuel Diversity options for the Irish Power Generation System jointly commissioned by the Department and the Commission for Energy Regulation from DKM Economic Consultants the ESRI and Electronic Ireland Limited	Decision not yet taken on publication of the report which will be finalised shortly — cost €83,000
Consultancy to examine certain aspects of a planning application for an extension by Tara Mines Ltd. to the South West of its Navan Mine, Co. Meath (SWEX-B). Commissioned from Cantab Consulting Kent	Not for publication — cost €21,060
Review of the Environmental Impact Statement for the development of an underground Gypsum mine at Drummond, Co. Monaghan commissioned from SRK Consulting Cardiff	Published
Silvermines Area Review of Mogul Proposal for Remedial Work required under Clause K of the State Mining Lease commissioned from SRK Consulting Cardiff	Published
<i>Internal Reports</i>	
Report entitled, New Exploration Opportunities Offshore Ireland	Published on Department's website
Report in accordance with section 77 and section 8 of the Minerals Development Acts 1940 and 1979, respectively.	Published

Geological Survey of Ireland.

Report	Published/Not Published
2003 GSI Annual Report	Published

Corporate Sector.

Reports	Published/Not Published
<i>External Reports</i>	
Information Communications Technology Strategy (2003-2005)	Published on Department's website
Review of Internal Financial Controls	Internal Management Report — not for publication
Annual Audit of the EAGGF Fisheries and Forestry Expenditure for 2002/3 EAGGF financial year	Not published — cost €45,213
Institute of Public Administration This project which commenced in November 2003 is a review of the existing performance indicator framework within the Department within the context of MIF implementation	Not intended for publication — internal
<i>Internal Reports</i>	
Statement of Strategy 2003-2005	Published
Annual Report 2002	Published
First Progress Report to the Civil Service Performance Verification Group on the Department's Sustaining Progress Action Plan	Published on Department's website

Proposed Legislation.

115. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the progress that has been made to place responsibility for safety of domestic gas installation with an independent body; when this body will be established; the powers it will have; and if he will make a statement on the matter. [12815/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Over the past

year my Department has engaged in significant consultations with the Commission for Energy Regulation and the gas sector on natural gas safety, including the specific area of regulation of natural gas installers. The details of the proposed arrangements are currently being finalised and will form part of the forthcoming gas regulation Bill. It is my intention to seek Government approval before the summer to draft this Bill and to bring it before the Oireachtas during 2004.

Telecommunications Services.

116. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the number of areas of west Cork that currently have access to broadband; and when it is envisaged that those towns without access at present will have access to same, specifically Dunmanway. [12816/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The provision of and investment in telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised marketplace, regulated by the Commission for Communications Regulation, ComReg.

I am aware that DSL services are available from the private sector in Bandon, Clonakilty and Macroom. Recognising, however, that the market has been slow to respond to demand for broadband, an indicative €200 million in Government and ERDF funding was set aside under the National Development Plan 2000-2006 for regional broadband investment. Currently, my Department is grant aiding the construction of 19 fibre optic metropolitan area networks, in conjunction with local authorities, in key regional towns and cities. This investment of €65 million will enable the delivery of competitive, open access, broadband services in these towns. The biggest network, in Cork, was recently completed is already being used to provide broadband services to a number of companies.

On 12 December last I announced a broadband action plan. This plan aims to roll out open access broadband infrastructure to more than 90 towns with a population of over 1,500, including Dunmanway, Bantry and Skibbereen in west Cork.

I have secured a commitment of €35 million each year from now until 2007 for the broadband action plan. The additional networks are due to commence in early 2005 and will be completed on a phased basis over the following three years. In addition, a group broadband scheme will enable smaller communities to pool their broadband demand and secure high-speed connectivity from a range of service providers. This group scheme will be supported by grant-aid of up to €50,000 from the Government.

Applications are being received, by my Department, on an ongoing basis for this scheme. Further information on the scheme and the call for proposals is available on my Departments website at www.dcmnr.ie/gbs or from gbs@dcmnr.ie. In addition, my Department has set-up a broadband information website, www.broadband.gov.ie where potential broadband customers can access information regarding the availability and pricing of broadband services in their area. If broadband is unavailable they can vote for broadband, the aggregate votes are passed to service providers to encourage the roll-out of further services.

The communication regulator, ComReg, is currently issuing licenses for wireless broadband service. Three of these licenses are for Cork city and surrounding area. ComReg is continuing to issue the remaining licenses and these may be used to provide broadband access to rural areas.

Departmental Documentation.

117. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12840/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): My Department receives regular requests from all political parties for information relating to its activities and 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.

Sports Capital Programme.

118. **Mr. Neville** asked the Minister for Arts, Sport and Tourism when it is planned to decide on the 2003 Sports Capital Grant Programme. [12755/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I assume the Deputy intended to inquire about decisions on the 2004 sport capital programme. The 2004 sports capital programme was advertised in the national newspapers on 30 November and 1 December 2003. The closing date for receipt of applications was, 16 January 2004. A total of 1,304 applications were received before the closing date and these are being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after this evaluation process has been completed.

Departmental Reports.

119. **Mr. Perry** asked the Minister for Arts, Sport and Tourism if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation

to externally commissioned reports, the costs of the reports. [12806/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I have listed details of reports internally prepared or externally commissioned by my Department since 1 July 2003 as requested by the Deputy. A review of section 481 of the Taxes Consolidation Act 1997 was commissioned in June 2003. The report was published in December 2003. The education subgroup of the Council of National Cultural Institutions commissioned arts consultants to draft a policy framework for education community outreach which I launched on 6 April last. A consultancy study on the framing of a new international arts and culture policy was commissioned in July 2003. The report, which is not intended for publication, is currently at the drafting stage and the contract fee for the study is €18,000.

A report relating to controls in respect of certain arts-culture expenditure under the Operational Programme for Tourism 1994-1999 was commissioned in January 2004. The report, which is currently being prepared, is not intended for publication. The final cost of the report will be dependent on the amount of work involved but is likely to be in the region of €45,000. My Department has commissioned consultants to carry out a review of the Irish Manuscripts Commission. The review is not yet completed but the intention is to publish the report at the appropriate time.

An expenditure review of the sports capital programme, conducted under the Department's expenditure review programme, is currently being finalised and will be published on its completion. As the review was prepared within the Department, the costs involved were met from within existing resources. As part of this expenditure review, an external evaluation report was commissioned, in line with Department of Finance guidelines, at a cost of approximately €5,000. It is not intended to publish this report.

A review of proposals for the provision of an outdoor athletics training facility at Morton Athletic Stadium, Santry, commissioned by my Department was completed in December 2003. The cost of the report, which is not intended for publication, was €10,100. A major review of tourism policy and performance was carried out by a review group appointed by me and their report, under the title *New Horizons for Irish Tourism: An Agenda for Action*, was published on 30 September 2003. My Department's first annual report for 2002-03 is currently being finalised and will be published shortly.

Departmental Documentation.

120. **Ms Enright** asked the Minister for Arts, Sport and Tourism if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual

candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12841/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Staff of my Department are not engaged in the preparation or production of documentation, material or information of any kind for the use of a specific political party or individual candidates in the local or European Parliament elections. 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, whether through answers to parliamentary questions, press releases, speeches or existing briefing material.

Departmental Schemes.

121. **Mr. Crowe** asked the Minister for Health and Children his views on the introduction of cost of disability payment scheme. [12782/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Programme for Prosperity and Fairness contains a commitment that "The Department of Health and Children, the Department of Social, Community and Family Affairs and the Department of Finance will set up and participate in a Working Group which will consult with the social partners to examine the feasibility of introducing a Cost of Disability Payment."

Arising from this commitment, a working group was established comprising representatives from: Department of Health and Children, chair; Department of Social and Family Affairs; Department of Finance; Department of Enterprise, Trade and Employment; Department of Justice, Equality and Law Reform; National Disability Authority; and Eastern Regional Health Authority. The Agreed Programme for Government 2002 further states "we will complete the work of the group examining the introduction of a Cost of Disability Payment".

In undertaking its task, the working group sought to address a number of key questions. Do people with disabilities incur additional costs associated with having a disability? If so, is it possible to measure the additional costs of disability? Do these additional costs vary according to the type of disability, severity of disability, etc.? What State supports are available towards these costs? To what extent are costs of disability catered-not catered for? To what extent do the current supports act as a barrier to moving from welfare dependency into employment?

The working group noted that no international consensus existed on how best to calculate the additional costs of disability or, indeed, on what constitutes a cost of disability. While a number of previous reports and submissions have

[Mr. T. O'Malley.]

highlighted that there are additional costs associated with having a disability, the working group found that there had been no significant research or analysis undertaken in Ireland to substantiate these contentions or to try and measure these costs.

In the circumstances, the working group requested the National Disability Authority to commission research, as part of its research remit, with a view to assisting the group in answering these questions. The work was undertaken by an independent consultant and a final report was presented to the working group at the beginning of March. The position paper of the working group and the report of the consultant has been forwarded to the Department of the Taoiseach.

The working group has arrived at the following position. The working group understands the term "additional costs of disability" to mean the extra costs incurred by people with disabilities that are directly related to their disability and that are over and above the ordinary living costs that are incurred by the population generally. Notwithstanding the limitations in the data available, the working group accepts the conclusions arising from the consultant's report that there are additional costs associated with having a disability in Ireland and that these costs can vary by disability type and by severity of disability. In addition, the working group considers that age and social circumstances can also have an impact on the costs of disability.

While the consultant's report contains useful research in terms of attempting to measure the additional costs of disability in Ireland, the working group nevertheless considers that, due to the data limitations, this research does not provide a robust basis on which the group can adequately assess the feasibility of a cost of disability payment. It is the view of the working group that a national system of individual needs assessment is a prerequisite for any cost of disability payment system based on severity of disability. No such system exists at present.

The working group noted that such a system has also been recommended by the Commission on the Status of People with Disabilities. In considering the introduction of a cost of disability payment, the impact of the requisite needs assessment procedures on present administrative structures, together with the implications of such a payment for the continued operation of the current range of disability supports and benefits, would need careful consideration.

In view of the significant limitations in the available data and in the absence of a national system of individual needs assessment it has not been possible for the working group to make a determination on the feasibility or otherwise of an equitable and well targeted cost of disability payment. In line with the recommendations contained in the consultant's report and the report of the Commission on the Status of People

with Disabilities, the working group considers that there are a number of existing supports which go some way towards meeting the additional costs of disability. The group considers that there is considerable scope for rationalising and streamlining these existing support measures, particularly in terms of mitigating the additional costs of disability for a greater number of people with disabilities and removing disincentives to move from welfare dependency to employment.

Suicide Incidence.

122. **Mr. Neville** asked the Minister for Health and Children the new services to be provided by the South Eastern Health Board in view of increased spending on suicide prevention and research of €400,000 in the area. [12855/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the matter referred to by the Deputy rests with the South Eastern Health Board. My Department has therefore asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

Orthodontic Services.

123. **Mr. Neville** asked the Minister for Health and Children when orthodontic treatment will be made available to a person (details supplied) in County Limerick. [12758/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in County Limerick rests with the Mid Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Child Care Allowance.

124. **Mr. Carey** asked the Minister for Health and Children if he has received a request from the Eastern Regional Health Authority for funding for the nursery services affected by the withdrawal of the crèche supplements payments; and if he will make a statement on the matter. [12772/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Eastern Regional Health Authority has written to my Department outlining the cost implications for the area health boards of the withdrawal of the payment of supplementary welfare allowances to supplement the cost of crèche fees. As the Deputy will be aware, health board services have been funded for this year on an existing level of service basis and my Department is not in a position to make additional funding available to the authority to meet the shortfall created by the withdrawal of this payment.

General Medical Services Scheme.

125. **Mr. Allen** asked the Minister for Health

and Children when a decision will be made on the appointment of a permanent general practitioner under the GMS scheme by the South Health Board as the Coachford-Donoughmore area is presently being served by a locum. [12785/04]

Minister for Health and Children (Mr. Martin): Arrangements for the provision of services for medical card holders, including the selection and recruitment process for general practitioners in the GMS scheme, are matters for the chief executive officer of the relevant health board-authority. Accordingly, this parliamentary question has been referred to the chief executive officer of the Southern Health Board for investigation and direct reply to the Deputy.

Hospital Services.

126. **Mr. Healy-Rae** asked the Minister for Health and Children if he will give increased funding for Tralee General Hospital to open a day ward and high dependency unit which has been built and equipped but lies empty and unused due to lack of funding; and if he will make a statement on the matter. [12787/04]

127. **Mr. Healy-Rae** asked the Minister for Health and Children the steps he intends to take to increase funding for Tralee General Hospital which has been under-funded by €2.5 million in 2003 and at least €1.5 million in 2004 which is resulting in the closing of a ward for three months in the summer, due to lack of funds to replace staff on holidays with staff locums; and if he will make a statement on the matter. [12788/04]

Minister for Health and Children (Mr. Martin): I propose to answer Questions Nos. 126 and 127 together. My Department allocates funding on an annual basis to the Southern Health Board for the provision of health services. Distribution of this funding to individual hospitals in the region is a matter for the board. Therefore, my Department has asked the chief executive officer of the board to reply directly to the Deputy in relation to the level of funding provided for Tralee General Hospital.

Orthodontic Services.

128. **Mr. G. Mitchell** asked the Minister for Health and Children if he will arrange for a person (details supplied) in Dublin 7 to urgently obtain orthodontic treatment; if he will state if this young person would qualify for the national purchase scheme if they are unable to obtain treatment; and if he will make a statement on the matter. [12789/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in Dublin 7 rests with the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and to reply to him directly.

129. **Mr. Neville** asked the Minister for Health and Children when orthodontic treatment will be

made available to a person (details supplied) in Co. Limerick. [12790/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in County Limerick rests with the Mid Western Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Departmental Reports.

130. **Mr. Perry** asked the Minister for Health and Children if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12807/04]

Minister for Health and Children (Mr. Martin): The information requested is being collated by my Department and will be forwarded directly to the Deputy as soon as possible .

Genetically Modified Organisms.

131. **Mr. Ferris** asked the Minister for Health and Children if he will provide a list of the food products that are currently being tested by the Food Safety Authority of Ireland for GM content. [12813/04]

133. **Mr. Ferris** asked the Minister for Health and Children if he will state, in line with the recommendation of the report of the inter-departmental group on biotechnology on the declaration of personal or business interests in GM, if any of the current members of the GMO and novel foods sub-committee have at present, or in the past, been employed by a company with a commercial interest in the development and sale of GM products. [12819/04]

134. **Mr. Ferris** asked the Minister for Health and Children if any product that contains less than 0.9% GM content will then be authorised to label itself as GM free. [12831/04]

135. **Mr. Ferris** asked the Minister for Health and Children the measures that were taken against the producers of food items that were misleadingly labelled as GM free or organic but which were found by the 2002 Food Safety Authority of Ireland food survey to contain a GM presence. [12832/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to answer Questions Nos. 131 and 133 to 135, inclusive, together. The Food Safety Authority of Ireland, FSAI, is a science based consumer protection agency independent of sectoral interests and is the competent authority in Ireland for enforcing EU legislation on the genetic modification of foodstuffs. The FSAI checks on compliance with GM legislation and

[Mr. T. O'Malley.]
advises my Department on food safety issues relating to GM foods.

The FSAI's scientific committee established a GMO and novel foods sub-committee which advises my Department on these issues and also provides a forum for the exchange of expert scientific opinion and independent advice on this technology and its application to food. In accordance with section 41 of the Food Safety Authority of Ireland Act 1998, declarations of interests are sought and received from members of this sub-committee. No such interests have been declared by any member up to May 2003. Declarations are sought annually and those for 2003 to 2004 will be requested this month. Additionally, at sub-committee meetings, members are routinely asked if they have a conflict of interest on any item which is for discussion and there is no record of any such interests being declared.

The FSAI is currently finalising its surveillance plans for testing GM food in the retail market for 2004. The 2004 survey is likely to focus on soy and maize based food products carrying labels such as GM free which indicate that the food contains no GM material. Previous surveys have examined breakfast cereals, baby foods, snack foods, dried soy products, soy substitutes for dairy products, soya and maize flours and bakery products.

The FSAI's advice regarding products containing GM ingredients which are present at less than 0.9% of that total product is that they cannot be labelled as GM free as they contain a GM ingredient even though the GM ingredient content is below the threshold requiring it to be labelled as containing GM. To label such a product as GM free would tend to mislead the consumer and would be in breach of the general labelling Directive 2000/13/EC.

Where possible, the FSAI has corresponded with operators associated with foods that were found to be inaccurately labelled in the 2002 survey. These operators were notified of the possible breaches of EU legislation identified due to such inaccurate labelling and responses were sought. This notification resulted in one company agreeing to cease placing GM free type labelling on their products. It is worth noting that the products surveyed which contained GM ingredients did not have GM content in excess of the labelling threshold, nor did any product contain non-authorized GM ingredients. The organic unit of the Department of Agriculture and Food, as the competent authority for organic farming, was notified of any organic products found to have levels of GM ingredients.

Hospital Services.

132. **Ms Shortall** asked the Minister for Health and Children the circumstances under which medical card holders may be charged for stays in long-term care where they are receiving

treatment; the way his reply to Parliamentary Question No. 402 of 3 February 2004, and in particular paragraph 2 of that reply, tallies with the case of a person (details supplied) who was charged by the hospital on the basis that it is his Department's advice that it is at the discretion of the hospital to do so; if he will ascertain under what statutory instrument this charge is being applied by the hospital; if he will ascertain if the hospital is correct in its policy; and if he will make a statement on the matter. [12818/04]

Minister for Health and Children (Mr. Martin):

In respect of people availing of public long-stay care, charges can be made under two regulations. They can be made under the Health (Charges for In-Patient Services) Regulations, 1976, as amended by the Health (Charges for In-Patient Services) (Amendment) Regulations 1987. These regulations enable charges to be made towards the cost of providing hospital in-patient services for persons with income who have been in receipt of such services for more than 30 days or for periods totalling more than 30 days within the previous 12 months. The regulations provide that a charge is made at a rate not exceeding the person's income. Medical card holders and persons with dependants are exempt from these charges.

Charges may also be made under the Institutional Assistance Regulations 1965 where the patient receives shelter and maintenance rather than treatment. These charges apply from the date of admission and are payable by all patients who are in receipt of incomes, including medical card holders and persons with dependants.

The health strategy, Quality and Fairness — A Health System for You, acknowledges the need to clarify and simplify eligibility arrangements and sets down a commitment to introduce new legislation to provide for the introduction of clear statutory provisions on entitlement and eligibility. A review of all existing legislation in this area has been carried out in my Department which will inform the approach to the drafting of the new legislation in this area.

As part of the overall clarification of entitlements as promised in the health strategy, taking account of other work relating to this area such as the work of the working group on the nursing home subvention scheme, my Department will be attempting to resolve the current differences in approach between the consideration of individuals' ability to pay under various regulations in this area.

With regard to the particular case referred to by the Deputy, I will make inquiries to the Eastern Regional Health Authority and reply further to the Deputy once the relevant details have been received.

Questions Nos. 133 to 135, inclusive, answered with Question No. 131.

Departmental Documentation.

136. **Ms Enright** asked the Minister for Health and Children if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; and if such documentation, briefing notes, information, booklets, statistics or other information have already been disseminated from the Department. [12842/04]

Minister for Health and Children (Mr. Martin): 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 whether through answers to parliamentary questions, press releases, speeches or existing briefing material.

Medical Cards.

137. **Mr. Sherlock** asked the Minister for Health and Children the number of outstanding applications for medical cards in the Southern Health Board area; and the number of successful applicants there are as a percentage of those that have applied within the past 12 months; and if he will make a statement on the matter. [12882/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of medical cards is, by legislation, a matter for the chief executive officer of the relevant health board or authority. Accordingly, this question has been referred to the chief executive officer of the Southern Health Board for investigation and direct reply to the Deputy.

Traffic Management.

138. **Ms O. Mitchell** asked the Minister for Transport the measures that are in place to control the parking of three tonne trucks in residential areas; if the introduction of by-laws by a local authority to control such parking require the designation of truck parking areas; and if he will make a statement on the matter. [12794/04]

Minister for Transport (Mr. Brennan): Responsibility for traffic management measures, including parking matters, is vested in local authorities under the Road Traffic Act 1994 in respect of public roads in their charge. The Road (Traffic and Parking) Regulations 1997 enable local authorities to restrict parking of large vehicles in specified places or areas. Decisions in relation to the locations where such prohibitions are to be applied and the size or weight of vehicles to be banned from parking at such locations are matters for determination by local

authorities. The application of such restrictions is a matter for each local authority. Such restrictions are imposed through the provision of the applicable road traffic signs and the making of by-laws is not required.

Rail Network.

139. **Mr. Eamon Ryan** asked the Minister for Transport the procedures which have been put in place to secure the preservation of the existing Navan to Kingscourt railway line pending the reopening of the line in conjunction with the opening of rail services from Navan to Dublin. [12773/04]

Minister for Transport (Mr. Brennan): I am informed by Irish Rail that the Navan to Kingscourt line is presently disused, and that the infrastructure is life expired and no longer suitable for rail traffic. The strategic rail review examined the future potential of the line for both passenger and freight and concluded that there was no economic case for restoration of services on this line. The line is in CIE ownership and the company has no plans to abandon or dispose of any part of this line.

Environmental Policy.

140. **Mr. Eamon Ryan** asked the Minister for Transport the reason he is reluctant to promote the wider use of a low emission fuel such as LPG as a cheaper, cleaner and more environmentally friendly alternative to petrol in view of Ireland's obligations to reduce carbon emissions as set out in the Kyoto Protocol; and the details of emissions and by-products, both in production and consumption of different fuels, which support his Department's stance on the issue. [12774/04]

141. **Mr. Eamon Ryan** asked the Minister for Transport the reason no measures are being planned within his Department to encourage petrol vehicle users to convert their vehicles to run on LPG fuel; and if he has current environmental and comparative cost data outlining the advantages versus disadvantages in addressing the cost of conversion, maintenance, servicing and upkeep, and cost of fuel which supports his Department's reluctance to promote LPG vehicle conversion at present. [12775/04]

Minister of State at the Department of Transport (Dr. McDaid): I propose to take Questions Nos. 140 and 141 together.

As indicated in the reply to Question No. 201 of 31 March 2004, I have no plans for measures to encourage the wider use of LPG in motor vehicles. The national climate change strategy sets out the measures which will be applied across the various economic sectors, including the transport sector, to enable Ireland's climate change commitment arising from the Kyoto Protocol agreement to be met. Lead responsibility for air quality and climate change

[Dr. McDaid.]
issues is a matter for the Minister for the Environment, Heritage and Local Government.

Departmental Reports.

142. **Mr. Perry** asked the Minister for Transport if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for

publication in relation to externally commissioned reports, the costs of the reports. [12808/04]

Minister for Transport (Mr. Brennan): Key internally produced reports are published on My Department's website. These include my Department's statement of strategy, annual report and reports prepared by the air accident investigation unit. Details of externally commissioned reports are contained in the table below.

Consultant	Nature of report	Date Commissioned	Publication Date	Total Cost (€)
<i>Aer Lingus Affairs</i>				
Richard Hooper Corporate Finance Consultant	Examination of Investment options for Aer Lingus	2003	Not intended for publication	18,150
<i>Airports</i>				
Prof. Helen O'Neill	Quality Assessment of DKM Report of Expenditure Review of Air Services Supported by the Public Service Obligation Programme	5th March 2004	Not for publication	1,000
<i>Public Transport (Planning)</i>				
Booz Allen Hamilton in association with Taylor Lightfoot Transport Consultants and the TAS Partnership	Study on Accessible Public Transport	July 2002	December 2003	61,159
Public Transport Partnership Forum	Second Report of the Public Transport Partnership Forum — July 2002-December 2003	N/A	April 2004	N/A
Public Transport Partnership Forum	Report of Sub-Committee of the Public Transport Partnership Forum on Public Transport Access to Cork Airport	N/A	September 2003	N/A
Interdepartmental Committee on Rural Public Transport	Availability Access and Choice — Rural Transport	September 2001	July 2003	81,680
<i>Public Transport (Bus Licensing)</i>				
The Report of the Working Group on the Review of Speed Limits	The Report of the Working Group on the Review of Speed Limits	N/A	Published on Department's Website: 7 October 2003	N/A
<i>CIE Restructuring</i>				
Watson Wyatt (Actuaries & Benefit Consultants) and O'Donnell Sweeney (Solicitors)	Exercise on CIE pension arrangements in the context of the restructuring of the CIE Group	February 2004	Ongoing	90,000 (Estimate)
<i>Public Transport (Regulatory Reform)</i>				
NERA	Public Transport Study	February 2004	Not intended for publication	16,495
Booz Allen Hamilton	Public Transport Study	September 2003	Not intended for publication	24,800
<i>Public Transport (Corporate Affairs)</i>				
Booz Allen Hamilton	Operational Review of Public Transport Investment Monitoring Unit	2004 (March)	Not intended for publication	9,084
<i>Public Transport (Rail PPP)</i>				
O'Connor Sutton Cronin & Associates	Review of the engineering feasibility of providing a grade separated crossing of the M50 Motorway and Red Cow interchange for the Luas light rail system Line A Tallaght to Abbey Street Line.	Early 2003	August 2003	30,250

Consultant	Nature of report	Date Commissioned	Publication Date	Total Cost (€)
<i>Roads</i> Goodbody Economic Consultants	Study to update the Cost Benefit Analysis Parameter Values and application rules for transportation projects	February 2004	Will be published on completion	47,295
Atkins	Review on Dublin Port Tunnel Height	2003	Consideration will be given to publication of this report when final decisions have been reached	57,669
Chartered Institute of Arbitrators	Assessment scheme for acquisition of land for national road projects	2003	Yes	23,046
Indecon Consultants	ESIOP Mid-term Review Report	2003	Yes	263,769

Departmental Documentation.

143. **Ms Enright** asked the Minister for Transport if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12843/04]

Minister for Transport (Mr. Brennan): 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 whether through answers to parliamentary questions, press releases, speeches or existing briefing material.

Question No. 144 answered with Question No. 7.

Question No. 145 answered with Question No. 31.

Garda Operations.

146. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform his views on whether there were sufficient gardaí in the city centre to police the crowds on St. Patrick's Day; and if he will make a statement on the matter. [10644/04]

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 local management are satisfied that there were sufficient gardaí on duty in Dublin city centre to police the St. Patrick's Day

Parade. There were some public order incidents after the parade which were dealt with by Gardaí on duty in the city centre.

Question No. 147 answered with Question No. 26.

Irish Language.

148. D'fhiafraigh **Mr. O'Shea** den Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí céard a tharlóidh faoi Acht na dTeangacha Oifigiúla, má bhíonn duine á cheistiú ag na Gardaí agus go n-éilíonn sé nó sí go ndéanfar an ceistiúchán trí mheán na Gaeilge in áit nach bhfuil Garda le Gaeilge ar fáil; agus an ndéanfaidh sé ráiteas ina leith. [11891/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): De réir na Rialacháin fán Acht um Cheartas Coiriúil (An Bhail a chuirfear ar Dhaoine faoi Choimeád i Stáisiúin an Gharda Síochána) 1987, tá sé de dhualgas ar chomhaltaí den Gharda Síochána gníomhú le hurraim cuí do chearta pearsanta an duine faoi choimeád agus dínit an duine sin mar dhuine daonna. Áit nach bhfuil aon Gharda ar fáil chun duine faoi choimeád a cheistiú trí mheán na Gaeilge agus sin éilithe ag an duine, cuirfear ateangaire ar fáil.

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Residency Permits.

150. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if permission will be granted to a person (details supplied) in County Clare to remain here with their parents (details supplied); and if he will make a statement on the matter. [12759/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question has permission to remain in the State until 26 July 2004. The immigration division of my Department has recently been in contact with her outlining the options available to her if she wishes to extend her permission to remain in the State beyond that date.

Child Care Programme.

151. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the progress made on the application for capital grant from a facility (details supplied) in County Sligo for the provision of a quality affordable flexible child care for all sections of the local community; and if he will make a statement on the matter. [12760/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The day to day administration of the Equal Opportunities Childcare Programme 2000-2006 is undertaken by Area Development Management Limited, which has been engaged by my Department to carry out thorough assessments of all applications for grant assistance under the programme, on my behalf. All large scale capital projects are referred by ADM Limited to an independent external building specialist to assess the suitability of the proposal and its value for money. I am aware that there has been significant ongoing dialogue between the group and ADM Limited with regard to this application. On completion of the assessment process this application will be considered by the programme appraisal committee, chaired by my Department, which will make a funding recommendation to me before I make a final decision on the matter.

The Equal Opportunities Childcare Programme 2000-2006 is a seven year development programme. The progress of the programme was commented upon very favourably by the mid-term evaluators of both the regional operational programmes and the National Development Plan 2000-2006. Expenditure under the programme must take place in a planned manner and covers the period to end 2007. Accordingly, grant approvals must take place in a carefully planned manner to ensure that the programme can meet its financial commitments at all times.

I would advise the Deputy that there has been considerable demand from community based groups for capital grant assistance under the programme and every county has benefited from significant grant commitments to provide new and enhanced community based child care facilities. ADM on behalf of my Department is currently carrying out an extensive review of the programme's capital commitments to date to

ensure that those grant commitments previously entered into will in fact be realised by the groups on the ground. The Deputy will appreciate that over 1,100 capital grants have been allocated already totalling over €114 million. Many of these projects are either awaiting planning permission or the completion of tender processes before reasonable assurance can be taken that they will proceed. In the event that a project does not proceed, the funding can be decommitted and made available to another project.

The Department has recently reviewed the different budget lines under the EOCP in general and the capital programme in particular to ensure that the most effective use is made of all remaining funding including the capital measure in accordance with the objectives of the programme. This will involve some transfers between measures and the approval of the regional assemblies is needed. I expect that this technical process will be completed shortly and that it will bring to about €157 million the total allocation for the capital development of child care under the present Equal Opportunities Childcare Programme 2000-2006. This amount includes an element for the administration by ADM Limited of the capital programme. At the same time, an extensive review of child care provision on the ground has taken place to identify obvious service gaps, the filling of which will be a priority using the remaining capital funding which currently amounts to about €35 million. The careful analysis of this information is essential if the best use is to be made of the significant capital funding being provided by the Government to support the child care needs of parents who may be in employment, education or training.

The Deputy will appreciate that all counties have benefited from new projects and additional child care places under the programme. I intend to use the remaining capital funding under this strand of child care development to address the most immediate service gaps. As a result, all the projects in the pipeline will be reviewed to ensure that those projects which best meet the programme criteria and which can be completed by the end of the present programme will receive priority. The ability to bring a project to fruition before the end of the present programme is an important criterion at this stage as I am aware that it can frequently take time to complete a project and there are constraints to ensure that we maximise our EU funding.

I do not doubt but that the success of the present strand of the EOCP and the need to continue to make child care available to support the child care needs of our still growing work force will support my case for ongoing capital and current funding from Government for this key sector. Indeed should any additional funding

become available before the end of the present national development plan, I would expect that the programme would again benefit from transfers.

Residency Permits.

152. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform if he has received an application from a person (details supplied) in County Limerick; if further information is required to process the application; and if he will make a statement on the matter. [12767/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can confirm that an application for permission to remain in the State was received by my Department in June 2003 on behalf of the person concerned. Applications of the type referred to by the Deputy are dealt with in strict chronological order and are currently taking approximately 12 months to process.

Child Care Programme.

153. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for a staffing grant for a pre-school facility in County Tipperary (details provided). [12797/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The group, to which the Deputy refers, received a staffing grant under the Equal Opportunities Childcare Programme 2000-2006 in July 2002. The grant was awarded over one year to enable the group deliver a child care service and to prepare and submit a development plan, which would show that the service has a clear focus on disadvantage.

I have been advised that the group submitted an application for further funding on 22 December 2003. The application was forwarded to Area Development Management Limited, which carries out a thorough assessment of each project proposal on behalf of my Department. On completion of the assessment process, the application will be considered by the programme appraisal committee, chaired by my Department, which makes a funding recommendation to me. I understand that the assessment process can involve lengthy dialogue with the applicant group and that, in this instance, the assessment is almost complete.

I would like to advise the Deputy that support towards staffing costs under the programme is only available to community based child care projects which meet the programme criteria, show that they are addressing disadvantage and are supporting the child care needs of disadvantaged parents who are in employment, education or training. In the interim, it would be

premature of me to comment further on this application for staffing grant application.

Departmental Documentation.

154. **Ms Enright** asked the Minister for Justice, Equality and Law Reform if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12844/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department receives 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 whether through answer to parliamentary questions, press releases, speeches, reports and other publications.

Garda Recruitment.

155. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform when a Garda will be replaced in a station (details supplied); if procedures are in place to have both gardaí and sergeants coming up to retirement replaced as soon as that retirement day arrives; and if he will make a statement on the matter. [12850/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities who are responsible for the detailed allocation of resources including personnel that the personnel strength of Malin Garda station is two — one sergeant and one garda. The sergeant assigned to Malin Garda station has submitted a notice of intention to retire with effect from 15 May, 2004.

The question of a replacement sergeant for Malin Garda station will be considered during future allocations of newly promoted sergeants. Garda personnel assigned to the Donegal division together with overall policing arrangements and operational strategy are constantly monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and that the best possible service is provided to the public.

Penalty Points System.

156. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the number of

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fixed charge notifications which have been issued under the penalty points system, since the introduction of the system; the number of such notifications which have been paid in the same period; and if he will make a statement on the matter. [12854/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret very much that it has not been possible, within the time allowed, to compile the information necessary to answer this question. I will convey the information to the Deputy as soon as it becomes available.

Communications Technology.

157. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to bring Garda communications technology up to international standards with particular reference to eliminating the need for the Garda to resort to the use of personal mobile phone technology; and if he will make a statement on the matter. [12904/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In 1999, Government approval was obtained for the replacement of the existing Garda radio network with a new integrated, digital trunked radio network, which has been specifically developed for emergency service use. It was also decided that a pilot project be implemented in the first instance.

The pilot scheme commenced in 2001 in two Garda divisions, Dublin north central division and DMR traffic department Dublin Castle. The emergency services, fire, ambulance, prisons service, also participated in the pilot project. The pilot was a large project in its own right and was completed at a cost of just under €6 million.

Following the completion of the pilot, and in the light of the experience gained, the Garda Síochána prepared a business case for the implementation of a nationwide system. This was submitted to my Department at the end of last year. The business case identifies a number of options for implementation including possible funding options. It is currently under consideration in consultation with the relevant parties, including the Department of Finance.

Notwithstanding the decision to be taken on digital radio, and in recognition that the existing Garda radio systems must be maintained, significant expenditure has been invested in the existing radio systems. In the order of €1 million was expended in capital equipment at the end of last year, with further expenditure planned this year.

Crime Levels.

158. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of criminal

gangs operating in the greater Dublin area; the number so involved a year ago; the action taken in the interim to combat the situation; and if he will make a statement on the matter. [12905/04]

169. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which he has taken action to bring justice persons or groups involved in racketeering, money laundering or other forms of organised crime, having particular regard to information he has himself put in the public arena; and if he will make a statement on the matter. [12920/04]

170. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to bring to an end the growth in organised crime; and if he will make a statement on the matter. [12922/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to answer Questions Nos. 158, 169 and 170 together. I am informed by the Garda authorities that the majority of groups of the kind referred to by the Deputy in Dublin tend to be made up of criminals who are not affiliated to a particular gang but operate on an *ad hoc* basis committing criminal offences, with others who may be associated with one or more groupings, as the opportunity of acquiring cash-property arises. Given the fluidity of this situation there are inherent difficulties in providing statistical information of the kind sought.

I am further informed by the Garda authorities that a dedicated operation, Operation Lance, has been established under the direction of a detective superintendent to deal with serious crime in the Dublin metropolitan region. Since the establishment of this operation 27 persons have been arrested in relation to serious criminal activity and €6 million worth of stolen property has been recovered.

The establishment of specialist Garda units such as the National Bureau of Criminal Investigation, the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation and the Garda National Drug Unit, operating under an assistant commissioner in charge of national support services, has enabled the Garda Síochána to tackle organised crime involving drugs, fraud, money laundering, racketeering and firearms in a structured and co-ordinated fashion.

While I am currently undertaking a review of the adequacy of legislative provisions, our legislative package for tackling organised crime is one of the toughest in Europe. The Garda Síochána has available to it a broad range of legislation, including proceeds of crime legislation, to enable serious or organised crime to be tackled and the Garda continue to follow a proactive and integrated approach to the investigation of organised crime.

Residency Permits.

159. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform further to his comments in the context of citizenship and the Twenty-seventh Amendment of the Constitution, the number of non-national mothers who have given birth in maternity hospitals here and have not subsequently remained resident in this jurisdiction in each of the past three years; and if he will make a statement on the matter. [12907/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Some 3,153 non-EEA national parents were given permission to reside in the State on the basis of an Irish born citizen child in 2001. Some 4,056 non-EEA national parents were given permission to reside in the State on the basis of an Irish born citizen child in 2002. Some 183 non-EEA national parents were given permission to reside in the State on the basis of an Irish born citizen child in 2003. There are no figures available on the breakdown between mothers and fathers.

The figure of 183 for 2003 is as a result of the abolition of the separate residency application process for the parents of Irish born children in February 2003 in the wake of the Supreme Court decision in the cases of L and O. The fact that the separate residency application process was abolished however did not mean that the issue of Irish born citizen children did not continue to arise in the context of a ministerial proposal to deport.

At present there are over 9,000 non-EEA national parents who have asked to remain in Ireland because they have Irish born citizen children. This will require to be considered carefully in the context of a ministerial determination as to whether or not a deportation order should be made in respect of the parents.

There are no figures available to me on the number of non-EEA national parents who have not applied to me for residency on that basis or who have not sought to invoke their Irish born citizen child as a reason for not being deported.

There are no systematic exit controls in operation in this jurisdiction which are designed to provide figures on the number of mothers travelling with their children from the State — whether or not the children are Irish citizens. There is no immigration registration requirement for non-national children under the age of 16 years. Irish citizen children are not required to register their presence in the State.

Legislative Programme.

160. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform his schedule of law reform proposals for the next three years; and if

he will make a statement on the matter. [12908/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that my Department's legislative proposals are as contained in the Government's legislative programme announced by the Chief Whip on 26 April 2004. The programme will continue to be updated in the normal way by each Department at the beginning of each Dáil session.

The programme is, of course, without prejudice to any further proposals for legislation which I might bring forward for Government approval, details of which would be announced in the usual way.

161. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he proposes to introduce legislation which might speed up the passage of family law cases; and if he will make a statement on the matter. [12909/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not clear to me how legislation might expedite the passage of family law cases in the courts. If such a case is made to me, I will consider it.

As the Deputy will recall from my reply to a previous parliamentary question tabled by him in relation to family law, the Courts Service is responsible for the day to day management of the courts while I am responsible for ensuring that the service is adequately funded and, in this regard, €97.49 million has been provided in 2004. The resources provided allow the Courts Service to progress the implementation of its strategic plans and policies and to maintain appropriate levels of service. In so far as overall judicial resources are concerned, the matter is the subject of review.

Drug Trafficking.

162. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform his plans to make a serious impact on the drugs distribution network; and if he will make a statement on the matter. [12910/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the Garda Síochána engages in a number of activities to address the issue of drug distribution and criminal networks involved in this activity. These actions concentrate on both the supply and demand for drugs as well as the national and international aspects of drug trafficking. Initiatives undertaken by the Garda Síochána operate along a number of underlying principles including: targeting criminal networks operating at both a national and international level involved in the sale and distribution of

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 illegal drugs; focusing on combating all aspects of the illegal drug trade to include not only the distribution of drugs but also the structures and systems which support this activity; maintaining an intelligence oriented approach in the targeting and dismantling of drug distribution networks; and depriving criminal networks of the financial proceeds emanating from drug trafficking.

Responsibility for co-ordinating the Garda Síochána's activities in this area is vested with Assistant Commissioner, national support services, who is responsible for a number of national units including the Garda national drugs unit, the Criminal Assets Bureau, the National Bureau of Criminal Investigation and the Garda Bureau of Fraud Investigation. These units have direct responsibility for addressing organised crime within the State.

The Garda Síochána work in close co-operation with the Revenue authorities and engage in joint investigations which, in many instances, have resulted in the apprehension of individuals and the seizure of substantial quantities of drugs. At a local level, divisional and district units are established with the specific remit of addressing the activities of individuals involved in the sale and distribution of drugs within local communities. In addition, the Garda Síochána regularly undertake specific operations targeting drug distribution at a street level and in places of entertainment. These operations — Cleanstreet and Nightcap — have been extremely successful in targeting individuals involved in drug distribution. I have been assured by the Garda authorities that they will continue, in conjunction with other law enforcement agencies and in co-operation with their international partners, to pursue initiatives aimed at having a significant impact on drug distribution networks.

Sexual Offences.

163. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to combat the increased incidence of rape; and if he will make a statement on the matter. [12911/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, the provisional statistics for the first quarter of 2004 show a notable increase in some of the sexual offences categories, including rape of a female — up by 41 cases to 181 — and rape section 4 — up three cases to 21. As I noted at the time, this figure is disturbingly high and the commissioner has informed me that this increase results from the recent reporting of approximately 60 historical offences dating from the 1960s. It should be noted that these statistics refer to raw

data and are subject to change in the course of the validation process.

I have been informed by the Garda authorities that the Garda Síochána thoroughly investigates all complaints of rapes and take every possible measure to ensure that the victims are dealt with in a professional and sensitive manner. There is close co-operation between gardaí and other organisations involved in this area.

The gardaí continue to make efforts to combat sexual offences by means of education, increased awareness and enforcement of the relevant legislation. The Garda authorities have informed me that the Sex Offenders Act 2001 is an effective tool in managing convicted sex offenders in the community as it places requirements on the convicted sex offenders to notify the Garda Síochána of their current place of residence. This legislation also creates an offence for failure of convicted sex offenders to inform employers of a sexual offence or conviction when seeking employment for work which consist mainly of unsupervised access to children or mentally impaired persons.

I can inform the Deputy that, in recent years, my Department has funded a number of awareness campaigns in relation to rape and sexual assault which were conducted by the national steering committee on violence against women. In addition, my Department has provided funding to a number of rape crisis centres to deliver a training programme in schools in their locality.

The Deputy may also be interested to know that my Department has recently provided joint funding for comprehensive research into attrition rates in rape cases. The research which is entitled, *The Understanding of Attrition, Early Withdrawal, the Trial Process and Identifying Possible Changes to Support Complainants in Rape Cases*, is being carried out by the department of law at the National University of Ireland, Galway and the Rape Crisis Network Ireland.

Child Pornography.

164. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the steps which can be taken to combat child pornography through the Internet; and if he will make a statement on the matter. [12913/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Internet is an international phenomenon. It has no borders and there is no single organisation controlling it. Measures to combat child pornography on the Internet are therefore hampered by a multiplicity of jurisdictions, differing legal systems, and indeed differing societal norms. Furthermore, developments in new communications technologies

allow for Internet access from many means other than the traditional personal computer.

For the above reasons, combating the production and availability of child pornography requires a combination of responses, and the co-operation of all the stakeholders, at both national and international level — legislators, law enforcement, schools, child protection practitioners and, most important of all, parents and guardians.

In terms of legislation, in the Child Trafficking and Pornography Act 1998, Ireland has one of the most robust pieces of legislation anywhere. Under the Act, the possession, distribution, importation and exportation or sale of all forms of child pornography — films, videos, or material in written or auditory form including material produced or transmitted via the Internet are offences, with penalties of up to 14 years' imprisonment. Mere possession of child pornography can be punishable by imprisonment for up to five years. Using a child or allowing a child to be used for the production of child pornography is also punishable by up to 14 years' imprisonment.

The *Gárda Síochána* is committed to the investigation of all cases of child pornography and the importance of investigating the child protection issues involved in such cases. The paedophile investigation unit, which is located within the domestic violence and sexual assault unit of the National Bureau of Criminal Investigation, is in existence since November 2002. This unit is tasked with the investigation and co-ordination of cases relating to the possession, production and distribution of child pornography, and any alleged sexual abuse pertaining to same.

Computer forensics are carried out by the paedophile investigation unit and also the Garda Bureau of Fraud Investigation using up to date forensics. As suspected criminal cases are complex, members of the *Gárda Síochána* are continuously updating their skills in the investigation of child pornography on the Internet. Given the international dimension of these offences, there is continuous co-operation and liaison with other police forces in an effort to investigate and combat these crimes.

On the structural side, the Government established a working group in 1997 to examine and report on the whole question of the illegal and harmful use of the Internet with particular reference to child pornography. The report of the working group on the illegal and harmful use of the Internet was published in July 1998. The main recommendation of the report was for a system of self-regulation by the Internet service provider industry. The components of such a system were to include the following: an Internet Advisory Board, IAB, established in February 2000, which

promotes awareness of Internet downside issues, co-ordinates efforts to combat child pornography on the Internet and monitors the progress of self-regulation by the Internet service provider industry; a public hotline for reporting child pornography, established 1999 and funded by the industry; and an industry code of practice setting out the duties and responsibilities of each Internet service provider, agreed in February 2002.

The Internet Advisory Board oversees and monitors progress on child pornography measures, and supervises a self-regulatory regime for the Irish Internet service providers. Its brief also extends to general downside issues on the Internet including general safety for children. The hotline, *www.hotline.ie*, funded by the Internet Service Providers' Association of Ireland with support from the EU safer Internet action plan, was launched in November 1999 and has been operating since that time. Special protocols operate between the *Gardaí* and the hotline which maximise co-operation on law enforcement issues so that offences in the area of child pornography can be detected and prosecuted. The hotline works closely with, and is a founding member of the international INHOPE association, *www.inhope.org*, a network of European hotlines which is expanding to all parts of the world. The INHOPE association develops procedures and shares information on the best practices for the tracing and tracking of illegal child pornography.

The self-regulation approach to Internet regulation has been adopted world-wide and the board helps and supports the Irish Internet service provider industry to deliver an effective self-regulation environment, in accordance with an agreed code of practice and ethics for the industry. That code of practice and ethics is recognised throughout Europe as a model of its type. International co-operation is a vital part of the fight against child pornography on the Internet, and Ireland is fully committed to playing its part.

In September 2001, the Council of Europe Ministers' deputies approved the first international convention on cybercrime. Ireland signed up to the convention in June 2002. The main objective of the convention is to foster international co-operation in protecting society against cybercrime. The convention deals specifically with the distribution of child pornography on the Internet, infringements of copyright, computer related fraud and violations of network security.

The European Union has taken a strong line on combating child pornography on the Internet. Under the safer Internet action plan, the EU is providing financial and other supports for measures in the member states to combat illegal

[Mr. McDowell.] and harmful uses of the Internet, with particular emphasis on protecting children. A proposal for a new EU action plan, Safer Internet Plus, covering the period 2005 to 2008, with a budget of €50 million, is being progressed under the Irish Presidency. A new Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography was adopted by the EU Council on 22 December 2003, and my Department is currently examining its requirements in order to determine whether or not new legislation will be required in order to comply with its provisions.

Missing Persons.

165. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of persons recorded as missing over the past five years; the number subsequently found; and if he will make a statement on the matter. [12914/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the number of persons recorded as missing for the years 1998 to 2002 inclusive is 10,081 and that the number of people

subsequently found is 9,990. All files on missing persons remain open and under continuous review until the person is located, or, in the case of a missing person who is presumed drowned, a verdict to that effect by the coroner.

Crime Levels.

166. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which crime levels by category as reported have increased or decreased throughout County Kildare in the past five years; and if he will make a statement on the matter. [12915/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that statistics are not available in the county format requested by the Deputy. They have, however, furnished the headline crime statistics for the years 2000 to 2003 for the Garda division of Carlow-Kildare. Comparable statistics for the previous years are unavailable and I am informed that the compilation of such information would involve a disproportionate amount of Garda time and resources which could not be justified in the circumstances. It should be noted that the statistics furnished for 2003 are provisional and are, therefore, subject to change.

Headline Crime Statistics: Carlow-Kildare division

	Homicide	Assault	Sexual Offences	Arson	Drugs	Larceny	Burglary	Robbery	Fraud	Other	Total Rec.
2000	6	72	41	51	77	1,196	1,385	58	216	10	3,112
2001	4	119	80	50	83	1,661	1,434	79	203	38	3,751
2002	1	282	123	55	87	2,049	1,672	80	205	85	4,639
2003*	0	218	168	63	93	2,290	1,605	74	212	51	4,772

Prison Accommodation.

167. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform his plans for the provision of custodial places; if sufficient places exist in view of recent closures; and if he will make a statement on the matter. [12917/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The provision of approximately 1,300 new prison spaces in recent years, at considerable cost, has put the Prison Service in a much better position to accommodate prisoners for the duration of their sentences than was the case during the revolving door era of the 1990s. However, with most of our prisons operating at or near full capacity, some accommodation difficulties occur from time to time. It should also be noted that this issue is not simply one of matching the global prisoner population to a global figure for beds or cells. A number of factors have to be taken into account including the prisoner's age, gender, the nature of the offence, location, security and whether they are on remand or sentenced.

I recently announced that I am contemplating the building of two major prison developments, one on a greenfield site in the greater Dublin area and the other on Spike Island, County Cork. It is intended that these new facilities will address the overcrowding difficulties that arise from time to time and they will offer significant improvements in the areas of work, training, educational and medical services for inmates as well as predominantly single cell accommodation with proper in-cell sanitation facilities.

I would like to point out that any shortage of prison spaces is not as a direct result of the forced mothballing of the places of detention at Fort Mitchell and the Curragh. Overall, these two institutions had a capacity of 204 spaces — 102 each. The recent opening of a new wing in Limerick Prison has fully offset the loss of Fort Mitchell. The lost capacity in the case of the Curragh place of detention, has been approximately 80% offset by the bringing into operation of previously unused spaces in the Midlands Prison. In fact, there are more prisoners in custody today than there were immediately prior to closure of the two sites.

Prisoner Releases.

168. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prisoners who have received early release without serving their full sentence in the past 12 months; and if he will make a statement on the matter. [12918/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Figures for the year 2003 are being compiled by the Prison Service. While subject to final verification, these statistics indicate that just under 2,500 prisoners received early release in the calendar year. Typically, the releases in these cases would be of short duration, sometimes as little as one to two days, when the prisoner is close to completion of sentence. From time to time, consideration may be given to a somewhat longer period of release for the purposes of residential addiction counselling or for other constructive programmes, for example, work training. The aim of this latter form of temporary release is to help the prisoner with employment prospects on the outside which will have the effect of reducing the risk of reoffending. Temporary release, which is always conditional on the prisoners behaviour, is recognised as being a useful instrument in preparing a prisoner for reintegration with society.

At present, the number of persons on temporary release is in the region of 8% to 9% of the prison population. This compares with figures approaching 20% during the 1990s. This reduction is largely due to the construction of some 1,300 new prison spaces during this period.

Questions Nos. 169 and 170 answered with Question No. 158.

Departmental Reports.

171. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the reports that have been commissioned by his Department since June 2002; the reports that have been completed and received by his Department; the reports that have been published; the body or agency in each case that was commissioned to produce the report; the cost or estimated cost of each report; the expected date of publication of unpublished reports; and if he will make a statement on the matter. [12948/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the time available for answering parliamentary questions it has not been possible to compile the detailed information requested by the Deputy. The information sought is being compiled at present and I will forward it to the Deputy shortly.

Garda Deployment.

173. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of gardai

available for street or motorised patrol over a 24 hour basis in the greater Dublin area; and if he will make a statement on the matter. [12950/04]

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 total strength of the Garda Síochána in the Dublin metropolitan region as at 30 April 2004 was 3,801 — all ranks. For operational reasons, it is not Garda policy to release the number of personnel working over any particular period of time.

174. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of gardai available for duty in County Kildare over any 24 hour period with particular reference to street or motorised patrols; and if he will make a statement on the matter. [12951/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by Garda authorities which are responsible for the detailed allocation of resources, including personnel, that County Kildare forms part of the Carlow-Kildare division. The personnel strength, all ranks, of Carlow-Kildare division as at 30 April 2004 was 327 — all ranks.

For security and operational reasons, it is not Garda policy to disclose the number of Garda personnel on duty at any given time. The situation will be kept under review and when additional personnel next becomes available, the needs of Garda stations in County Kildare will be fully considered within the overall context of the needs of Garda stations throughout the country.

Garda Strength.

175. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the situation with respect to the appointment of a member of the gardai to a full-time position in Dunlavin, County Wicklow; and if he will make a statement on the matter. [12952/04]

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 a full-time member of Garda rank was allocated to Dunlavin County Wicklow on 13 August 2003.

Garda Operations.

176. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform if he will consider the possibility of local communities locating defibrillators in local Garda stations to assist in their case of availability; and if he will make a statement on the matter. [12953/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have not received any proposal on this matter to date. I expect that in

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the first instance this is a public health issue which would be a matter for my colleague, the Minister for Health and Children. If such an issue were to arise, I would have to consider the appropriateness of Garda stations as locations for such equipment in consultation with the Garda Commissioner and the Department of Health and Children.

177. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if he will request a report from the Garda authorities detailing the Garda response to the serious tensions between local residents and some construction workers at a location (details supplied) in Dublin 7; if the gardaí can assist in this matter; if the gardaí have a role in ensuring that construction work is confined to the restricted times set down by regulations; if illegal parking by trucks on footpaths blocking residents' driveways is being dealt with at this location; if trucks leaving the site comply in full with traffic laws; if threats against residents have been followed up; and if he will make a statement on the matter. [12965/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that a number of complaints made by residents are being followed up and investigated, and that the gardaí have issued a number of fines on the spot for offences committed at this location. I am assured that the gardaí will continue to take appropriate action when reports of illegal activity are made. I have had inquiries made and I am informed that local Garda management are aware of tensions that exist between local residents and construction workers at this location. Gardai have met both the local residents and construction workers in an effort to resolve the issues raised by the Deputy.

The enforcement of the planning regulations with regard to construction work is a matter for the relevant local authority, Dublin City Council in this case.

Planning Regulations.

178. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the position in respect of the taking in charge of estates built prior to the planning Acts in 1963; if legislation requiring local authorities to take them in charge is envisaged; and if he will make a statement on the matter. [12793/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Estates built prior to the commencement of planning legislation in 1964 may be taken in charge in accordance with the provisions set out in section 11 of the Roads Act 1993. Section 180 of the Planning and Development Act 2000 provides for an updated framework in relation to the taking in charge of housing estates for which permission

has been granted under the 2000 Act or the Local Government (Planning and Development) Act 1963. There is no proposal to amend these provisions.

Departmental Reports.

179. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12810/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The information requested is being compiled and will be forwarded to the Deputy shortly.

Departmental Documentation.

180. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12845/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I wish to point out that 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 whether through answers to parliamentary questions, press releases, speeches or existing briefing material.

Local Authority Information.

181. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government the length of time a Deputy is expected to wait for information to be sent in response to a written query to any given local authority post-the ending of the dual mandate; and if he will make a statement on the matter. [12849/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Local authorities are committed to the delivery of a quality service to all customers and their customer action-service plans set out specific

standards, including target response times to correspondence. It is a matter for each local authority to keep under review their own systems and procedures with a view to improving standards of service and addressing any deficiencies which may come to light at local level.

In the context of the ending of the dual mandate, local authorities were required to put in place arrangements as regards their dealings with Oireachtas Members so as to provide reasonable customer service and facilitate such members in carrying out their work on behalf of local communities, and regulations were made in this connection. A feature of the system is that managers are required to meet at least annually with local Oireachtas members and thus provide an opportunity for an update on developments and for any difficulties to be raised and addressed. This is additional to normal and regular contacts between local authority officials and public representatives regarding particular problems or issues.

Departmental Reports.

182. **Mr. Perry** asked the Minister for Community, Rural and Gaeltacht Affairs if he will detail reports that have been internally prepared or externally commissioned by his Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12811/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The Deputy will appreciate that a wide range of reports are routinely prepared in my Department for the purposes of administration, management of schemes, financial management, internal audit, personnel, etc. I take it that these are not the subject of the Deputy's inquiry, as it would simply not be feasible to identify every such note prepared for management purposes since July 2003. I also take it that small-scale technical evaluations or analyses carried out by consultants, that is, less than €5,000, are excluded.

Within the framework of the foregoing, I refer the Deputy to my reply to Parliament Question No. 497 of 17 February 2004. Further to the material in that reply, information in relation to substantive reports internally prepared or externally commissioned by my Department since 1 July 2003 is set out in the appendix below.

Appendix

Department of Community, Rural and Gaeltacht Affairs Annual Report 2002. Prepared internally. Published September 2003 also available on website; IT Strategy Report. Prepared by Deloitte & Touche. Completed March 2004 at a cost of €102,000, including VAT. Not intended for publication;

Access to Waymarked Ways. Prepared internally. Published January 2004; A Review of Support for Enterprise in Rural Areas. Commissioned from Fitzpatrick Associates in September 2003 at a cost of €76,000, including VAT. This is likely to be published July 2004; Decentralisation — Information on towns in the west. Internally prepared. Contains information on 17 towns in the area surrounding Knock Airport as well as Na Forbacha and Clifden. Report is also on the website. It will also be published in book form; Review of the Work of the National Advisory Committee on Drugs, NACD. Commissioned from Talbot Associates February 2004. Expected to be completed by end May 2004 at a cost of €39,125, excluding VAT. No decision has been made on publication at this stage; Comprehensive Linguistic Study of the Gaeltacht. Contract awarded to Acadamh na hOllscolaíochta Gaeilge, University of Ireland, Galway, in conjunction with the National Institute for Regional and Spatial Analysis, University of Ireland, Maynooth, in January 2004. Study scheduled for completion September 2006 and the estimated cost is €550,223, including VAT. The report is expected to be published on completion; The effectiveness and value for money of the subsidised transport services to a number of islands. Commissioned from Malachy Walsh & Partners, in association with Posford Haskoning, Raymond Burke Consulting, McCaig Watson and Seosamh Mac Donnacha, at a cost of €95,642, including VAT. Published April 2004; Mid-Term Evaluation of LEADER. Phase 1 commissioned from Fitzpatrick Associates, in association with Brendan Kearney & Associates, at cost of €100,370, including VAT. It has not been published but has been circulated to all interested parties, including the EU Commission, the LEADER+ monitoring committee and all the LEADER+ groups; Review of department's Internal Audit Function. Carried out by IPA at cost of €9,000, excluding VAT. Completed in October 2003. Not intended for publication; The National Advisory Committee on Drugs, NACD, in pursuit of its agreed drugs research programme, has commissioned research as set out below. Decisions on publication, as appropriate, will be made by the NACD upon completion of the research. Drug Issues and the Homeless Study was commissioned from Merchants Quay Project Limited in July 2003. It is due for completion in August 2004 at cost of €62,643, excluding VAT; Drug Issues and the Travellers Study was commissioned from Vision 21 in July 2003. It is due for completion in September 2004 at cost of €49,445, excluding VAT. Evaluation of National Drug Awareness Campaign was commissioned from NUI Galway in September 2003. It is due for completion in December 2005 at cost of €60,000, excluding VAT.

Departmental Documentation.

183. **Ms Enright** asked the Minister for

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Community, Rural and Gaeltacht Affairs if staff at his Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12846/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The staff of my Department are not engaged in the preparation, production or dissemination of particular material for the use of a specific political party or individual candidates in the local or European elections. 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.

I also point out that my Department receives regular requests from 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 whether through answers to parliamentary questions, press releases, speeches or existing briefing material.

Social Welfare Code.

184. **Mr. Kehoe** asked the Minister for Social and Family Affairs if a person (details supplied) in County Carlow is entitled to any of the free schemes when they turn 60 in June 2004; if not, the reason therefor; and the number of widows between the ages of 60 and 66 who are in a similar situation to this person. [12776/04]

Minister for Social and Family Affairs (Mary Coughlan): The person concerned is in receipt of a widow's contributory pension. This is not a qualifying payment for household benefit purposes for persons aged under 66, except in the case of widowers aged between 60 and 65 where their spouses were in receipt of these benefits before they died. As the late spouse of the person concerned had not been in receipt of household benefits, she is not eligible for these benefits until she is 66 years of age.

According to the records of my Department, there are nearly 16,000 people aged between 60 and 65 in receipt of a widow-er's pension who are not in receipt of the household benefits. An extension of household benefits entitlement to all of this group would have significant cost implications which could only be considered in a budgetary context.

185. **Mr. Allen** asked the Minister for Social and Family Affairs the reasons persons (details supplied) in County Cork had rent subsidy allowance discontinued without notification; and if she will make a statement on the matter. [12777/04]

Minister for Social and Family Affairs (Mary Coughlan): The Southern Health Board was contacted regarding this case and has advised that the reason rent supplement was discontinued in this case is because the amount of rent sought by the landlord is above the maximum limit allowable for rent supplement purposes and the health board advises that suitable accommodation is available within the maximum rent limits that currently apply.

The board has advised that payment of the rent supplement ceased without the normal prior notification being issued to the person concerned. When the lack of prior notification came to light the payment of the rent supplement, including arrears, was restored on a temporary basis.

The person concerned was formally notified that the limited period for which the rent supplement was to be paid had expired and that payment of the supplement was to terminate after a further 21 days. He was also advised of his right to appeal against this decision.

The board has further advised that the person concerned exercised his right to appeal against this decision. The health board's appeals officer found no grounds on which to overturn the decision and accordingly payment of the rent supplement has ceased in this case. The person concerned was advised by the health board on 24 April that if he is dissatisfied with the decision of the health board's appeals officer, he may appeal to the social welfare appeals office.

186. **Mr. Ring** asked the Minister for Social and Family Affairs her views on whether it is fair or equitable that a person who has worked and paid PRSI all their working lives should, on being made redundant, be penalised by having the payment of unemployment benefit curtailed for a number of weeks depending on the amount of redundancy payment they received; when this penny pinching measure was introduced; and if she will make a statement on the matter. [12780/04]

Minister for Social and Family Affairs (Mary Coughlan): Unemployment benefit claimants who receive a redundancy lump sum payment in accordance with the terms of the Redundancy Payment Acts which is in excess of €19,046.07 may be disqualified from receiving payment for up to nine weeks. Certain payments are disregarded in determining the duration of the disqualification, for example, encashment of independent pension entitlements, moneys paid in lieu of notice or accrued holiday entitlements.

Guidelines issued to deciding officers advise that, in considering a UB claim made by a person

who has just been made redundant, they should also take account of a range of factors which could include, for example, such as the claimant's age, family difficulties, etc. In addition, in cases where the customer intends to use some of the redundancy payment to clear or reduce debts which have accrued, deciding officers may offset these debts against the amount received before determining an appropriate period of disqualification, for example, arrears of mortgage or rent, arrears of telephone-electricity-gas bills and particularly debts to moneylenders. Regard may similarly be had to costs related to any exceptional needs, for example, the cost of converting the customer's home to facilitate wheelchair access by a family member.

To ensure consistency in the application of the legislation, the following schedule is used as a guide to what might be considered to be an appropriate period of disqualification, having regard to the gross amount of redundancy received:

Amount of Redundancy Payment: Period of Disqualification

€	
19,046.07 — 25,400	1 Week
25,401 — 31,750	2 Weeks
31,751 — 38,100	3 Weeks
38,101 — 44,450	4 Weeks
44,451 — 50,800	5 Weeks
50,801 — 57,150	6 Weeks
57,151 — 63,500	7 Weeks
63,501 — 69,850	8 Weeks
69,851 and over	9 Weeks

This measure was introduced in 1992 and was designed to counter situations where the social insurance fund was, in effect, being used as a top-up to substantial redundancy packages which also, in some cases, offered fixed period seasonal work. It is important to achieve a balance between the need to ensure that the integrity of the social insurance fund is protected with the need to ensure that the legitimate expectations of insured workers are met. In that context the arrangements in respect of people who receive redundancy payments, as I have outlined them, are not unreasonable.

Departmental Reports.

187. **Mr. Perry** asked the Minister for Social and Family Affairs if she will detail reports that have been internally prepared or externally commissioned by her Department since 1 July 2003, indicating in all cases if they had been published; when they will be published; and if they are not intended for publication in relation to externally commissioned reports, the costs of the reports. [12812/04]

Minister for Social and Family Affairs (Mary Coughlan): It is assumed that the Deputy's question refers to reports relating to the schemes

and services administered by the Department of Social and Family Affairs and not to routine management reports or reports about operational matters to do with the day to day running of the Department. The information requested by the Deputy is as follows:

Reports initiated since July 2003 for publication:

Making Work Pay: Exploring the Interaction between Social Protection and Work — Framework Paper for the Informal Council meeting of Employment and Social Policy Ministers. Initiated July 2003. Published on EU Presidency website January 2004. Cost €7,986; **Report of the Working Group on Fully Inclusive Social Insurance.** Initiated July 2003 following establishment of social partnership group under the Sustaining Progress Publication. Publication summer 2004; **A Review of Customer Survey methods in the Department of Social, and Family Affairs.** Initiated June 2003. Published October 2003. Cost €15,000.

Reports for internal use in policy development not for publication:

Report on Retirement Annuity Contracts. Initiated November 2003. Cost: €1,500; **Report on Borrowing Power of Occupational Pension Schemes.** Initiated January 2004. Cost: €1,200; **Report on Unisex Insurance and Annuity Rates.** Initiated January 2004. Cost €2,400. **Report on Default Investment Strategies under PRSAs.** Initiated April 2004. Cost €1,750. **Report updating cost of Social Housing Report 1995.** Initiated September 2003. Cost €11,000.

Departmental Documentation.

188. **Ms Enright** asked the Minister for Social and Family Affairs if staff at her Department are engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections; if such documentation, briefing notes, information, booklets, statistics or other information has already been disseminated from the Department. [12847/04]

Minister for Social and Family Affairs (Mary Coughlan): Staff at my Department are not engaged in the preparation or production of documentation, briefing materials, information, booklets, statistics or other information for the use of a specific political party or individual candidates in the local or European Parliament elections and that no such material has been disseminated from my Department for such purposes. 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

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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 the 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.