



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 11 May 2004.

Ceisteanna—Questions	
Taoiseach	217
Minister for Defence	
Priority Questions	230
Adjournment Debate Matters	247
Leaders' Questions	248
Suspension of Member: Expression of Regret	258
Request to move Adjournment of Dáil under Standing Order 31	258
Order of Business	260
Message from Seanad	264
Health (Amendment) Bill 2004: Second Stage (<i>resumed</i>)	264
Private Members' Business	
Management of Public Funds: Motion	296
Adjournment Debate	
Banking Industry	333
Residential Institutions Redress Scheme	336
Schools Building Projects	340
Post-Mortem Facilities	342
Questions: Written Answers	345

DÁIL ÉIREANN

*Dé Máirt, 11 Bealtaine 2004.
Tuesday, 11 May 2004.*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.30 p.m.

*Paidir.
Prayer.*

Ceisteanna — Questions.

Interdepartmental Committees.

1. **Mr. Sargent** asked the Taoiseach when the next meeting of the cross-departmental team on infrastructure and public private partnerships will be held; the likely agenda of the meeting; and if he will make a statement on the matter. [8596/04]

2. **Mr. J. Higgins** asked the Taoiseach if he will report on the work of the cross-departmental team on infrastructure and public private partnerships; and if he will make a statement on the matter. [9103/04]

3. **Caoimhghín Ó Caoláin** asked the Taoiseach when the Cabinet committee on housing, infrastructure and PPPs last met; its planned meetings for 2004;. [10500/04]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach when the cross-departmental team on housing, infrastructure and PPPs last met; its planned meetings for the remainder of 2004; and if he will make a statement on the matter. [10501/04]

5. **Mr. Kenny** asked the Taoiseach when the cross-departmental team on infrastructure and public private partnerships will next meet; and if he will make a statement on the matter. [10541/04]

6. **Mr. Rabbitte** asked the Taoiseach if he will report on the work of the cross-departmental team on infrastructure and public private partnership; and if he will make a statement on the matter. [10705/04]

The Taoiseach: I propose to take Questions Nos. 1 to 6, inclusive, together.

Since I last reported to the House, there have been two meetings of the cross-departmental team on housing, infrastructure and public private partnerships, the most recent having taken place on 19 April 2004. The discussions at that meeting were focused on the non-funding

aspects of infrastructure delivery, most notably in the project management and legal areas, and on options for acceleration of the national roads programme. The team will undertake further work on the issues involved with a view to developing a composite set of proposals for the next meeting of the team on 9 June. A special emphasis will be given to the further steps that can be taken towards securing speedier and better value for money outcomes.

The team met previously on 3 March. The principal agenda item was the education capital programme, which is now included in the remit of the team. The Department of Education and Science gave a detailed presentation on the programme, covering the primary, post-primary and third-level sectors. The focus was on the outputs achieved to date and the plans and priorities over the period to 2008. It is intended that the Cabinet committee and the supporting cross-departmental team will meet each month over the remainder of the year, with the exceptions of May and August owing to EU Presidency commitments and the holiday period respectively.

Overall, a major acceleration in delivery of key national infrastructure has occurred in recent times. That is clear from the fifth progress report of the team that was published at the end of April and lodged in the Oireachtas Library. The overriding aim is to maintain that momentum over the remaining lifetime of the national development plan.

Mr. Sargent: Many people would be interested to know if the legislation on the national infrastructure board, which relates to public private partnerships, will be published before the local and European Parliament elections. It is designed primarily for the fast-tracking of incinerators, power stations, motorways or so on but has it been discussed at Cabinet? It was reported to have been discussed at, or at least to have been coming before, Cabinet by the end of last month. Will the Taoiseach give us an up-to-date position on it? Has he taken into account the opposition to the Bill on the basis that local government, on which we will, ironically, decide on 11 June, will have less power as a result of it? Is that the reason it is not being brought forward before the local elections as seems to be the case?

The Taoiseach: The matter has not yet been discussed at Cabinet. The Ministers directly involved are to have some discussions on it. I think it will be the autumn before the Bill comes before the House.

Mr. Sargent: Was the media report that the Bill was to come before Cabinet last month completely wrong? Is it not ready or is it being reconsidered? Does the Taoiseach believe there is a need to look again at the policies on incineration and at many of the other problems? The amount of waste has grown 60% since 1997

[Mr. Sargent.] when the Taoiseach took office. Recycling is only at 12%. Rather than going forward with this legislation, is there not a need to look at the bigger picture to try to ensure maximum support and some type of consensus on it?

The Taoiseach: The Minister would want to get maximum support. Many comments have been made about the Bill. I do not know if the Minister has met the individual groups. The Deputy would need to table a question to him. The Bill is intended to deal, in a moderate way, with projects where there would be delays apart from the normal process. Where the normal process operates, there is no reason for projects to be fast-tracked. We must consider what those areas are. I know from previous discussions we should consider it only in limited areas rather than more broadly. There was some debate around that and I am sure the Minister will take account of the views in that area.

As the Deputy is aware, many others have made the point that there are considerable delays with major projects. In a number of projects, people have made the point that they have not met the same levels of bureaucracy and delay elsewhere, whether in Northern Ireland or in the UK. It is necessary to strike a balance and to try to ensure that while we get the necessary investments and make the necessary progress in these areas, it is done in a way that reflects the normal laws and that there is proper discussion. I do not think the Minister is trying to do anything other than to try to ensure we have major projects and that there is a process to deal with them quickly.

Deputy Sargent knows as well as I do that there is much annoyance among some people who have large investments, who try to comply with environmental laws and with everything the Environmental Protection Agency sets out and who go through the planning process but where in the last few days before a decision, somebody comes back and asks for more information which sets them back several further months. That is frustrating, whether it is right or wrong. It is some process that does not endanger investment and decisions by people who are complying with the law and are prepared to comply with every local and national Government regulation, but still get delayed for long periods. Regrettably, there are many such cases.

Caoimhghín Ó Caoláin: To what extent does the Cabinet committee address housing issues? For example, does it have dedicated meetings that address solely the housing crisis? Does it address the range of housing issues including the dire need for more social housing and the need to address seriously the massive profiteering that is taking place within the housing market, which is still driving house prices astronomically high and out of the reach of many ordinary workers?

Will the Taoiseach ask the committee and the cross-departmental team to address the housing needs of people with disabilities? The Taoiseach will be aware that the Disability Federation of Ireland published a local government programme this morning. Deputy Séamus Kirk represented the Taoiseach and his party at that event. The federation highlighted the dire accommodation needs of a raft of people involved in the disability sector.

Mr. F. McGrath: They are having a tough time.

Caoimhghín Ó Caoláin: Will the Taoiseach, therefore, bring forward proposals to the committee to adopt a national accommodation strategy for people with disabilities and ensure that after 11 June local authorities will be required to implement the salient points therein?

Will the Taoiseach also ask the committee to address the need to reform completely the disabled person's housing grant, to which I referred this morning in Croke Park, including a national standard and 100% coverage of the work to be carried out for the disabled applicant? These changes have not only been recommended by the Commission on the Status of People with Disabilities but, as any Member of the House will know, they are required for those in greatest need.

The Taoiseach: The Deputy should table to the relevant Minister a question about the disabled person's maintenance grant. On the cross-departmental team, yes, it discusses housing issues and receives housing reports from the Department of the Environment, Heritage and Local Government, as well as dealing with the programme for social and affordable housing. This year, approximately €1.8 billion has been spent on social and affordable housing. During the life of the national development plan, in the order of €5.25 billion will be spent on social and affordable housing. The cross-departmental team is continually endeavouring to increase social, affordable and voluntary housing capacity. If the Deputy has any further detailed questions in this regard, he should table them to the Department.

Caoimhghín Ó Caoláin: The Taoiseach referred to both social and affordable housing, and, while he did not answer a number of questions I put to him, I will conclude with a specific point. Real concern was expressed at this morning's conference in Croke Park that there is a question mark over the provision of social housing through the local authority network, throughout this jurisdiction, given the Government's policy and intent. I invite the Taoiseach to use this opportunity to allay those fears and indicate his Government's commitment to the continued provision of social housing as a priority project of local government in the future.

Mr. F. McGrath: He has not delivered yet.

The Taoiseach: Some €1.8 billion will be spent on social and affordable housing this year alone.

Caoimhghín Ó Caoláin: No. The Taoiseach should refer to social housing and leave affordable housing aside.

Mr. F. McGrath: There are still 48,000 on the waiting list.

The Taoiseach: Most of the expenditure has been on social housing. Practically the entire budget in that area has been on social housing. Last year, 5,000 houses were finished and this year just short of 5,000 have been started. There has been major expenditure on social housing. In the short period of the national development plan, more than €5 billion has been spent on the area. That spending will continue for the lifetime of the plan.

Mr. Kenny: Reports indicate that the lack of a second terminal at Dublin Airport is costing the country substantial sums in lost tourism revenue. The Department of Transport received at least 13 independent proposals to build a second terminal for Dublin Airport. When does the Taoiseach expect that a decision will be reached on this matter of critical importance to the development of the city and the economy?

When does the Taoiseach expect the critical infrastructure Bill to deal specifically with the development of a metro system from Dublin city centre to the airport will be published? Has the Cabinet considered the issue? Is a timescale envisaged? Does the Taoiseach expect that the metro project to which the Minister for Transport referred will have commenced or will be up and running by 2007?

The Taoiseach: There has been much discussion of a proposal for a second terminal at Dublin Airport and the form it should take — whether it should be independent or an Aer Rianta terminal and whether it should be low cost or of a more substantive nature because the construction costs and format for each will be different. Those discussions are ongoing with the Minister.

The case has been made that a second terminal would attract many extra visitors and generate employment. There were 13 proposals, some of which were detailed while others outlined financial injections of capital that did not describe the organisation and running of the project. The Minister must reach a final decision on the matter.

There are also industrial relations difficulties. Aer Rianta staff are opposed to the concept of an entirely independent terminal outside the remit of the airport. They feel that would introduce differing employment status. Discussions to reconcile this issue are part of the reason for a delay in reaching a conclusion. From looking at the presentations, however, it should

be possible to reach agreement, especially if staff are unionised because that would remove many of the difficulties. I have stated that in meetings between the various parties to the arrangement.

A second terminal would require substantial investment and Aer Rianta is not in such a healthy financial position that it can do without the extra business. The Minister will come forward with a solution when the discussions are completed, although I am not sure at what stage they are now.

The original cost structures drawn up by the Rail Procurement Agency for a metro to Dublin Airport were extremely high. The Minister engaged in discussions with the Spanish authorities, who had carried out this work on a much less expensive basis, and the RPA has resubmitted the plan on that basis. The plan prioritises a light rail system from the city to the airport and discussions are continuing on how best to build it — by PPP or otherwise. It is still a very costly project and it is probably only feasible on a PPP basis because it would otherwise require a huge percentage of the overall capital spending programme for the next few years.

That would leave the State open to the difficulties of having the project there, which would take money from other projects if it were not on a PPP basis. Of course, if it were on a PPP basis, it would have to fulfil EUROSTAT rules that the weight of involvement and risk be transferred to the private sector. However, those matters are being considered by the Minister. No decision has yet been made on whether to go ahead with it, but the Minister is completing his report. Before he brings forward a proposal, he is continuing to communicate with the Spanish authorities because of their success.

Mr. Rabbitte: The Taoiseach has expressed his frustration at the delay in many infrastructural projects, and that is shared by the House, given the very slow delivery, the extent of need and the infrastructural deficit. In light of the fact that the NRA has discovered yet another archaeological find of considerable importance to heritage, perhaps the time has come to examine its composition. Has the Taoiseach given that any thought? With Carrickmines, Tara, and now Waterford, it is beginning to look like the NRA has an unerring instinct for building roads across heritage sites. Is it not time, rather than condemning snails as the Taoiseach has been doing — I have some sympathy in that regard — we consider why engineering and other expertise cannot construct a section of motorway around the hill of Tara rather than through it? They chose a site in Waterford for the proposed road, seemingly deliberately, where, according to Professor Donchadh Ó Corráin and other experts, one would have anticipated an archaeological find of some significance. Is it not time to examine that?

The Taoiseach: I find it hard to argue against Deputy Rabbitte on this. While the country is very rich in archaeological sites and monuments, it seems extraordinary that, in many of our major projects, we seem to find such locations. Carrickmines is a good example of our going through the entire process and the examination without there seeming to be a difficulty. It was at the end of the process that the problem arose. If I recall correctly, the Carrickmines process took 32 years from the start of the road, and the issues arose only very late. However, in Tara and other areas, people should examine such issues at the preliminary stage. I accept the Deputy's point.

Recently, I asked at a meeting why, everywhere we looked, we seemed to find archaeological delays. An official answered me that when one spends €100 million on archaeology, one tends to have a great many people looking, who in turn tend to find a great deal. That is part of the difficulty too. However, it seems that the archaeological checks should be done at the very earliest stages of identification. We looked elsewhere with the Spanish issue. I have no reason to put roads through national monuments or other buildings of heritage value.

However, it seems that difficulties arise, if not with a building or monument, with a plant or snail. On many other sites where archaeological digs are conducted, people get over problems and find ways of dealing with them. I do not know at what precise stage the engineers check these issues. It should be done when the land is purchased. It is always when we get to the end of the design or planning, when we are far into the process, that it happens. I do not want to guess when the archaeological dig is started, but it should be at land purchase stage.

At a meeting recently I was going through a long list of road projects. In practically all of them archaeological work of one kind or another was required. Important buildings and archaeological sites deserve to be protected and I am not against that. However, it appears extraordinary when something of archaeological importance is attached to almost every single item on a list comprising some 25 or 26 projects. That looks as if people are using the scheme for particular advantage. It is significant that the archaeological profession is one of the fastest growing areas of employment in the country. I do not believe matters have changed so radically in the last decade to justify this level of expansion.

Mr. Rabbitte: I am somewhat concerned about the proposition that because money is available for excavation, people tend to make a find of some renown. In many parts of the country one could be digging for a long time and one would not find——

Mr. M. Smith: We do not want to spend more on digging than we do on the roads.

Mr. Rabbitte: There is some truth in that. I would be somewhat worried, however, if that is the official advice available to the Taoiseach. As in the Tara case, there are groups who advise the National Roads Authority in advance that if it decides to plough through the hill of Tara it will be likely to come across something of some significance. One does not need to be an archaeological scholar to suspect that this might be borne out to be true. Sometimes the longest way around is the shortest time home. The Taoiseach should attempt to answer the question, which was whether he contemplated any changes in the National Roads Authority as a result of what is not a distinguished record to date.

On the same theme, will the Taoiseach say, in respect of the interdepartmental team on infrastructure and public private partnerships — when all of these grand titles are disposed of as well as the meetings to which he refers — is it not the case that PPPs have not really got off the ground, some five or six years later, in Ireland? When will there be some clarity as to whether PPPs provide the answer to some of our infrastructural need? My advice is that there is a paralysis within the official system in terms of the desire to make PPPs work. I do not believe they are appropriate in all circumstances — far from it. However, it seems there may be circumstances where they could make a significant contribution.

I do not deride the official desire to protect the taxpayer and so on. However, there seems to be an attitude, “If we do not make a decision at all, we will not make a mistake.” It is also desirable to slow down projects. That is a saving for the State. This is assisted by official policy because that is the attitude of the Government: reverse engines after elections, slow spending, try to get the electoral and business cycles into kilter. Surely we have passed the age when slowing something down is considered to be for our economic benefit. Will the Taoiseach agree that the absence of progress on infrastructural projects is a constraint on our future economic potential? Is there any sign of a template coming out of these meetings of the interdepartmental committee that will clarify how PPPs are supposed to work?

My understanding is that a large amount of private sector capital is currently looking for a home. It will locate elsewhere if we cannot use it

here. There have even been
3 o'clock circumstances where the National Pensions Reserve Fund or the National Treasury Management Agency nominated a small amount, €200 million, more than a year ago for projects and it has not yet been taken up. There are no projects being put forward to use the money. There is €10.5 billion in the fund building bridges in Tokyo, New York and so on. Will the Taoiseach tell the House how we can reconcile a situation whereby all sides agree on the serious infrastructural deficit, there is significant money there to do the work but for some reason, whether lack of project expertise,

official paralysis or whatever, we do not seem to be able to get the formula right?

The Taoiseach: I accept the Deputy's point that the NRA should look at these things early on. People make the point that it should be cautious in Tara, which is obvious, but the issue comes up in other areas and archaeological digs are necessary. I will raise the matter about the early identification of the work again with the interdepartmental team.

Many roads are being developed under PPPs. Every time we discuss PPPs numerous Deputies raise ideological objections to the concept. I have explained several times the advice of the Department of Finance and the National Treasury Management Agency on this issue. The EUROSTAT decision earlier this year clarified the issue and there have been explanations and meetings with the investors. The problem with the EUROSTAT count was that the capital costs of a project were counted up front in the general Government deficit, even when the risk was transferred to the private sector, which was unacceptable. We won that argument and that was good for the PPP process. The Department has issued new guidelines which are lengthy as they must be under EUROSTAT laws, but they are understood. IBEC and the construction industry say that people understand the process.

I reject what the Deputy says about the capital programme. Of the roads due to be completed this year almost 80 km. are complete, 150 km are under construction and another 155 km are to start. Those figures represent a significant advance on the position two or three years ago. Many of these are PPPs, such as the section of the 11 km Dundalk-western bypass leading to the Border, the Fermoy bypass, the Waterford road, the Kilcock-Kinnegad route which is by far the longest stretch at 38 km, and several others. The private sector is interested only in PPPs that offer a commercial return, which is understandable but also explains the failure to take them up. In the case of roads and most other infrastructural projects that involves a toll and the private sector is interested only in areas and roads that carry the volumes of traffic that can yield a commercial return.

The private sector view of these issues is very conservative. I was in the Department of Finance when the M50 opened and the view was that it would not be viable and would not hold. The first and second quarter figures showed it was not very viable. That was the end of that story but there was considerable debate, worry and concern about it and that attitude persists. When the national development plan was first launched there was a view that people from the National Treasury Management Agency and the IFSC would be waiting to take up these projects but they are not interested in most construction projects. There has been some concern from those outside the country who showed an interest but found great difficulty in operating the project

and there was much criticism here of the five schools that we used early on. The company involved in that project found the negative opinion of the public, the media, local authorities and many in this House, unhelpful. By and large it pulled back from the operation it had begun here. Neither did the private sector find it attractive to take the same level of risk.

The rules are very clear if people are prepared to invest their resources. Following the EUROSTAT change, where the risk is transferred, the international rules are both clear and transparent. The previous process was a silly one but it has been changed. Where the risk is transferred, the resources are not counted in. Not too many are prepared to take that on. Many private sector companies want the return but not to have the risk transferred. They cannot have it that way.

Mr. Rabbitte: My advice is that the Department of Finance, notwithstanding the EUROSTAT ruling, stills wants to frontload the structuring of the proposal in such a fashion that it is not attractive to elements of the private sector.

The Taoiseach: If the Deputy takes the case of the 38 km of the Kilcock-Kinnegad road, there was no difficulty, either with the Department of Finance, the Department of the Environment, Heritage and Local Government, local authorities or the private sector. They went for it because it was a substantial project with high volumes of traffic. When it comes to water or sewage, other than the project with which Deputy Quinn is familiar that he and I attended last year and in which there was private investment, by and large, people do not opt to invest in these projects.

I support public private partnerships, but I have said to IBEC that the private sector must accept the international rules that it must carry the risk. It cannot ask the State and the taxpayer to pay a premium to carry the risk and then say it is against PPPs if they do not. That is the difficulty with private sector investors. They want the State to carry the risk. They want to invest money and be assured that, if something goes wrong, they are covered. They cannot do it that way. That is the reason we have been slower than expected.

From talking to members of the British Government, it appears that many of the roads in the early PPP projects are not as good. The argument in that respect is perhaps that they jumped in, gave too much out and undermined much of their own public sector issues. It is a different argument; I do not think it is a reason for not using PPPs, which we use in a substantial number of areas. I am aware that the Department continues to use them. Some of the education projects for this year will also be PPPs. I know there was great difficulty arguing out the transfer of risk issue.

Mr. Kenny: Following on from Deputy Rabbitte's question about archaeological finds, it is my understanding that the Minister, on behalf of the Government, retains policy in terms of road development and also the allocation of money to the National Roads Authority.

When I was Opposition spokesman on arts and heritage, I learned from archaeologists that they do not mind as long as they have the opportunity to excavate and record what is found. The strip analysis is done a long time before road development takes place. Once a line becomes clear, it is perfectly feasible for them to determine early on if there is a strong likelihood of important archaeological finds being discovered.

Professor Séamus Caulfield informed me that there are 100 years' worth of excavations at Rath Cruachan, County Roscommon. It seems to be sacrilegious to drive a motorway through the Hill of Tara. One day while driving to Dublin I heard a National Roads Authority spokesman on the radio state adamantly that there would be no change, irrespective of the feelings or sensitivities not just of the people living in the area but elsewhere in the country. The Hill of Tara means something to everybody in Ireland. Does Government policy allow for this to be taken into account by the National Roads Authority?

With regard to the list of projects the Taoiseach read, I do not understand why when the Government allocated moneys under the national development plan for major infrastructure in 2002, 2003 and 2004, no funding was allocated for any major road structure west of the Shannon. There was some funding for a stretch of motorway on the way to Dundalk, which is included in the BMW region, but that is a long way removed from beyond Termonbarry. When I was travelling up here at 2.30 a.m. this morning, I drove on the new stretch of road, opened yesterday by the Minister, Deputy Cullen, from Strokestown to Termonbarry, about eight kilometres in distance, through virgin bog, which is a good development.

Why is the NRA, which was set up by Government, unable to get its act together in having projects ready in terms of the use of expenditure allocated to particular regions? When one contacts the NRA, one is told that such projects do not have priority and their completion is ten, 12 or 15 years down the line, which makes a mockery of balanced regional economic development. Following Deputy Rabbitte's comment about the NRA, this is something the Government could usefully examine.

The Taoiseach: I heard what the Deputy said about the archaeological issues. Obviously if one takes a sensitive site or route and tries to force a project through it, one will run into difficulties. The NRA is independent in its examination of these projects and it must go through a process of examination. As to a Department or Minister dictating a route, obviously the Minister

responsible has an involvement and when difficulties arise the matter always comes back to him or her. Sometimes the issue may be the costs involved and, as Deputy Rabbitte said, going the long way around can be costly.

I hold the view that the Deputy should not look for trouble — at least we are trying to find routes that are acceptable and unlikely to give rise to issues. It seems that every time a road is proposed in an area, people object to it. I am not blaming the archaeologists for doing their jobs. They come in and, in many cases, carry out checks, and if nothing is found they move on, but that does not stop people protesting or continuing such protests.

On the issue of priorities, as Deputy Kenny knows, a number of projects west of the Shannon are designed to link up with the Dublin-Sligo, Dublin-Galway and Dublin-Limerick routes. The Dublin-Galway route, in particular, is one the Minister has made a priority, with the Kinnegad motorway, the second part of the motorway link to Athlone and, on the other side, the Loughrea bypass linking the motorway back to Galway — the same is the case with the road to Sligo. Probably some of the best motorways that have been finished go through the Curlews—

Mr. M. Smith: They are major schemes.

The Taoiseach: —and the Strokestown-Longford motorway is under construction. These are all significant roads.

It is best if work on these projects continues. As I said before, if we can keep expenditure on such projects to about 5% of GDP and having regard to roads that will be completed this year and the roads under construction, we will have in the order of way more than 400 km of new roadway. If that level of road construction is maintained for a period, that will mean that the NRA will have to keep that level of construction up to the end of this decade. From the figures in the Department of Finance for such projects up to the end of the decade — the figures cover a five or seven year period — it should be possible to keep such expenditure to 5% of GDP and, if that can be done, a huge impact can be made on the motorway status of roads not only on the east coast and in the midlands but also on the west coast.

There is also the Ballina-Bohola road project, in respect of which I am not sure if work has started, but it is also a priority. As Deputy Kenny knows, business people and members of the public are demanding that priority be given to the Galway-Limerick route because they think that link is enormously important. These are priorities the Cabinet committee on infrastructure has put to the NRA as being crucial for balanced economic and regional development in the western region, not to mind projects elsewhere in the country.

Mr. Sargent: I am anxious to follow up on the reply the Taoiseach gave to a question on a PPP when he mentioned the rules being clear across the EU and that the pitfalls, conditions and so forth should be obvious to anybody getting involved. Is he not concerned that when the Audit Commission in the UK reported about schools built under public private partnerships, it indicated that the costs involved could be as much as 24% more than schools built using more traditional financing methods? Is the Taoiseach in a position to state that this would not happen in Ireland or that there would be no repeat here of an incident such as that which occurred in East Lothian last year when a PPP consortium went bust and the school in question was effectively raided and pupils' books, computers, etc., were seized in lieu of payment? Is it not the case that this is one of the risks of PPPs and that the Government cannot deny it?

Caoimhghín Ó Caoláin: Will the Taoiseach also comment on the provision of five schools by the Jarvis company? Prior to the opening of these in recent years, concerns were raised by several Deputies in respect of the standard of workmanship and the standard of future maintenance. I am familiar with one of the schools which is situated in my constituency and all the concerns to which I refer have been realised. The vocational education committee responsible for providing education at the facility in question is concerned about the standard thereof. Is this not a major concern for the Government in terms of school building provision?

The Taoiseach: I do not know if Deputy Ó Caoláin is concerned about the standard of education or the building itself.

Caoimhghín Ó Caoláin: The building.

The Taoiseach: I am not aware of the position in that regard. I am aware that issues were raised. I return to the question I posed earlier, namely, whether one gets a good return on one's investment. As I have explained on numerous occasions, the Department of Finance has stated that as regards the capital programmes for education or health, the cheapest money is that invested by the State. However, that does not always mean that projects will be completed quickly. It is not possible to do everything and that is why we have been slower than others in advancing the process.

As regards the five schools to which the Deputy referred, I would be disappointed if Jarvis was not honouring its commitment. I understand that a 20 or 25 year maintenance contract formed part of the agreement reached with the company. These schools were only completed approximately three years ago and, therefore, I am sure they are still under guarantee and warranty.

I return to the argument about the risk involved. The private sector wants the State to carry the risk, while the Department of Finance has argued — as have the treasuries in the UK and other countries — that the State does not obtain good value in such circumstances. On projects involving road building, private sector interests can carry the risk and obtain a return. If we follow that policy, charges and tolls will be imposed and this affects the public. If we are going to modernise the country in terms of developing roads, the rail network, airport facilities and the water and sewerage infrastructure and do so within a particular period, some of the work can be transferred to the private sector. That policy has been successful in certain instances, such as, for example, the sewerage project at Ringsend and particular road projects. I am not familiar with the details of the education project but I will raise the Deputy's concerns with the relevant Minister.

Priority Questions.

Defence Forces Investigation.

38. **Mr. McGinley** asked the Minister for Defence if he has authorised an investigation into the role played by members of the Western Command during the Battle of Jadotville in the Congo in 1961; the terms of reference of such an investigation; when he expects a final report; and if he will make a statement on the matter.
[13647/04]

Minister for Defence (Mr. M. Smith): The Chief of Staff has received a submission from a retired Army officer who served at Jadotville seeking a review of the events of September 1961. The Chief of Staff has arranged for the submission to be examined by a board of military officers. The Chief of Staff has asked the board to make recommendations as to any further action that may be open. Pending the outcome of the examination, it would not be appropriate for me to comment. I will carefully consider any recommendations that the Chief of Staff may make in respect of the issue.

Mr. McGinley: I am glad the Minister has informed us that the case is being reopened after 43 years. Does the Minister agree that the essential elements of the matter are simple and straightforward, namely, that a company of the Irish Defence Forces, under severe attack by 4,000 Katanganese soldiers led by Belgian officers, sustained the attack for five days? They were outnumbered by 20 to one and during the five days inflicted casualties of 300 on the enemy forces without sustaining any fatality themselves, though seven were injured. They withstood the land and air bombardment for five days until, eventually, their ammunition, food and water ran

[Mr. McGinley.]
out. The *Daily Mail*, that organ of rectitude, reported afterwards that they fought like tigers.

Now, 43 years later, their valour and heroism has been almost airbrushed out of Irish military history. Unfortunately, quite a few of up to 350 Irish people who fought at that battle have gone to their eternal reward without recognition of their bravery. I hope that when this inquiry is established it will report back as soon as possible because some of the participants of the Jadotville siege are now in their 80s or 90s and others have died. These people are not looking for money or compensation but for recognition of how bravely they fought and held the fort for five days, until they eventually had to surrender. I would term it the Irish Thermopylae.

I hope there is a comprehensive review, that justice is done and that their valour and heroism is recognised, even 43 years later. I also hope we get some indication as to what mysterious forces were at work which prevented recognition of their valour and bravery for 43 years. This is not how our Defence Forces should be treated. We are proud of what they have done on international service with the United Nations. This battle was a glorious occasion but it has been forgotten. I hope the inquiry addresses that.

Mr. M. Smith: As I indicated, the Chief of Staff has established a board of military officers to examine the matter. It would not be fair or right for me to comment further beyond saying that the military board sets about its work in an independent manner, without interference from me or anybody else and there is sound reason for that. Recognition of distinctive roles — medals of honour, military stars or whatever recognition it is finally decided should be accorded, in this or any other case, is done on the basis of strict criterion with which I would not interfere.

However, I would like to respond to Deputy McGinley's request and have the process completed as quickly as possible to facilitate whatever decisions must be taken on foot of it. I will certainly respond quickly to whatever recommendations are made to me.

Mr. McGinley: I appreciate the Minister's support and recognition that time is of critical importance. We should recognise and record the perseverance of people like John Gorman and others, who are still thankfully alive and who participated in that siege. They too hope that no further time is wasted, that there is no foot dragging and that the truth comes out and is officially recognised. I hope the Minister will maintain his interest in the inquiry and ensure this happens.

Mr. M. Smith: I assure the Deputy there will be no foot dragging whatsoever.

Air Corps Equipment.

39. **Mr. Sherlock** asked the Minister for

Defence the proposed role of the Pilatus aircraft being acquired by the Air Corps; the capacity that is available to the Air Corps to protect this country against airborne terrorist attack; and if he will make a statement on the matter. [13473/04]

107. **Mr. Durkan** asked the Minister for Defence the total number of aircraft available, both fixed wing and helicopters, to the Air Corps with adequately trained staff on a 24 hour basis; the call out time in the event of a terrorist attack; and if he will make a statement on the matter. [13659/04]

Mr. M. Smith: I propose to take Questions Nos. 39 and 107 together.

The most important defence against a terrorist attack is detection and prevention by the security forces. While the Garda Síochána has primary responsibility for law and order, including the protection of the internal security of the State, one of the roles assigned to the Defence Forces is the provision of aid to the civil power, meaning in practice, to assist, when requested, the Garda Síochána. The various components of the Defence Forces are active in this regard, providing such assistance as is appropriate in specific circumstances.

A key issue in detection and prevention is the availability and effective analysis of information and intelligence. The likelihood of a terrorist threat to Ireland is being continually assessed and there is ongoing contact and very good co-operation between the Garda and the Defence Forces in this regard. The advice available to me suggests that there is no reason to believe at this time that Ireland or Irish airspace is a direct target. However, it is prudent that we take precautions and keep matters under continuous review.

The assets available to the Defence Forces are related to the level of threat and are considered appropriate in this regard. An air defence capability requires the integrated use of aircraft, radar and air and ground based weapons systems. The Defence Forces have a limited ground-to-air capacity, and that has always been the position. The new trainer aircraft will enhance the airborne elements of our air defence capability. However, we will still continue to operate a limited air-to-air and air-to-ground defence capability.

The Air Corps has a total of 21 fixed wing aircraft and 15 helicopters in the fleet. Outside that it would be inappropriate of me to go into detail about the readiness, deployment arrangements or speed of deployment or redeployment of air defence assets. However, all aircraft have adequate numbers of operationally trained aircrew who can operate from Casement Aerodrome, Baldonnell, which is available on a 24 hour basis as required, and that the shortest call-out time applicable in the Air Corps in certain circumstances is two minutes.

The role of the Pilatus aircraft being acquired for the Air Corps is as a pilot trainer aircraft to train Air Corps pilots in basic flying and in air

combat techniques. The aircraft can also be armed with machine guns and rocket systems.

Additional information not given on the floor of the House

The Defence Forces have one Giraffe mobile air defence radar with a range of up to 40 km and eight Flycatcher mobile air defence fire control radars with a range of 20 km. Twenty-four Bofors L70 air defence guns were purchased from the Royal Netherlands Air Force following the events of 11 September 2001. These weapons are controlled directly by the Flycatcher radars. The projected capability of these guns allows for the simultaneous protection of four airports plus a reserve. The Defence Forces also have six Bofors RBS missile launchers for use with the Giraffe radar. The radar systems have the capacity to detect overflights by aircraft and the air defence regiment is fully trained in the use of the guns. The weapons systems on the new Pilatus aircraft will provide a further capability in terms of air defence.

Ireland has traditionally had a limited military air capability. Aspirations to broaden the range of available air based capabilities are understandable but have to be balanced against real world constraints. Given the enormous costs involved, few small countries possess the ability to provide a comprehensive air based defence capability. The choice must then lie between maintaining an essentially token force to address all dimensions of national defence or seeking to perform a selected range of tasks to a professional standard. The latter option has been the one chosen in Ireland.

Mr. Sherlock: Before dealing with the question, I pay tribute to Air Corps Second Lieutenant Raymond Heery who lost his life when his plane crashed during a training exercise last week. This emphasises once again the risks we ask members of the Defence Forces to take for us on a regular basis.

Given that the Air Corps has been so short of aircraft, the acquisition of the Pilatus aircraft is a welcome development. What is the total value of the contract and when will the rest of the aircraft be delivered? Does the Minister accept that these aircraft are, effectively, only suitable for training purposes and that they have no real defensive capacity in the accepted sense? What capacity has the Air Corps to defend Ireland against airborne attack, particularly an airborne terrorist attack?

Mr. M. Smith: I join Deputy Sherlock in expressing sympathy to the Heery family on the death of one of our young pilots, Captain Heery, in very tragic circumstances.

Regarding air defence, the Defence Forces have one Giraffe mobile air defence radar with a range of up to 40 km and eight Flycatcher mobile air defence fire control radars with a range of 20 km. Twenty-four Beaufort L70 air defence guns were purchased from the Royal Netherlands Air

Force following the events of 11 September 2001 and these weapons are controlled directly by the Flycatcher radars. The projected capability of these guns allows for the simultaneous protection of four airports plus a reserve. The Defence Forces also have six Bofors RBS missile launchers for use with the Giraffe radar. The radar systems have the capacity to detect overflights by aircraft and the Air Defence Regiment is fully trained in the use of the guns.

The weapons system in the new Pilatus aircraft will provide further capability in terms of air defence and would include machine guns and rocket launchers. The Pilatus is primarily a training facility for the Air Corps. It is a vitally important acquisition because training pilots is one of the most essential tasks the Air Corps must perform in terms of the various roles it will subsequently be asked to perform for the Government and the people. It is essential that the pilots have this facility. Three of these aircraft have already landed here. Later this month and before the end of June the next five, bringing the total to eight Pilatus aircraft, will have arrived here. The total cost is approximately €60 million.

Mr. Sherlock: What action would the Minister order, as Minister for Defence, if he were told a hijacked aircraft over the Atlantic was heading in this direction and threatening to crash into a key installation or a city centre? Is it not the case that in such a situation all that could be done would be to appeal to some other country, probably Great Britain, to intercept the plane on our behalf? Does he consider that to be acceptable? I am not suggesting that we spend large sums of money on acquiring fighter aircraft. However, we should have some policy for providing protection against airborne attack.

Mr. M. Smith: Some of the richest countries in the world with defence budgets which would shock Deputies, McGinley, Sherlock and myself, are unable to deal with the type of circumstance Deputy Sherlock has outlined. I do not want to speculate on such matters. It is clear we have limited ground-to-air and air defence capacity. It is also recognised that nothing can be done to defend against the type of terrorist activity carried out in Madrid. That scenario was far removed from that envisaged in Deputy Sherlock's proposition. However, it illustrates the variety of challenges that can arise in terms of a terrorist attack.

We live in a community of nations where terrorist attacks are usually not just a problem for one particular country but for the world community. As I have emphasised on many occasions, the clearest and most decisive way to deal with such problems has always been effective — detection, intelligence and suppression of a cell before it reaches the stage outlined by Deputy Sherlock. In addition, very critical questions arise in the kinds of circumstances he

[Mr. M. Smith.]

has outlined, because many bogus things are happening in the world. How truthful is the information? Is this a rogue aircraft or is it totally innocent? Will the people on the aircraft be given an opportunity to regain control? How much time is there to intervene? I do not want to speculate on these matters, but they are very serious.

Deputy Sherlock and others are entitled to ask but, needless to say, in dealing with them and in being absolutely truthful with the public, one must recognise the essential facts. One of those is that the largest and richest countries in the world are grappling with how to confront such situations. We are part of a community of nations that constitutes the EU and with our partners try to the extent we can to confront these issues. I hope the scenario described by Deputy Sherlock does not happen. However, the level of threat to this country as defined by the Garda Síochána, which is responsible for this area, is nothing like that.

Air Ambulance Service.

40. **Dr. Cowley** asked the Minister for Defence if, in view of the fact that the Air Corps air ambulance is not a dedicated service, and that the equipment it carries reflects its multi-purpose role, if he has satisfied himself with allowing this service to continue, and if he will make a statement on the matter. [13475/04]

Mr. M. Smith: Among the roles assigned to the Air Corps under the White Paper on Defence is the provision of air ambulance services. The Air Corps provides a limited air ambulance service subject to the nature of the mission, available aircraft and other operational commitments. To this end, the Air Corps deploys an Allouette helicopter for daylight missions and, subject to availability, a Dauphin helicopter for night-time operations and also for some neo-natal transfers. In certain circumstances, both the Beechcraft and the CASA Maritime patrol aircraft have been used in the air ambulance role. In addition, the new Lear Jet can be configured for air ambulance and patient transfer.

Each aircraft deployed carries a selection of mission specific medical equipment, the scale of which meets the requirements of each transfer. In this regard, the Air Corps has worked closely with hospital specialists to procure specific equipment and fittings for both helicopters and fixed wing aircraft.

Air Corps helicopters operate from both airports and, where available and deemed safe, hospital helipads. Most transfers are airport to airport with onward transfer by land ambulance. All air ambulance taskings are passed to the Air Corps by a regional ambulance controller.

The provision of this service is on an "as is" basis. The level of service offered reflects the multi-purpose role of the Air Corps. The Air Corps has clearly stated the available capability to hospitals and health boards. The question of

whether to use the service is a clinical decision to be made by relevant medical staff on a case by case basis having regard to the nature of the available service and the best interests of their patients. In this regard, my Department has recently entered into discussions with the Department of Health and Children to formalise the current service arrangements under a service level agreement. The service provided, limited as it is, is well regarded by those who use it and who understand the nature of the service. For so long as that remains the case, I will continue to offer the service.

Dr. Cowley: I am grateful for the Minister's reply. I too sympathise with the family of the young pilot who died so tragically.

It is not my intention to bash the Air Corps, but the facts speak for themselves. The Beaumont study of 2000 shows the Air Corps service to be a farce. People who are desperately ill awaiting transfer for urgent treatment must wait an average of 12.25 hours for an Air Corps helicopter to arrive. However, the Air Corps has other jobs to do. It spends more time carrying Government Ministers than it spends doing mercy missions, and it is based in Dublin and therefore unavailable. That means that the 400 to 600 potential missions that should be done are not done. A total of 200 missions was carried out in 1997, decreasing to 86 missions in 2001 and people die as a result.

Would the Minister not agree that the answer is in the recently published study into the all-Ireland helicopter emergency medical service feasibility study, which is two years overdue, which states very clearly that this inter hospital service would work at a cost of €12 million plus €4 million annual running costs? That would include the cost of the helipad at Beaumont Hospital which is urgently needed. It would help our hardworking ambulance men to transfer people, say babies with meningococcal meningitis, and save their lives. What good is it to a baby fighting for its life to have to wait for this very essential service? Does the Minister not agree that the service is more needed than the six new Air Corps helicopters the Minister spoke about five months ago and in respect of which tenders have been issued?

Plans have been made to mind President Bush, but it is more important to mind our people. Charity begins at home. Why will the Minister not sanction the helicopter emergency medical service, which needs just one helicopter? The report speaks of consultation between the Department of Defence and the Department of Health and Children. Does the Minister not agree that it is imperative that the helicopter emergency medical service is established, especially in light of the findings of the Hanly report? The Garda has a dedicated helicopter because it feels that such a service is needed when crime takes place. What about people? Is the Government's priority

military operations, President Bush, crime or the ill people of Ireland?

Mr. M. Smith: It is quite unfair of Deputy Cowley to suggest that there have been deficiencies in the Air Corps's attempts to provide a helicopter medical service.

Dr. Cowley: The service is not dedicated.

Mr. M. Smith: It is equally unfair to suggest that a higher priority is given to the transport of Ministers or others than to urgent missions to transfer patients to hospital. There were 96 missions in 2003, involving the Dauphin, Alouette, Casa, Beech, Cessna and S61 aircraft. The missions took a total of 240 hours. I pay tribute to the Air Corps, which has a wide variety of roles and provides services such as search and rescue, ambulance and ministerial transport. The Air Corps responds to its various tasks as quickly as possible.

The Deputy referred to an announcement that was made about helicopters. Following the announcement, I established a civil military procurement group to decide on the type of aircraft that would be most suitable. The needs of the health service were to be considered in that context as one of the roles of the Air Corps. Unfortunately, developments in the search and rescue service in the west meant that the matter had to be reconsidered. I hope in the next week to advertise in the journal for tenders for six new helicopters.

Dr. Cowley: I do not disagree with the Minister's contention that the Air Corps does a good job. It is not the fault of the Air Corps that it does not provide the dedicated service for which there is such a great need. Will the Minister make the case for the need to replace the Air Corps service with a dedicated service? A man is now paralysed for life and is in a wheelchair because the Air Corps was not available to bring him where he needed to go. He paid a high price.

Will the Minister not consider the establishment of a dedicated helicopter emergency medical service? A report that has been overdue for two years states that we should put in place such a service. The Minister arranged the commissioning of the report North and South. Will the Minister not take all of us, including the Air Corps, out of our misery by deciding to proceed with a dedicated helicopter emergency medical service?

Mr. M. Smith: I have indicated that the dedicated service issue is the subject of discussions between my Department and the Minister for Health and Children. I ask Members to bear in mind that the primary responsibility for providing such a service does not rest with the Minister for Defence. I am anxious to ensure that we will do as much as possible to provide

enhanced health services using the facilities of the Air Corps and the acquisitions we made.

Dr. Cowley: I thank the Minister.

Search and Rescue Service.

41. **Mr. McGinley** asked the Minister for Defence if his attention has been drawn to the serious deficiency in the standard of the search and rescue service available in the north-west; and when he expects to have a fully comprehensive service restored to these regions. [13648/04]

104. **Mr. Durkan** asked the Minister for Defence the extent to which his Department is capable of meeting the requirements of the air and sea rescue service; if he has improvements in this regard; and if he will make a statement on the matter. [13656/04]

Mr. M. Smith: I propose to take Questions Nos. 41 and 104 together.

The Irish Coast Guard has overall responsibility for the provision of maritime search and rescue services within the Irish search and rescue region. The Air Corps provides the search and rescue service off the north-west coast while a private operator, CHCI, provides the service from Dublin, Shannon and Waterford. I announced late last year that I had decided to withdraw the Air Corps from the search and rescue service. The decision was made following a considered assessment of the ability of the Air Corps to return to and to maintain a full 24-hour service in the north-west. Deputies will recall that the service had been restricted following an unusually high incidence of sick leave among the winch crews. There is no plan to reconsider the decision to withdraw from the search and rescue service.

The Air Corps will continue to provide its current limited service while the coast guard makes alternative arrangements for the return of a full search and rescue service in the north-west. I have been informed by my colleague, the Minister for Communications, Marine and Natural Resources, that proposals are under assessment and that a final decision is expected shortly. Air Corps pilots will continue to train in search and rescue techniques. It is envisaged that they will support limited non-maritime search and rescue services.

Mr. McGinley: I regret that the Minister does not seem to have any plans to return responsibility for search and rescue services to the Air Corps, particularly in the north-west. I am sure the Minister will agree that the Air Corps provided an excellent service when it operated in the north-west and other parts of the country. Its staff acted as we have come to expect of them. Does the Minister agree that the current circumstances in the north-west are unacceptable in that we do not have a 24 hour service? When an emergency arises in the north-west, as has

[Mr. McGinley.]
happened on numerous occasions since last January when the service was taken over by a private company, the service is often unavailable.

I understand that the service that is available in the north-west is limited. The facility to respond to calls does not exist after 7.30 p.m. When a request was made for assistance last Sunday morning, a helicopter in Sligo was unable to respond to a call from Sligo where a young man lost his life. We had to depend on assistance from Baldonnel, but the helicopter was halfway to Sligo when the young man's body was found. Such a case illustrates the difficulties we have because the north-west is so exposed at present.

The Minister said in his reply that responsibility has been given to a private company. Such a transfer was envisaged on 2 January last. What is the position of the transfer to the private company? When will the company assume full responsibility? When will it be able to provide a full 24 hour service to that area? The seas off the north-west coast are probably more treacherous than any in Ireland, if not Europe. It is a serious problem, but nothing seems to be happening. We have half a service. The Minister should bear the responsibility because he withdrew the facility from the Air Corps in the first instance. He has a responsibility to restore some sort of service before there is further loss of life.

Mr. M. Smith: I will not evade any of my responsibilities as Minister for Defence. Deputy McGinley is well aware that responsibility for the provision of search and rescue services does not lie with the Minister for Defence, but with the Irish Coast Guard. Such services are provided by CHCI at Waterford, Dublin and Shannon. The Air Corps continues to provide a limited service pending the provision of a full 24 hour service by CHCI. The Minister for Communications, Marine and Natural Resources has indicated to me that his Department's discussions with CHCI about the provision of a full service are in their final stages and that the matter is being treated with extreme urgency. The service being provided by the Air Corps in the interim undertook three missions in January, two in February, four in March and two in April. Some 14 people were rescued during that time.

I cannot be expected to take the blame for my decision to discontinue the Air Corps service, given that I was unable to guarantee continuity of the emergency life-saving service. On the basis of the information given to me by the Air Corps, I would not have been in a position to provide the service on a full-time basis — 24 hours a day, seven days a week — until March 2005 at the earliest. When I received indications from CHCI that it would be in a position to provide a full-time service at a much earlier date, I naturally had to face my responsibilities in that regard. I am anxious to help in any way I can.

The Air Corps is still involved in missions and will have a full winch crew for little less than half the monthly requirements. That is the very best I can do. I am anxious to see the Irish Coast Guard and the Department of Communications, Marine and Natural Resources complete the arrangement with the private company which will take over the provision of this service and which has provided an excellent service throughout the rest of the country.

Mr. McGinley: I thank the Minister for his guarantee that he will do everything to maintain a comprehensive service in the north-west. I also associate myself with the comments of my colleagues on all sides of the House in conveying our deepest sympathy to the father, brother, sister and family members of second lieutenant Raymond Heery, another brave Air Corps person who lost his life tragically.

Defence Forces Recruitment.

42. **Mr. Sherlock** asked the Minister for Defence the steps that are being taken to address the serious shortage of medical officers which is currently less than half of the establishment level; and if he will make a statement on the matter.
[13474/04]

Mr. M. Smith: The military authorities advise that the current establishment for medical officers in the Permanent Defence Force is 51 and the current strength is 20. In common with other public sector health service providers, the medical corps encounters difficulty in the recruitment and retention of medical personnel. The Department of Defence, in consultation with the director of the medical corps, is seeking ways to recruit additional medical personnel, notwithstanding these difficulties.

Over the past number of years, the medical corps has had difficulty in attracting more than one or two medical officers per year into the service. Part of the difficulty in attracting applicants may be due to the unique nature of military medical officer appointments. Service in the medical corps is not a professional training employment comparable to non-consultant hospital doctor appointments or vocational training schemes in general practice. Where no military medical or dental officer is available, suitable local arrangements are made with civilian medical and dental practitioners to ensure that the appropriate level of professional care is available to members of the Defence Forces.

Mr. Sherlock: I raised the issue of the shortage of medical personnel in the Defence Forces in December 2002. RACO, the Representative Association of Commissioned Officers, described the military medical service as being close to collapse because of the critical shortage of medical officers. At that time there were 33 medical officers serving in the Defence Forces and it is alarming to find the figure has fallen to

20, about 40% of the recommended number. How many of the current 20 medical officers are serving with troops abroad and how much is paid by the Defence Forces each year to civilian doctors who provide care in the absence of the appropriate medical personnel?

Mr. M. Smith: One can come to the House prepared for as many questions as possible, but I do not know how much is paid by the Defence Forces to civilian doctors. I can find that out for the Deputy. He should bear in mind that many services are provided by civilian medical personnel for the Defence Forces, and those services supplement the medical services supplied by permanent medical staff in the Defence Forces.

There is a genuine problem in attracting medical personnel to the Defence Forces. We have considered a variety of ways of attracting such personnel and will continue to work on the problem. Suggestions have been made by colleagues in the House and I am considering them. We have two serving medical officers in Liberia, one of whom came from the private sector and is on a short-service commission.

Mr. Sherlock: When I raised this matter in December 2002 the Minister told me the Department, in consultation with the director of the medical corps, was endeavouring to seek ways to recruit additional medical personnel. It appears nothing has been done since then. Is it the Minister's intention to bring retired medical personnel back into the Defence Forces?

Mr. M. Smith: That suggestion has been made to me and I am considering it. It is not the usual or traditional practice in the Defence Forces to take such action but we are faced with a quite significant problem and we must consider every option. In 2003 we had one medical officer on a short-term commission who came from the private sector. There was no successful recruitment in 2002. Three medical officers were hired in 2001, one in 2000 and one in 1999. This is not for the want of trying.

I hope this will not be misinterpreted but we are dealing with what is probably one of the fittest, most health-conscious group of people in the country. It is due to the nature of the tasks that must sometimes be performed that the medical expertise needed must be of a high standard and as widely available as possible, particularly when we are undertaking missions abroad.

European Security and Defence Policy.

43. **Mr. Boyle** asked the Minister for Defence the military capability shortfalls highlighted at the EU Defence Ministers' meeting in early April 2004; the pledges the Government has made in terms of rectifying these shortfalls; and if he will make a statement on the matter. [13464/04]

49. **Mr. Sherlock** asked the Minister for Defence the matters discussed and conclusions reached at the recent two-day meeting of the EU Defence Ministers in Brussels; and if he will make a statement on the matter. [13388/04]

51. **Mr. Cuffe** asked the Minister for Defence if he will report on the development of EU rapid reaction battle groups by 2007 agreed at the April 2004 EU Defence Ministers' meeting; if Ireland will be participating in such battle groups; and if he will make a statement on the matter. [13465/04]

65. **Mr. Boyle** asked the Minister for Defence if he will report on the meeting of Defence Ministers of the EU and acceding states that took place in early April 2004; and if he will make a statement on the matter. [13463/04]

111. **Mr. Durkan** asked the Minister for Defence the extent to which he has discussed with his EU colleagues the means of combating terrorism; and if he will make a statement on the matter. [13663/04]

112. **Mr. Durkan** asked the Minister for Defence the discussions he has had with his EU colleagues in the matter of European defence and security; and if he will make a statement on the matter. [13664/04]

Mr. M. Smith: I propose to take Questions Nos. 43, 49, 51, 65, 111 and 112 together.

I welcome this opportunity to update the House on discussions on European security and defence policy. On 5 and 6 April, I chaired an informal meeting in Brussels of Defence Ministers of EU member states and accession states. A number of such informal meetings have been held in recent years. The meetings have been a useful forum for informal discussions in the context of the ongoing development of European security and defence policy. The April meeting provided us with an opportunity to review and discuss the major issues in the ESDP mandate of the Irish Presidency. As the meeting was informal, it was not a decision-making forum and no formal conclusions were drawn.

On 17 May I will chair a meeting of Defence Ministers in the framework of the General Affairs and External Relations Council, GAERC, at which formal decisions regarding the issues discussed at the informal meeting will be taken. The first item on the agenda was capabilities development. As the House will be aware, the Irish Presidency has been mandated to take forward work on the further development of European military capabilities to carry out Petersberg Tasks operations. In particular, we were tasked to develop a European capabilities action plan, roadmap and capability improvement chart. The purpose of the roadmap and chart is to facilitate Defence Ministers in guiding the process of capability development to best effect. Ministers reviewed progress to date and supported our approach to developing the roadmap and capability improvement chart. We

[Mr. M. Smith.]

then turned our attention to the second agenda item, the headline goal 2010. We had a useful exchange of views on the draft headline goal 2010 document as prepared by the EU Council secretariat. The views expressed at the meeting have been useful in guiding ongoing work.

The first day's session concluded with an exchange of views on the EU military rapid response paper as presented by Secretary General and High Representative, Javier Solana. The paper recommends that work on rapid response should be focused on four areas: rapid reaction capability, including qualitative and quantitative criteria; decision-making and planning; relations with the UN; and relations with NATO. The paper refers to the need for rapid response capabilities which should be clearly identifiable in the form of coherent rapid reaction battle groups. There was general support for the battle group concept and Ministers considered the way ahead with a view to achieving concrete results as soon as possible in the field of capabilities available and deployable at very high readiness, including battle groups, in support of the UN. Work on the battle groups concept is ongoing and the aim is to agree a concept by the end of June 2004. An initial battle group capability is envisaged in 2005 and a more extensive capability in 2007. This concluded the first day's meeting.

When the meeting resumed on 6 April, the first matter for our consideration was the proposed European defence agency. The overall aim of the agency is to support the development of the Union's crisis management capabilities. Our debate was informed by an update by the head of the agency establishment team. Ministers voiced continued support for the work of the team with a view to adoption, by June 2004, of the necessary Council decision for the creation of the agency.

As Deputies may recall, the European Council held in Brussels in December 2003 confirmed the EU's readiness for an ESDP follow-on mission to the UN mandated NATO-led
4 o'clock stabilisation force in Bosnia Herzegovina. This was discussed as the final agenda item with particular reference to lessons learned from previous operations. The meeting ended with a working lunch at which discussion on the follow-on mission to SFOR continued in the context of EU-NATO co-operation.

Discussion on terrorism, the other theme for the working lunch, focused on the ESDP aspects of the recently approved European Council declaration. Ministers generally agreed that this issue is primarily for Justice and Home Affairs Ministers in the first instance.

I again remind the House that as the meeting was informal and not a decision-making forum, no formal conclusions were drawn. I will be chairing a meeting of Defence Ministers on 17 May in the framework of the GAERC which will be a formal meeting at which decisions in relation

to ESDP will be taken. I look forward to briefing the House on the outcome of that meeting in due course.

Mr. Gormley: What are the perceived military shortfalls in this country as far as the European Union capability improvement chart is concerned? How much will it cost to make up the shortfall? In the light of these commitments, is it expected that Ireland will have to increase its defence budget as a percentage of gross domestic product?

Will the Minister expand on the discussion he has had on Ireland's relationship with NATO? Will the expanding relationship with NATO have any effect on our status as a neutral State?

Mr. M. Smith: I do not anticipate any demands on the Exchequer in regard to the capability improvement chart and the shortfalls, as they relate to countries that have a significant investment in the defence area, whereas Irish investment up to now has been primarily related to basic needs that had to be met independent of European security and defence issues. All the acquisitions in which we have been involved are primarily directed at upgrading facilities and equipment to meet our UN requirements. I do not envisage any change in the demands made on Government by me as Minister for Defence.

It was always envisaged, notwithstanding the recognition of the independence of NATO and the EU, that in certain areas the relationship between the EU and NATO would be developed. Deputy Gormley will be familiar with the Irish contingents involvement in the UN mandated missions, SFOR and KFOR, run by NATO. These primarily reside around the heavier type of transport equipment and facilities for Petersberg Tasks operations or UN missions where there would not be the necessity for the duplication of assets. It would make no sense that member states involved in Petersberg Tasks operations in EU-UN mandated mission would purchase equipment that was already available, particularly equipment used in the heavy transport area.

There are no implication for our traditional military neutrality in anything in which we are engaged. We are primarily trying to improve the capacity in the European Union to undertake Petersberg Tasks and not have a repeat of the situation where countries stood idly by during terrible atrocities in Europe and seemed incapable of intervening. The debate on the rapid reaction force and other areas is primarily to ensure that UN mandated missions can be undertaken more quickly and effectively with greater inter-operability and the quality of what we do, both militarily and civil can be enhanced by these arrangements.

Mr. Sherlock: What is the role of the meetings of the Defence Council, given that NATO countries as well as neutral countries such as Ireland and Austria are involved?

Was the deteriorating situation in Iraq discussed and, if so, what conclusions were drawn and were views expressed on the role of UN troops in Iraq?

Mr. M. Smith: Discussion took place on UN-EU relations, but not in the context of Iraq. As I mentioned in the course of my reply, these informal meetings take place between Defence Ministers over a number of years under different administrations to enhance the European security and defence policy and to examine the historically proven gaps in capabilities and to what extent, without compromising fundamental principles, we and others can assist each other in the provision of Petersberg Tasks operations, undertaking missions more effectively and quickly and conflict prevention.

We have never exercised our minds in the past to the degree we might have done on the actions that need to be taken on conflict prevention. We seem to undertake the missions when the holocaust, the genocide, the murder and mayhem has taken place. I share the concerns of Members at the reasons we are not in a position to try to offset or intervene in developing crises at an earlier stage. That calls for working together, inter-operability, partnership, training exercises and so on.

Mr. Durkan: In the context of European defence and security, to what extent does the Minister expect responsibility to fall on the Department of Defence and the institutions of the State in combating terrorism? What role does he expect the Defence Forces to play and to what extent have his EU colleagues impressed on the Minister the role to be played by the Irish authorities? Are the available facilities adequate to meet all eventualities in such circumstances?

Mr. M. Smith: As Deputy Durkan knows, I chair the task force on emergency planning. At all those meetings, one of the first reports is from the Garda authorities and the Defence Forces on the threat assessment. Most of the work involves Departments and agencies gearing up their facilities whether in terms of protocols, investment in vaccines by the Department of Health and Children, improvement of safety procedures on aircraft and in airports, the responsibilities of the local authorities, the question of how to deal with a nuclear accident and the acquisition by my Department of detection and screening kits and of nuclear, biological and chemical suits — I think we have purchased approximately 7,000 of those. In the first instance, it is a continual assessment by the Garda and the Defence Forces and then upgrading, getting greater co-ordination and ensuring that all the elements that go into emergency planning are developed and enhanced and are capable of dealing with as much as we can humanly think about.

Mr. McGinley: As we all know, a priority of the EU seems to be the development of a common defence policy whereby member states would come to each other's assistance. At these ministerial meetings which the Minister chairs during the Presidency, is the formulation of a common defence policy ever discussed? Is the Minister precluded from participating in such discussions due to our so-called neutrality? At what stage is the common defence policy? Does the Minister believe we should participate?

Mr. M. Smith: We do not have discussions on a common defence policy. We have made it absolutely clear on numerous occasions that any discussions, decisions or recommendations on going down that road, which is not on the map at present, would have to be put to the people. We have no intention or proposals in that regard.

Mr. Gormley: At the meeting on 17 May, will the Minister raise the question of the torture and abuse of Iraqi prisoners with his British counterpart, Geoff Hoon? As an EU member state, we have a duty to raise it. In the context of NATO, will the Minister raise it when he meets his American counterpart?

Mr. M. Smith: Deputy Gormley knows the Taoiseach and the Minister for Foreign Affairs have already expressed their grave concern in regard to the pictures that have appeared in the media. They are abominable and I will have no hesitation in raising my voice at the appropriate time in this regard. In terms of human rights and the dignity of people, anything done which sets out to humiliate and degrade persons to that degree is totally objectionable and reprehensible.

Mr. M. Higgins: Do I take it that at the Council meeting, the Defence Ministers will issue a statement reaffirming the fundamental protections of the Fourth Geneva Convention?

Mr. M. Smith: Obviously, we must conclude our work on that agenda. This item has arisen in recent days but, as I have indicated, I will be anxious to use my voice in whatever way I can to enforce what is recognised all over the world as the way prisoners should be dealt with. As I said, what happened in Iraq is totally reprehensible and objectionable.

Mr. Gormley: On the question of shortfalls in military capability, is the Minister telling the House that as far as our military capability is concerned, there are no real shortfalls? If there are shortfalls, will the Minister be quite specific in outlining them?

Mr. M. Smith: I already indicated to Deputy Gormley that these are in the heavy end of military equipment. As the Deputy knows, I have an ongoing acquisition policy funded primarily by the sale of assets to improve the ability and capacity of our Defence Forces in terms of their

[Mr. M. Smith.]

safety and our ability to undertake missions previously impossible for us. Three or four years ago, there would have been no way I could have recommended to the House, the Government or to the people to send a mission to Liberia. Were it not for the acquisition of the DROPS, the armoured personnel carriers, the medical equipment and the communications systems involving up to €100 million investment, we could not have undertaken that type of mission. I have said many times that I want to have an independent approach to the missions we undertake under United Nations' mandates. To do so, we need our own equipment and facilities. As I said, we could not have undertaken the Liberian mission two or three years ago but for these acquisitions.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name the Member in each case: (1) Deputy O'Sullivan — the need for the Minister for Education and Science to review the Residential Institutions Redress Act 2002 in light of concerns expressed by survivors of child abuse; (2) Deputy Hocht — that the Minister would clearly explain the absence of Gaelscoil Bhríde, Thurles, County Tipperary, from the schools building programme listings; (3) Deputy Cowley — to ask the Minister, while noting the welcome commencement of orthopaedic outpatient services at Mayo General Hospital, Castlebar, if he will confirm when operative orthopaedics will officially commence at the hospital; (4) Deputy Neville — funding for mental health services; (5) Deputy Richard Bruton — the overcharging by AIB foreign exchange customers in breach of their obligations and the lack of any sanction for this action in the Irish Financial Services Regulatory Authority Act; (6) Deputy Burton — the ongoing crisis at Blanchardstown, James Connolly Memorial Hospital and the failure of the Government to fully commission the new building, including the accident and emergency unit, theatres and the intensive care unit; (7) Deputy Deenihan — the importance of retaining the *Jeanie Johnston* sailing vessel in public ownership; (8) Deputy Connolly — the provision of post-mortem facilities nationally on a seven days per week basis; and (9) Deputy Boyle — to discuss the failure of this Government's so-called decentralisation programme that is seeing a proposal for Department of Agriculture and Food offices and specialised laboratories in Cork city to be moved to Macroom.

The matters raised by Deputies Richard Bruton, O'Sullivan, Hocht and Connolly have been selected for discussion.

Leaders' Questions.

Mr. Kenny: We have reached a sad state of affairs when we cannot accept the truthfulness of answers given by the Taoiseach in the House. It is in that context that I ask my question. I will first remind the House of the Taoiseach's words here on 10 February 1999.

I have continually and unambiguously made clear since Good Friday. . . . 1998 that any reference by the Sinn Féin negotiators regarding the release of the late Jerry McCabe's murderers could not be considered At no time was anyone given any comfort about these people and neither will they be.

Since he uttered these words, the Taoiseach has answered questions on the peace process virtually on a monthly basis and he has never once mentioned this issue as being one of the sticking points in the negotiations. When he specifically reported on those negotiations of last October, it was not mentioned even though Sinn Féin is today claiming that these releases were part of the agreed sequence of events and statements. In doing this secret, dirty deal with the IRA, the Taoiseach and the Minister for Justice, Equality and Law Reform have callously broken their word to the people and have betrayed the McCabe family.

People should remember that Detective Garda Jerry McCabe was serving democracy and his country when he was brutally murdered by violent thugs who only avoided 40 year sentences for capital murder by intimidating key trial witnesses. If we cannot believe what the Taoiseach has been telling us in this House for the past five years, why should we believe him now? I ask the Taoiseach to put away the script prepared by the spin doctors and to give an honest answer to the following question. When did his Government abandon its solemn promise of putting this concession on the table? Will he confirm Gerry Adams's claim today that the release of these killers was part of the deal agreed last October which was halted at the last minute by David Trimble? Was this part of the October deal — yes or no?

The Taoiseach: The full implementation of all aspects of the Good Friday Agreement has not been achieved to date. What became apparent to the two Governments as time went on was that the agreement was unlikely to ever reach full implementation unless certain issues were settled, some going beyond the terms of the agreement. It was from this that the concept of "acts of completion" emerged. What was envisaged in "acts of completion" was nothing short of a definitive settlement of the Northern question involving as one of its central elements, the complete end to all forms of paramilitary activity.

What emerged by April 2003 was a complex set of understandings involving a range of elements, which would emerge as a sequence of agreed statements and supporting actions, some by

Governments, some by Sinn Féin, some by the IRA and some by Unionists. This came very close to realisation in March 2003 but ultimately failed, as did a subsequent attempted settlement last October, essentially involving the same range of elements.

The Governments are now engaged in fresh efforts to bring a definitive end to the Northern conflict, yet we are again seeking to find a way in which an outcome involving essentially the same elements could be achieved. It is no secret that the range of elements to which I refer include matters such as the stability of the inclusive institutions, the ending of paramilitarism in all its forms, the decommissioning of all illegally held arms, the issue of demilitarisation, policing and human rights.

While it is unhelpful to the process of negotiation — indeed, any negotiation — to single out any single element and try to deal with it outside the only context in which it has relevance, one element has been brought into the public domain, the question of releasing the IRA prisoners in Castlerea. The issue of the possible releases of those prisoners has been consistently raised by Sinn Féin, in the same way as the question has arisen about how to handle those who may be responsible for paramilitary crimes committed before the Good Friday Agreement, and those who remained on the run, the so-called OTRs.

Questions were raised in the House about this issue as far back as March last year when I said that the Government was considering how to deal with these issues. The case of OTRs and that of the Castlerea prisoners are not unrelated — neither is covered by the Good Friday Agreement. Our goal last spring and in October, as I have said, was to clear the way on all outstanding issues, including the republican movement finally and definitively making an historic move away from violence. We did not achieve the outcome we were working for at that time. Because of this, the question of the release of these prisoners — or, indeed, resolving the OTR and other issues like demilitarisation, all of which were elements of the sequence — could not be pursued. These issues, therefore, remain on the agenda. Sinn Féin has made it clear that it is unable to convince the IRA leadership to take the necessary steps without the situation of the Castlerea prisoners being resolved.

Let me be clear that, for its part, the Government can consider the early release of these prisoners only in the context where the achievement of all other acts of completion, as set out, was assured. This means assurance of the complete ending of paramilitarism by the IRA, and decommissioning. This is something that we have been trying to achieve through intense engagement over the past two years and more. It is a goal for which successive Irish Governments have been striving since the foundation of the State, and it remains our goal.

Mr. Kenny: The Taoiseach's reply is a disgrace. He knows that the early release of the convicted killers of Jerry McCabe was outside the conditions of the Good Friday Agreement. Does the Taoiseach seriously expect us to believe that this concession is the main blocking point to the final implementation of the Good Friday Agreement? If that is the case, why has he never reported that single issue to this House? It is clear that this secret deal was done with the IRA, and the Taoiseach's recent promise to consult the McCabe family is completely and utterly hypocritical. Surely he has read the letter from the Minister for zero tolerance, Deputy O'Donoghue to Mrs. Ann McCabe and his subsequent statement to the Dáil in which he said "I wonder how many different ways we have to say no for these people to get the message that those involved will not have the benefit of the early release terms of the British-Irish Agreement."

Mr. McDowell: That is true.

Mr. Kenny: Despite his newly-manufactured decisive image, the Taoiseach has lost the plot. The Provisional IRA now believes that it will get whatever it demands in return for the fulfilment of its commitments. Fine Gael rejects this concession being put on the table by the Government. It offends ordinary decent people throughout the land. Where is the Taoiseach's moral strength now? Where is his moral defence of standing for those who stand up for democracy? Is it not a fact that the Taoiseach and the Minister for Justice, Equality and Law Reform have been blackmailed by the IRA into putting this concession on the table? He expects us to believe that it is the last single remaining obstacle to a peaceful Ireland but this U-turn is a step too far. Will he tell Sinn Féin that the Irish people will not accept it?

Deputies: Hear, hear.

The Taoiseach: It is our view that the release of the prisoners in Castlerea does not come under the Good Friday Agreement. That was reflected in the Criminal Justice (Release of Prisoners) Act 1998. It is not the only issue on the agenda. I would not like anybody in this House or outside it to believe, as a result of this debate, that it is a single issue. There is an enormous range of issues, including demilitarisation, prisoners, OTRs and fundamental human rights. If we had been successful in obtaining the framework we set out in March last year, there would have been a whole sequence of events concerning a whole range of issues, some of which have been mentioned. If we ever want to an end to the IRA, which is what I want, we will have to be brave and take some pain to get some gain. If we want to take a purist view that we will end paramilitarism in all its forms, that will not be done by taking one point and dealing with it in

[The Taoiseach.]
isolation. I will be as tough as is necessary against Sinn Féin and the IRA but if we can get a complete set of agreements we will do so.

We had also decided how we would discuss this with the Garda bodies, the McCabe family and Ben O'Sullivan's family. There was no question of the Government making or announcing a deal without consultation with those families.

Ms O. Mitchell: What about the Dáil?

The Taoiseach: We will continue as best we can to bring finality to this agreement. While it may suit some people in the House, we are still a long way from that, but we continue to try because it is the right thing to do.

Mr. J. O'Keeffe: The Taoiseach's word is worthless.

Mr. Rabbitte: I wanted to raise with the Taoiseach his silence on, and the absence of reference on the websites of his Department, the Department of Foreign Affairs or the EU Presidency to the shocking violations of international humanitarian law in Iraq that we see in newspapers and on television. However, having just heard the Taoiseach's comments it is important to go back to the murder of Detective Jerry McCabe. Do I understand the Taoiseach to have told Deputy Kenny that this was not the only issue? He said there is an enormous range of outstanding issues to be dealt with. Was the release of those who murdered Jerry McCabe being used as a concession for a single act of decommissioning last October? It was not at all the act of completion that we were led to believe, even in the secondary explanation by the Government.

The choreography went wrong in October because we did not know the extent or scale of the act of decommissioning that took place. Is the Taoiseach now saying, however, that the release of those who murdered Jerry McCabe was intruded in return for that single act of decommissioning? I cannot understand how he can reconcile that with the letter to Mrs. McCabe from the former Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, which appears in today's *Irish Examiner*, and states: "I hope that what I said at the meeting provided you with assurance that there is no question of granting early release to those concerned, either under the terms of the Good Friday Agreement or, for that matter, on any other basis either."

Mr. McGinley: That was yesterday.

Mr. Rabbitte: I am not saying that a sovereign Government ought not reserve to itself the right to do what it thinks is best in circumstances where the complete departure from violence as a weapon of political advancement is agreed, verified and signed up to. To intrude this as a pawn in negotiations to extract further

concessions in the snail's pace progress towards what may or may not be a final settlement in the future is utterly unacceptable, apart from being entirely at variance with what the Taoiseach said in this House and what the Minister for Justice, Equality and Law Reform said to Mrs. McCabe.

The Taoiseach: Perhaps Deputy Rabbitte missed what I said yesterday at the press conference when I comprehensively dealt with the issue of the inhumane treatment of the prisoners in Iraq. I dealt with that yesterday and I do not want to let that point go unanswered.

I did not want to give an impression to Deputy Rabbitte, which I do not think I did, that this was a part of the settlement. There are not many matters left for the Irish Government to deal with, although there are issues regarding "on the runs", OTRs, human rights and equality which we must address in the overall context of agreement. We must be 100% clear, however, that the consideration by Government of releasing the Castlereagh five would only be in terms of the end of paramilitarism and a final agreement. It was not an interim position and I assure the House of that. It would only take place in the event of full completion of the condition set out in paragraph 13 of the joint declaration, namely, the end of paramilitarism — "the ending of conflict" was the phrase used — and, as the Deputy knows, those are the words the IRA has difficulty broaching. We did not, however, achieve that.

There are many issues the British Government must address. It stated that within the context of acts of completion, it would bring before Parliament the legislation necessary to resolve outstanding cases on a basis involving judicial process and showing sensitivity to the position of victims. The Irish Government would address similar cases in this jurisdiction. That is set out in the joint declaration. We would only look at any of these issues, however, if there was completion and I hope we will arrive at that position as soon as possible.

We are not at that position. We are further from it than we were when we discussed these issues in April 2003. October was only a mirror of that time because it was in April 2003 that the detailed discussions took place. However, we did not get there. We nearly made it in April 2003 and, in the view of the Irish Government, we did not come as close in October 2003 as a result of a range of issues. If I gave every detail of the negotiations in recent years, such as what was said and thought, we would be unable to negotiate any arrangement. This is not an industrial relations issue. We are trying to end for once and for all the paramilitary violence that has almost ruined this country economically for a quarter of a century. We want an end to the Provisional IRA and the remnants of paramilitarism. It is only in that context that I, the Tánaiste, the Minister for Justice, Equality and Law Reform or any of us collectively would

go to the McCabe family and say we think this could take place as part of the greater picture.

We would not go if we thought we were only getting a little process along the way. The reason we never did it was because we did not get to where we wanted. We tried and we will continue to try, but that is our position. I do think we did other than the proper discharge of our duties in trying to bring finality to paramilitary violence in this country.

Mr. McGinley: The Government was willing to play the card.

Mr. Rabbitte: We will come back again to the Iraq question. Answering questions at a press conference is not the same as making a clear statement on the issue. The only statement I read from the Taoiseach stated that he would consider it "a disgrace" if the Opposition were to raise this matter during the Bush visit.

An Ceann Comhairle: I remind the Deputy that only one issue can be raised on Leaders' Questions.

Mr. Rabbitte: I would have thought that the least we could expect would be that the Taoiseach would raise the issue on behalf of all of us when President Bush comes to visit.

An Ceann Comhairle: Standing Order 26 is quite specific. There can be only one issue on a topical question.

Mr. Rabbitte: The Taoiseach will know that for years this House has been scrupulous in its observance of a bipartisan approach and full support for his efforts in respect of the situation in Northern Ireland. The murder of a serving member of the Garda Síochána, however, is a step too far for most Members of this House, be that difficult or not to reconcile with some of the terrible events that have happened in Northern Ireland. Therefore, when the Taoiseach led the people to believe that the killers of Jerry McCabe were outside the terms of the Good Friday Agreement, and when his Minister for Justice, Equality and Law Reform unequivocally assured his widow in that regard, it is a shock to discover that, in fact, it was a pawn on the chess board in the context of a single act of decommissioning last October.

The period that has elapsed since last October has seen the Minister for Justice, Equality and Law Reform at his most assertive in respect of dealings with the IRA.

Mr. McGinley: It rings hollow now.

Mr. Rabbitte: Now we find there was a preparedness on the part of the Minister, the Taoiseach and the rest of the Government to use this issue in what seems to be a step that fell a long way short of the final termination of violence

in Irish politics that was the objective in the first place.

The Taoiseach: It is unfair that the Deputy can ask a question that I cannot answer. I did not say I would not raise this issue during the Bush visit. I never said that. I will gladly do it. I apologise for being out of order but I cannot let a question be asked and left unanswered.

Mr. M. Higgins: The Taoiseach should issue a statement.

The Taoiseach: I made it clear yesterday. I held a press conference live on CNN last week during which I said it. I cannot do any more.

Mr. M. Higgins: The Taoiseach could issue a statement.

An Ceann Comhairle: In fairness to the leader of his party, Deputy Michael D. Higgins might leave Leaders' Questions to him.

The Taoiseach: On the second issue, the Government has not used this as any part of the negotiation process. We firmly stated that we were prepared to consider this issue only as part of the end position if we reached it. We did not reach it, as we have seen recently from the report of the International Monitoring Commission. We were trying to achieve a position where all the outstanding aspects listed by the British Government, David Trimble, the UUP and other parties were dealt with in a comprehensive agreement and that there would be a sequence and a process dealing with that. We did not achieve that so the issues surrounding any aspect of it — OTRs, demilitarisation, further moves on equality, human rights or the horrendous killing in Adare on 7 June 1996 of Jerry McCabe and the injuring of Ben O'Sullivan — did not arise because we did not arrive at that position.

In terms of an overall total agreement and the end of paramilitarism, we would have considered it. We would have tried to achieve finality in the matter, but it did not happen so that part and any other parts of the agreement, many of which are in the public domain and many of which are not, are still being discussed with all parties. This was of the highest sensitivity, however, and we would not do anything without direct contact between the Government, the widow of Jerry McCabe and the family of Ben O'Sullivan.

Mr. J. Higgins: We do not know if AIB Bank will rename its currency department the "foreign short change desk" but we know that the bank's swindling of its foreign exchange customers of up to €25 million is only the latest in a long saga of scams by many banks to maximise their already bloated profits through dubious means. Why do powerful financial institutions feel, after all the previous scandals, that they can still swindle their customers, let alone levy bank charges on us with impunity?

[Mr. J. Higgins.]

Is it not the case that under the Taoiseach's seven-year stewardship, he has operated a different law for the economically powerful in society in contrast with how small people are treated? His Government has operated a nauseating double standard by which the economically powerful may occasionally get mild slaps on the wrist, mainly verbal, but are not really held accountable. In the absence of the Taoiseach last week, I asked the Minister for Defence, Deputy Michael Smith, about some of the double standards. The Taoiseach may have heard the Minister found himself severely challenged in the articulation department in response to Opposition questions.

A young person may take possession of a Garda hat and find himself or herself charged with stealing and lodged in jail for many days with the threat of being kept there longer. Major banks stole up to €1 billion from taxation funds, which means it came from health services, hospitals and schools. How many of the 7,000 gardaí mobilised on May Day did the Minister for Justice, Equality and Law Reform, Deputy McDowell, ask to knock on the door of the boardroom of a major bank and ask the simple question of who organised the rackets and tax frauds and instructed staff around the country, factoring it into the profits of the bank "going forward", as they like to say in business circles? Is it not the reality that, after seven years of Fianna Fáil and Progressive Democrats rule, the Ansbacher men and the organisers of the big bank tax frauds have as much chance of being dragged before a court as the poor, stone age men the National Roads Authority is now turning up every second week?

The Taoiseach: The Deputy left out the fact this Government moved from the position under the Consumer Credit Act 1995, whereby credit institutions were required to notify the Director of Consumer Affairs on any charges imposed by them, but the director was not able to do much about it. That responsibility was transferred to the Irish Financial Services Regulatory Authority which this Government established exactly one year ago, and severe financial penalties are provided for in the Act. As we know, AIB indicated that in the mid-1990s it was charging 1% on non-cash transactions exceeding IR£500,000. It notified the Director of Consumer Affairs that it was charging 0.5%. The error related to a single charge among a large number notified to the Director of Consumer Affairs. It appears AIB noticed its discrepancy two years ago but no action was taken. In April 2004, IFSRA received an anonymous call raising the issue. On 30 April, IFSRA raised the matter with compliance officials in AIB and the matter was raised in the media the following week. Statements have been made. IFSRA has launched an investigation into this matter as it is the relevant authority. It has very strong powers

and is actively pursuing the matter with AIB at a senior level. It can impose severe financial penalties.

Ms Burton: On a point of order, there are no penalties.

An Ceann Comhairle: There is no point of order since the question is that of Deputy Joe Higgins. I ask Deputy Burton to resume her seat.

The Taoiseach: AIB today lodged €25 million with the Central Bank on a good-faith basis at the request of IFSRA. We will see where the matter moves from there. However, IFSRA, which has only been in place for a year, has the powers and functions to deal with this matter.

An Ceann Comhairle: I call Deputy Joe Higgins.

Ms Burton: On a point of order.

An Ceann Comhairle: I am sorry, Deputy Burton, but there are no points of order on Leaders' Questions except from the leader who submitted the question. I ask Deputy Burton to resume her seat. She will leave the House if she does not do so.

Mr. J. Higgins: I can get the details any time from IFSRA's report. Why does it happen? I asked the Taoiseach to explain why the climate his Government allows to obtain lets that happen; he did not do so. Big bankers and barristers can rob us with impunity by legal and illegal means but the Taoiseach and his Government stand over their greed. That is the problem. The Taoiseach may wave the odd velvet glove in their direction but there is no iron fist inside it in terms of the consequences they have been asked to carry. Is it any wonder my colleagues have tabled a motion tonight about the mismanagement and misapplication of public funding and the projects that suffer as a result? The Taoiseach could mobilise thousands of gardaí on May Day to protect occupying powers—

An Ceann Comhairle: The two minutes are concluded.

Mr. J. Higgins: —included among his guests who are responsible for mass murder and the organised torture of prisoners. In other words, he gives them the same immunity he gives to big business when it comes to making it really accountable for its actions. He threw a backbencher to the wolves last week because he had no choice, but there was a point to her protestations. She is being scapegoated. She should not have escaped but the others who are responsible behind it all have never been called to account.

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

Mr. J. Higgins: It is time the banking system was brought into line. It should be publicly owned and democratically controlled because then, with the significant power it has over our lives——

An Ceann Comhairle: I must ask Deputy Higgins to give way to the Taoiseach. If Members are not happy with the Standing Order they know how to change it.

Mr. J. Higgins:——perhaps it could be applied for the benefit of society rather than swindling it, which the Taoiseach's Government allows it to do.

The Taoiseach: I accept the point that IFSRA is the body and the Irish management services Bill has the penalties.

Mr. R. Bruton: There is no penalty for this offence.

The Taoiseach: The Bill with the penalties is before the House. I accept the point. The new Bill is the Irish management services Bill.

Mr. R. Bruton: It has no penalties.

Ms Harney: The new Bill.

The Taoiseach: We set up IFSRA to deal with consumer aspects of these issues. The necessary powers are in the Irish management services Bill to deal with these issues.

Mr. J. Higgins: I do not want to——

The Taoiseach: The Deputy asked me——

Mr. J. Higgins: The Taoiseach must answer the question. Why do they feel they can continually do this? Is it any wonder when they have the Taoiseach in charge of the country.

An Ceann Comhairle: I ask Deputy Joe Higgins to resume his seat. He had his opportunity and his one minute. He shall resume his seat when the Chair is on his feet.

The Taoiseach: The Deputy asked me why the DPP does not take action. The DPP is independent of the Government. That is the answer to the Deputy's question. The Prosecution of Offences Act 1974 makes the DPP independent. He receives this case and deals with it on that basis.

Mr. J. Higgins: What is the Minister for Justice, Equality and Law Reform——

An Ceann Comhairle: I am sorry, Deputy Higgins. If the Taoiseach addressed his remarks through the Chair we might be able to control the Deputy.

The Taoiseach: The new legislation deals with a wide range of issues. In addition to the penalty provisions, there will be significant extra powers for IFSRA regarding requiring financial statements from institutions and evidence of compliance with legislation, known as compliance statements, which IFSRA may also require to be signed off by auditors. The Bill also provides for a financial services ombudsman scheme. There are existing schemes for credit institutions and the insurance industry. The Bill will provide for a single scheme with a more comprehensive remit and for the first time a statutory framework for this service. The legislation therefore includes powers.

Suspension of Member: Expression of Regret.

An Ceann Comhairle: I have received from Deputy Gogarty who was suspended from the service of the Dáil on 6 May for disregarding the authority of the Chair, a written and approved expression of regret. It reads as follows:

11 May 2004

Dear Ceann Comhairle,

In accordance with Standing Order 61(3), I wish to apologise for my behaviour in the House on Thursday last, 6 May. I regret my refusal to obey your ruling calling me to resume my seat and the disruption which led to my suspension.

Your sincerely,

Paul Gogarty.

In accordance with Standing Order 61(3)(b), I move:

“That the order of the House of 6 May suspending Deputy Gogarty from the service of the House be discharged.”

Question put and agreed to.

Request to move Adjournment of Dáil under Standing Order 31.

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

Mr. R. Bruton: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the overcharging by AIB of foreign exchange customers in breach of its obligations; the fact there is no sanction against that action in the Central Bank and Financial Services Authority of Ireland Act 2003 and no monitoring of the compliance of financial institutions by IFSRA or the Director of Consumer Affairs — the current and previous competent authorities in this regard; and to seek a debate on the need to create an obligation on

[Mr. R. Bruton.]
directors of financial institutions to sign off on compliance in respect of consumer law.

Mr. M. Higgins: In accordance with the terms of Standing Order 31 I wish to give notice of my attention, on today's Order of Business, to seek to move the adjournment of the Dáil to discuss the following specific and important matter of public interest requiring urgent attention: the need for Government to seek an independent international inquiry into reports of the systematic torture and degradation of prisoners in Iraq by United States and other coalition forces, and to adjudicate on non-compliance with the Geneva Convention; and for the Government to urgently make a statement on its own behalf and on behalf of the European Presidency.

Mr. Hayes: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Minister for Justice, Equality and Law Reform to address the spiralling misuse of drugs throughout the country and the many violent scenes in our towns late at night. The drugs problem has reached epidemic levels and immediate and radical steps need to be taken to safeguard our youth, who are getting caught up in this scourge, and the public who are being subjected to muggings and other violent attacks by addicts. The Garda authorities need to be given far greater assistance in tackling this problem and in particular in tracking down and bringing to justice those trafficking in drugs.

Mr. Morgan: I seek leave to move a motion for the adjournment of the Dáil under Standing Order 31 on the following specific and important matter of public interest, namely, the startling news that affordable housing is apparently a priority for Fianna Fáil. The fact that the Government has stood idly by as those on low and middle incomes were priced out of the housing market when, since it came to office in 1997, the price of a new house rose from an average of €102,000 to €224,500 and the price of a second hand house rose from an average of €102,700 to €264,900, where there was no comparable increase in incomes.

Ms Burton: Under the terms of Standing Order 31 I seek to move the adjournment of the Dáil to discuss the following specific and important matter of public interest requiring urgent attention, namely, the need for the Government to state what action it intends to take arising from the disclosure that Allied Irish Banks may have overcharged foreign exchange customers by as much as €25 million; and the need to outline the steps it intends to take to protect customers against such abuses.

Aengus Ó Snodaigh: I seek leave to move a motion for the adjournment of the Dáil under

Standing Order 31 for the following specific and important matter of public interest requiring urgent consideration, namely, the findings of the National Consultative Committee on Racism and Interculturalism that the Government proposal to remove the rights of citizenship by birth has fuelled a sharp increase in racist incidents in the State; that, as opponents of this plan predicted, large numbers of pregnant non-national women have experienced racial abuse as a result; and that according to the NCCRI, local politicians and election candidates have also been making racist comments in the course of their election campaign, contrary to the anti-racist protocol for political parties.

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

Order of Business.

The Tánaiste: The Order of Business today shall be as follows: No. 14, Health (Amendment) Bill 2004 — Second Stage (resumed); No 1, Maritime Security Bill 2004 [*Seanad*] — Second Stage; Private Members' Business shall be No. 36, motion re Management of Public Funds.

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

Mr. Kenny: On the Order of Business, will the Tánaiste say if the Government still supports the Hanly Bill? Will she explain what is 24-hour coverage in accident and emergency units in view of the comments made by the Minister for Communications, Marine and National Resources, Deputy Ahern, arising from a situation in County Louth—

An Ceann Comhairle: The second question is for the Minister for Health and Children.

The Tánaiste: The Hanly report is central to the Government's overall health reform programme.

Mr. Kenny: If that is central to the Government's proposal, will she explain what full-time accident and emergency coverage is in that context?

An Ceann Comhairle: That question does not arise on the Order of Business. I suggest the Deputy submits a question to the Minister for Health and Children.

Mr. Kenny: That is why 10,000 people marched in Ennis and 7,000 marched in Nenagh.

An Ceann Comhairle: The Deputy knows the position on Standing Orders. He has plenty of opportunity to submit a question to the Minister for Health and Children.

Mr. Kenny: If the Hanly report is central to the health programme and this is——

An Ceann Comhairle: The Deputy will please allow Deputy Rabbitte to speak.

Mr. Rabbitte: If the Hanly report is still central to Government policy I would not like to be in close range of the Minister of Defence, wherever he is listening to the Tánaiste saying that. I can only imagine the colourful contempt——

An Ceann Comhairle: If Deputy Rabbitte has a question appropriate to the Order of Business, the House will hear it.

Mr. Rabbitte: I have. Will the Tánaiste say whether the Government, during the Irish Presidency, intends to take steps to cause an independent international inquiry to be put in place in respect of the gross shocking violations of human rights evident on our screens from Iraq?

The Tánaiste: It certainly does not arise in the context of proposed legislation. However, as the Taoiseach said in answer to earlier questions, every decent-minded person who has observed what has been happening, is horrified and disgusted. The Irish Government has obviously used its position of influence during the Presidency to promote, in so far as it can, an alternative approach. I do not want to commit myself as to whether we can have an independent group. I know that will be dealt with later this evening. Deputy Michael D. Higgins raised that matter. We have not given consideration to it, but I believe we should have an open mind on whether something like that could be brought to bear to bring an end to this situation. Certainly I would be open on that.

Mr. Rabbitte: That is why we have the Presidency——

An Ceann Comhairle: Deputy Rabbitte will please allow Deputy Sargent to speak.

Mr. Sargent: Perhaps on the same topic, but as regards promised legislation which arises, the International Criminal Court Bill 2003, on which we passed a referendum, does the Tánaiste believe, given the evidence internationally coming from Iraq, that we need to put some urgency into that matter, given that it is many months since the people wanted it passed? Is that not the Government's responsibility on promised legislation? Second, I would like to ask about the amount of money being talked about for coastal protection. *The Sunday Tribune* gave a figure of €150 million for Dublin City Council alone. Will the Tánaiste say whether the Government is intent on burying its head in the sand — in the floods, indeed — on this matter, when it has stood down the coastal zone management Bill.

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

Mr. Sargent: It certainly does.

An Ceann Comhairle: The first question is in order.

Mr. Sargent: Where is the legislation because it is stated in the marine services Bill that it is not possible to indicate a date.

The Tánaiste: The International Criminal Court Bill 2003 was published last August. It is important that we discuss that Bill and clear it in the House. In the context of what we discussed earlier it might be a good contribution for us to make. As regards the coastal zone management Bill, that is being incorporated in a marine services Bill. I have not got a date for when that will be published.

Mr. R. Bruton: I want to ask the Tánaiste about promised legislation in the area of consumer protection. I raised this with the Minister in the last session and she indicated that 5 o'clock . legislation was planned. However, it has not appeared on the Order Paper. This week we saw the extraordinary situation of the Director of Consumer Affairs crying out for proper penalties in the area of consumer protection and it is still not on the Government's legislative plan. What is happening to the updating of consumer protection legislation, now 25 years old?

The Tánaiste: As the Deputy may be aware, I recently appointed a group to look at this and other issues and work is going on in the Department as regards the modernisation——

Mr. R. Bruton: There is always another report to be compiled before——

The Tánaiste: No, we have increased the penalties in some areas. There is strong consumer protection in the area of financial services and that will be further strengthened.

Ms Burton: On a point of order——

An Ceann Comhairle: The Deputy cannot raise a point of order. The Tánaiste is answering a question.

Ms Burton: On a point of order, there is no legislation——

An Ceann Comhairle: That is not a point of order. The Tánaiste will answer Deputy Richard Bruton.

Mr. Stagg: Why can we not make a point of order if we want?

The Tánaiste: There is a statutory officer, Mary O'Dea, who is responsible for consumer protection.

An Ceann Comhairle: I would prefer that the Tánaiste did not answer questions put by way of interruption. I call Deputy Sherlock.

The Tánaiste: That is a fact. That is in the Bill before the House.

Mr. R. Bruton: There is no penalty.

The Tánaiste: There are serious penalties for breach of the code of conduct.

Mr. Sherlock: The Health (Amendment) Bill 2004, to which the Tánaiste referred, provides for the abolition of the health boards. Is the Government aware that implementing the Hanly report or its provisions by stealth in certain areas involves breaches of the Health Act 1970?

The Tánaiste: Does the Deputy want to know whether the legislation is proceeding to abolish the health boards? The health boards will be abolished.

Mr. Rabbitte: The helicopter overhead has rendered the Tánaiste speechless.

Caoimhghín Ó Caoláin: Is the disability Bill being delayed deliberately until after the European and local elections or will it be published before 11 June? Will the Tánaiste advise the House whether it will be rights-based?

An Ceann Comhairle: The first question is in order. We cannot discuss the contents of the Bill.

Caoimhghín Ó Caoláin: They are all in order.

The Tánaiste: As I informed the Deputy last week, the Bill will be published as soon as possible. It is on the agenda for the Cabinet and is almost finalised.

Mr. Stanton: I too was going to ask about the disability Bill because there is great concern in the community about the intentional delay until after the local elections.

Mr. Quinn: Is the Tánaiste aware that the building control Bill is now being virtually indefinitely delayed? We hear vague promises about it being available some time later this year. Is she aware that there is a strong consumer protection dimension to that Bill and will she raise the matter as a priority with her colleague, the Minister for Environment, Heritage and Local Government, Deputy Cullen, to bring it forward as quickly as possible?

The Tánaiste: It is due at the end of this year and I will discuss it with the Minister.

Mr. Boyle: In view of the ongoing concern about people practising medicine without proper qualifications with sad effects, what urgency does the Government attach to the medical practitioners Bill and can she confirm whether the heads exist and have been approved by Government?

The Tánaiste: It is important legislation. The heads have not been approved and I do not have a date for that.

Mr. Durkan: In view of the crimes recently committed by the Minister for Environment, Heritage and Local Government and the spending of €47 million of taxpayers' money without authorisation, plus a further €5 million spent on putting a spin on the sin, does the Government intend to bring forward the crimes Bill to deal with any recurrence?

Mr. J. O'Keeffe: It will be a Bill for the crime of larceny.

The Tánaiste: It is not possible to indicate at this stage. An expert group has been appointed.

(Interruptions).

The Tánaiste: I was not going to read out that answer but thought I had better do so.

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed the Twenty-seventh Amendment of the Constitution Bill 2004, without amendment.

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

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

Mr. Killeen: There is considerable agreement on the need for a health service reform programme. Unfortunately, there is little agreement between parties and, even in some instances within parties, on how best that might be achieved. The national health strategy, Quality and Fairness: A Health System for You, set out the vision and goals for the health service up to 2010. This Bill is the first of two planned for this year, as outlined by the Minister for Health and Children, and is intended to reform structures which have served us reasonably well for more than 30 years.

I recall the debates that took place in council chambers, where I was a member, and elsewhere, during which councillors castigated regional health boards more than they did successive Ministers for Health, even when they came from a different party. Most councillors who were members prior to 1974 claimed that the change from a county to a regional structure was disastrous for health care generally, but in

particular for outlying areas and hospitals in outlying counties. It is somewhat amusing that so many now lament the proposal to abolish the health boards given that many councillors were calling for their abolition 25 years ago and often again in the interim.

Among the charges laid against health boards, which are now lauded as wonderful structures, was that they were remote, committed only to the regional centre, over-bureaucratic, and employed more management, administrative and clerical personnel than health care personnel such as doctors and nurses. I was never a member of a health board but councillors of all parties were solid and constructive members. Some of the very best of those protest least about the proposal in this Bill. I am not convinced that all the representatives of the professional bodies made as positive a contribution to the health boards as most councillors did. There were some exceptions. Some of the professionals were very constructive but there were others who, despite their expertise and commitment to the health service, were disappointing.

One difficulty besetting the health boards and which, unless we are careful, may beset future structures was the perceived tug o' war between the executive of the health board and the Department of Health and Children. Sometimes the Department of Finance would oversee that, which would be considered a negative influence too. It was clear to anyone who observed the health service and how it did or did not develop, particularly outside Dublin, that the Department of Health and Children operated to some kind of invisible blueprint.

Most of us rural dwellers believed that blueprint was the Fitzgerald report, which is 70 years old. There were guidelines that could not be found anywhere but which militated strongly against the development of hospitals other than regional ones. In the mid-west, they probably militated against development of the regional hospital as well. Had the report been implemented in County Clare and Ennis General Hospital the consequences would have been disastrous. Even the worst effects of the Hanly report would be a major improvement on the health clinic model proposed by the Fitzgerald report and adopted by a Government in the 1980s. While economic considerations at various times have retarded the development of our health services, the Department blueprint has also had a negative impact.

It is important that the Government had the foresight to provide for demographic and geographic considerations as an amendment to its adoption of the Hanly model. The Minister's announcement in County Clare that the 24 hour accident and emergency service will be maintained and be doctor-led is welcome. This does not undermine the general principle of the Hanly report, but merely varies the model for deployment of additional medical personnel, in this instance mainly consultants and senior

doctors. It facilitates the much improved blueprint for health care which, together with this legislation, attempts to achieve a much better quality of health service. Whatever other considerations may come into play, and there are many issues which one must take into account, it is incumbent on all of us to do everything we can to ensure that the outcome is the best level of health care.

However much I fault elements of what is proposed in the Hanly report, I concede that it is by far the most coherent and constructive response to the litany of difficulties that have beset the health service in recent years. It is the only reasonable way forward in terms of addressing the difficulties arising from the working time directive.

The report contains a major defect in regard to accident and emergency services, particularly in the mid-west region. We must be clear about what we need in terms of accident and emergency services. A large percentage of this work revolves around care for relatively minor injuries, mostly referred by GPs. Another important element, to which those opposed to the Hanly report have drawn attention, is emergency provision for accident victims, cardiac patients and others. It is clear that this area can be improved.

Almost every Member of the House will have been in an accident and emergency unit, either as a patient or accompanying a family member. I have been in accident and emergency units on many occasions, usually taking in young people injured in matches who are generally in need of an x-ray or stitches. The quality of care, response time and treatment of people in smaller hospitals, especially in Ennis, has been far superior to what is available in other places. I will not embarrass those regional hospitals by naming them. We need to take account of this and value it.

The Hanly team would probably say that most of the cases I described are ones which present between 8 a.m. and 8 p.m. It must be acknowledged that the Hanly report provides for them. We also need to acknowledge that accident victims and cardiac patients will present outside of those hours. Even if the numbers are small, these are patients with medical needs who have family and friends and who would otherwise add to the congestion at regional centres. We must also acknowledge that some of these people would be at considerable risk if they had to make the longer journey implicit in what is proposed in the Hanly report. I welcome the amended model which provides for 24 hour accident and emergency cover. I especially welcome the fact that the people providing such cover will be considerably more qualified than has been the case heretofore.

We must also face the fact that implicit in the Hanly report, and virtually all reports on the health service, is the belief that major improvements need to be made to the quality of patient care. Many of those opposed to the Hanly report have used extreme language. They have

[Mr. Killeen.]
said that if the report's recommendations are implemented, people will die. We need to look at the flip side of the coin and examine whether this is already happening because of existing deficiencies.

Mr. Crawford: Hear, hear.

Mr. Killeen: Some of the improvements proposed in the Hanly report might address the problems. At the very least, Mr. Hanly and his team must be credited with addressing the issue and coming up with a blueprint. It is also important to remember that those involved in preparing the report were not all based in Dublin. Expertise was drawn from all medical disciplines and from around the country.

There have been strong campaigns, especially in counties Clare and Tipperary, to address the perceived deficiencies in the Hanly report. Their aim is to achieve improvements in what was set out in that report. The difficulty relating to junior hospital doctors and the working time directive is adequately addressed in the report. Other proposals such as those in regard to the ambulance service, primary care and the provision of additional consultants would bring enormous improvement in the quality of health care. Twenty-four hour accident and emergency cover is worthwhile in Ennis and Nenagh. I am delighted that it has been possible to achieve that.

I acknowledge the support of party colleagues in County Clare and County Tipperary in bringing about a successful conclusion in that regard. I am happy to work with them and other members of the action committees, some of which are called hospital development committees, to achieve the amendments which will give us the kind of health service to which we are entitled.

We need to ensure that the campaign is cohesive and constructive. Some of what has happened recently in the campaign against the recommendations of the Hanly report, have had a negative effect. Most people involved in the campaign, and I know best those involved in the campaign in County Clare, including some public representatives of Opposition parties, are genuine in their concern and extremely constructive in their approach. They usually resist the temptation to take cheap political shots. However, others who are on a party political crusade are damaging the campaign to make improvements on the Hanly proposals. These people have no regard for patient welfare or the professionals delivering the service in our hospitals. This is having a damaging effect on morale in some smaller hospitals. It also damages public trust in them.

In pursuing the campaign to improve the health service, we need to be clear as to whether we accept the Hanly report as a suitable blueprint for reform. I believe it is and I publicly supported the amendments which will improve the quality of service provision as outlined in the report. Many

people are trying to dismiss the report in its entirety and, in doing so, they are damaging and diminishing the opportunity to bring additional services to the counties and regions. Ultimately this will contribute to a delay in providing good quality patient care, which is not in anybody's interest.

It is a great weakness in the national campaign that we do not have clarity on whether there are positive aspects to the Hanly report. The majority of the recommendations in the report are positive. It sets about addressing the difficulties that exist and the Minister has accepted the merit of the amendments for which people fought.

Regarding the health service reform programme, the Bill sets out a major rationalisation of the existing health service agencies. The most significant element is the abolition of the current health boards and authorities. The health service executive will be the first body ever charged with managing the health service as a single national entity. Anyone who has had reason to examine the work of the health service would agree that something of this nature is required at national level. Many people would also admit that this kind of structure is required at individual hospital level. There seems to be a weakness in management or in the structures in place in a great number of hospitals. From what one would observe as a patient of visitor to an accident and emergency department, one would have to conclude that there are better ways of managing systems.

The establishment of a health information and quality authority to ensure safety and quality of care is promoted throughout the system is welcome. I would have thought that was a given, but there seems to be a need to proceed in this manner. The change of role of the Department of Health and Children in this area is fundamental and important. There have been weaknesses in policy development and oversights over the years. One of the reasons for that undoubtedly is that the health service has grown laterally to an extent that could not have been foreseen. A range of specialties at hospital level have arisen and a range of care models have been set up. A great many of them are operated semi-professionally or by the voluntary sector. They do important work, by and large, in a cost-effective manner, but ultimately as part of an agglomeration that does not deliver to the patient and to the user in the best possible way.

In the health service reform programme there is provision for the modernisation of the supporting processes of the system in terms of service, management, planning, reporting and so on and an aspiration towards international best practice, which I very much welcome. There is also provision for the strengthening of governance and accountability across the system. I believe that will also bear positive results as time goes on.

There is the work of the national steering committee, which I hope will be fruitful and

progressive, but I also hope it will be open to scrutiny by the Oireachtas to suggested improvements and that, as it moves forward, it will have a positive impact on the quality of our health service.

Having regard to this area and specifically what is proposed in the Bill, the changes proposed in structures are quite radical and one would have been concerned to ensure that the interim arrangements would not become semi-permanent or last too long. Any elected representative would have some concern about the assignment of the reserve functions of the authorities and the boards to the chief executive officers in the manner proposed.

In moving forward from the current position to what is planned for the future, there is probably no other way to do this. There must be an interim arrangement and I am not in a position to propose an alternate model other than transferring such authority to the CEOs or to the Minister, but that interim arrangement should not be allowed to last very long. I would not like radical changes to be made during the period of this interim arrangement. Some people have a suspicion that in the absence of the boards to perform the reserve functions, there might be some sleight of hand. It is important to ensure that does not happen because there must be democratic accountability. While one acknowledges that some interim arrangement is required, it is important to ensure it is not abused in the short to medium term.

Mr. Crawford: I welcome the opportunity to speak on this important issue. The problem in our health system is the most serious one with which the Government and country must deal. We all know of cases where the system has let people down badly. I warn the people of Ennis and Nenagh that it is only two years since the people of Cavan-Monaghan were given strong promises regarding Monaghan General Hospital.

This Bill aims to abolish the health boards as we know them and to give power to the CEOs to deliver the service. As one who has experienced the activities of the administrators of the health board in the Cavan-Monaghan region in recent years, this proposed change frightens me. Admittedly, the administrators did not take account of the views of the elected representatives in the area because the board, as structured, comprised many other members plus Government hack. Many measures were bulldozed through regardless. The needs of the people of the area concerned were not a priority.

This Bill seeks to abolish the structures put in place under 1970 Act, the 1996 Act and the 1999 Act. It will amend the provisions of the Local Government Act 2001, which govern the nomination of members from the city and county councils. The main points of the Bill are that it provides for the abolition of the membership of the health boards, etc. and leaves the way open for the CEOs to take control. To use the

Minister's words, what is proposed is the termination of office of all members of the health board on the date on which the order is made.

We are taking a serious step in this. A previous speaker said that prior to the health boards being set up, the health service was administered by the county councils. The record of Monaghan General Hospital reveals that when it was run by the local county council and by its chief — a matron — the services available were much better than those available today.

Section 10 states that the CEO must provide the Minister with any information on the performance of his or her functions as the Minister may from time to time require. Section 13 assigns to the Minister the board functions in the appointment and removal of the CEO. The Minister should take this provision seriously because he has avoided making any decision such as that, even having regard to the powers he has had under the existing legislation in the recent past. As a result, the people of Monaghan have seriously suffered. Somebody said that the Hanly might not be perfect and might need tweaking here and there. Those who believe the Hanly report can serve the good of the country need to note what has happened in Monaghan General Hospital.

We are advised that these proposed changes must be made because of the provisions of the working time directive and that the boards will be replaced by a group which will discuss issues with the Minister, the CEOs, etc. That will be a talking shop with no power. I record that in the case of the North Eastern Health Board, even members who were elected to it did not adhere to the agreement made by the people who put them there. I am mindful of the nurses' representative who voted at all times against the interests of Monaghan General Hospital, but when she resigned she was encouraged to go back there not by the nurses but by the administration. That is the type of concern people have about who will run our health service in future.

I want to return to the point I made about Monaghan General Hospital and the comment I made about the people of Ennis and Nenagh.

Some of the comments I intend to make about Monaghan General Hospital may not be pleasant but they reflect reality. Two years and three months ago the Minister visited the hospital. As reported in *The Northern Standard* at the time, he stated: "I have been left in no doubt about the depth of feeling in Monaghan about the hospital. My visit has been very positive and productive from that point of view." He further stated there was no question of Monaghan hospital closing and that this was simply not on anybody's agenda. He then said: "I understand and realise there are significant credibility issues here. People do not believe what they are being told from official sources. I accept that." He proceeded to list everything that would be done and stated that in the previous three years alone, €4.5 million had been invested and that 15% more people were

[Mr. Crawford.]

using the medical and surgical services than was the case in 1997. All Ministers like to refer to the latter year. The Minister further stated at the time that, in terms of the future, the health board had adopted a plan in 2001 and outlined all the promises it had made.

These were the commitments made by the Minister to the people of Monaghan in the run-up to a general election. He was adamant that the hospital was needed because the country required additional capacity in its acute hospital services. Referring to the bed shortage nationally, he stated there would be no percentage for any Minister in closing hospitals because all spare capacity was needed. On concerns about the planned surgical services review, the Minister said the health board had indicated that surgical services in Monaghan could not be closed down and that the additional workload could not be met by other hospitals. He added that extra junior doctors would be appointed in order to ensure the accrediting body would not recommend the surgical service be closed. He also said that the latter issue would be "looked at in the coming weeks".

That is what happened in Monaghan. When one realises what happened in Ennis and Nenagh a few weeks ago, one is left to wonder about the future. What we want, from the Department's point of view, is for surgical services in Monaghan to continue. In the run-up to the most recent general election, the Minister's party gave absolute guarantees that future developments would include a midwife-led maternity unit. It further promised that all medical emergencies would be treated in Monaghan, that surgical emergencies would be treated in Monaghan as determined by the consultant on call and that 80% of accident and emergency would be treated at Monaghan General Hospital. It also promised that substantial funding would be made available for building and refurbishment, that ten extra beds out of the 38 for the North Eastern Health Boards would go to the hospital, that there would be one new consultant geriatrician, one new consultant dermatologist and one new consultant with five junior hospital doctors, and that Monaghan hospital would be staying open. What happened? On 2 July, Monaghan hospital was taken off call.

The staff at Monaghan General Hospital are doing a great job for those who know how to get in through the backdoor, namely, those who arrive by car. People cannot avail of the ambulance service unless doctors, in individual cases, insist that an ambulance is required. In one recent instance, a doctor simply ordered the ambulance staff to take a patient the short distance to the hospital. The man in question literally died on his way through the doors of the hospital but the staff were able to resuscitate him. That man would not have lived had he been obliged to travel to hospital in Drogheda or some

other location. We are talking about matters of life and death.

In his contribution, the Minister outlined the reasons he wants to do away with the health boards. I am not completely against replacing the health boards, as currently structured. There are difficulties in the current service and there are reasons for making it more organised. However, it is naive to suggest this will result in an end to all our problems. The Minister stated the health strategy will bring about, "better health for everyone, fair access, responsive and appropriate care delivery and high performance". He also stated there are too many agencies and the service is too fragmented. He did not mention a health ombudsman or anything else that might improve the situation. The Minister also referred to:

a major rationalisation of existing health service agencies, including the abolition of the existing health board-authority structures; the establishment of a health services executive, which will be the first ever body charged with managing the health service as a single national entity . . . the establishment of a health information and quality authority to ensure that quality of care is promoted throughout the system.

I will read no more of the speech because what the Minister said was meaningless. I do not mean that in any derogatory sense because that is not the way I operate.

We must consider what is happening at present. Only last week the Minister provided an outline of how well he is doing in terms of reducing waiting lists. I was visited in my office this morning by an aged lady who was making representations on behalf of her 79 year old husband who has been seeking help with his hip problem for the past three years but who, as yet, has not been placed on a waiting list. It is easy to state that waiting lists are being reduced if people are not allowed to be included on them. It is as if they do not exist.

I was contacted by a young man in connection with his three year old daughter. The man in question also has a four year old son and a year ago he had to bring him to a Dublin hospital to have his tonsillitis treated. The child's throat was literally closed and the man asked when the child would be dealt with. He was informed it would take three years. When he asked what would happen if he went private, he was told it would only take two weeks. He was obliged to part with €1,300 in order to have the operation carried out. A year later, he is again desperate because his three year old daughter has a similar problem. He is hoping the operation can be done at Omagh. These are the type of matters with which Members must deal in their clinics on an ordinary day.

I cannot help but think about the family of a man who had a heart attack the other day. He was rushed to one of the major hospitals in

Dublin at 5.30 p.m. He was 22nd on the list for treatment and was cared for by a junior doctor between 5.30 p.m. and 7.30 p.m. However, the doctor's shift ended at that time and it was approximately 9 p.m. or 9.30 p.m. before the man was dealt with and he passed away. How must his family feel today? We have all seen footage on television of ambulances with their sirens sounding arriving at hospitals and being awaited by emergency teams. Hospital staff used to be able to do that and they should still be in a position to do it. However, Monaghan hospital and other hospitals are now off call and services are being grouped at centres of excellence that are not yet prepared to deal with people.

As a member of the British-Irish Interparliamentary Body, I was recently privileged to be part of an inquiry into health services in particular areas. One of the places we visited was the Isle of Man. People may say that money from this country has been invested there illegally and that it has adequate funding as a result. However, I saw how the service there operates. A new 314 bed hospital was built within four years for a population of 75,000 to 85,000 people, depending on the number of holidaymakers in the area. The new hospital will have 24 new consultants and does not seem to have any trouble getting personnel. The charge on the taxpayer for the health service there is just a little higher than what we charge, about half as much again. They apologised because they have a waiting list of six months for a person needing a hip operation, but they hope to reduce that time to three months shortly with the six new theatres in the hospital.

On another occasion we visited a hospital outside Cardiff to see a new modern midwife-led childbirth service. A similar service was promised for Monaghan, but nothing has happened. We then went up to Wick, 108 miles north of Inverness and 15 miles short of John O'Groats. There the maternity service was under pressure with only about 200 patients using it in a year, I think it may have closed since.

That visit opened my eyes to what is wrong with our system. The Minister's personal adviser was with us on the trip and he pointed out that there was nobody in the emergency unit of the hospital we visited. It is true it was not under pressure, but it was at least able to provide a service to any patients who turned up and to ensure they were safe to travel the 108 miles to Inverness.

We also visited the health care service there where five or six doctors worked. They ran an ultra modern health service providing care at primary care level for people so that they do not have to end up at the accident and emergency unit. This service is provided free, which makes all the difference. The Minister should remember that a promise was made before the general election that 200,000 extra medical cards would be provided. However, a reply to a parliamentary

question indicates that instead some 47,000 cards have been withdrawn.

I listened to a colleague from the Fianna Fáil party and Deputy Olivia Mitchell argue on radio about the issue. The Fianna Fáil Deputy said the reason the cards were removed was because all of the people involved were on such good incomes that they no longer needed the cards. This is one of the biggest issues in my office on a daily basis. People with genuine long-term illness have their medical cards removed and their families are in dire distress. If the Minister does nothing else, he should fulfil the commitment to deliver the extra 200,000 medical cards. He should also restore the 47,000 which have been withdrawn.

I cannot help reminding the House of an 87 year old woman who has to take care of her adult disabled children. She worries about what will happen when her life ends or when she is no longer able to look after them. The "Prime Time" programme on RTE last night dealt with the area of autism. When will this Government pass the disability Bill which will give some rights to people who desperately need help? I did not have the opportunity to see the programme last night. However, I heard snippets on the radio. It would make anybody cry that so many people are enduring so much distress at a time when this country was never as well off financially. Some €500 million more than expected has been added to the kitty from taxes and €150 million extra has come in from dormant accounts. Money is also available from other areas.

I beg the Minister to do what is necessary to get Monaghan General Hospital re-opened on call to provide a proper service to people. He appointed Kevin Bonnar to examine the issue and said that €14 million was necessary for the service. The Minister has decided he will provide €2.75 million. In order to provide some comfort to hospitals such as Ennis, Nenagh and other hospitals around the country, the least the Minister should do is to treat Monaghan General Hospital with some dignity and respect and bring it back on call.

Mr. Moloney: I wish to share my time with Deputy Devins.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Moloney: I welcome this debate. I also welcome the changes proposed in the Health (Amendment) Bill 2004 as they are a key part of the Government's reform of the health service as announced last year.

I recognise, as anybody should, that there is always room for improvement in the health services and no matter how much was spent in recent years, further improvement must always be welcome. However, I cannot close my eyes to the huge improvements that have already taken place, particularly those in my constituency and health board area over the past seven years.

[Mr. Moloney.]

Members may point out that years ago services were always readily available in their local hospitals. However, the reality is that most people from the rural health board areas headed to Dublin for treatment. Therefore, it was quite easy to provide the limited service required in those hospitals.

I welcome the changes I have seen over seven years which I am sure are consistent with changes in most health board areas throughout the country. Government policy has insisted that we have services in the regions, and this has happened. My area, which is covered by the Midland Health Board, is not much different from other areas and I have seen huge capital investment in my local hospital in Portlaoise. In the past month the Minister for Health visited to open the new paediatric and the new acute psychiatric units. There have been major improvements in the hospital's services.

If one examined the information from the headquarters in Tullamore, one would recognise the huge increase in the throughput of patients in every faculty of the hospital and recognise that services have improved, that the throughput of patients has grown and that the level of confidence in hospital services has improved. I see the changes as positive. Services are dealing with the issues on the ground and providing a service. In my time as a health board member I have seen better ENT, orthodontic and cancer services in my region.

Great play has been made of the fact that this Bill mentions the abolition of health boards. People are trying to tie a noose around the Government's neck by suggesting this is anti democratic and they suggest that removing public representatives from health boards is a way of removing the local voice by stealth. I do not wish to go against colleagues who have been health board members; I was on the health board in County Laois for 20 years. However, my experience is that when a member from the Government side tried to improve services or secure services for our region, opposition members felt it had to be opposed straight away, purely because we had a Fianna Fáil administration and that created the impression it was a Government proposed motion.

For example, in 1994 we proposed the location of a regional cancer service in Tullamore. I learned then that the involvement of public representatives from the different counties of the health board area acted as a deterrent, unfortunately, towards attracting services. I welcome the changes because I saw the huge pressure brought to bear on public representatives to insist that whatever improvements would occur, would occur in the county of the strongest public representative.

The Minister speaks in the Bill about the need to move forward and progress quickly. I welcome the change the Minister is initiating. Approximately 1,200 people in our region present

each year with cancer-related illness, 1,000 of whom must travel to Dublin for treatment. Even though funding was allocated and services committed to by way of a regional cancer strategy, non-Government members of our health board went through the nonsense of a High Court action to create the impression that they had fought their damndest to secure the service for the county. In the meantime there was a delay of four years in providing the service. Any change in that regard is, therefore, welcome. I sincerely welcome the removal of pressure to provide a service from local public representatives who acknowledge they will have a role in a regional structure and are glad to have that pressure removed.

I have often made the point at health board meetings that while public representatives have a role in deciding on the level of funding under different specialities at the annual Estimates meetings, medical issues should be left to consultant or medical representatives. Having learned from the sad experience of the row about cancer services in the midland region, the only region to wind up in the High Court, I proposed that from then on, whenever the Department signalled the possibility of new services for a region, it should be left to the medical representatives from each county, not the public representatives, to make recommendations to the health board on the location of services, particularly in health board areas with two or three acute hospitals delivering service. The experience in my region brought home to me the point under discussion in the debate on this Bill. The consultants on the board could not make a recommendation. If the consultants could not do so, how could a public representative? I, therefore, welcome any change to remove pressure from public representatives regarding the location of services.

I agree with the Minister that the current system has served us well for more than 30 years, and recognise the major role played by the health boards in those years. However, few public or private companies operate under the same structures and guidelines for more than 30 years. If we are to have a world class health service, we need structures that can move to provide such a service.

I recognise that, given the problems that could arise, making progress is important. That is why the Minister has brought forward this legislation. By his own admission it is of an interim nature. Nevertheless, it represents an important step. I do not see the decision to remove public representatives as a measure to undermine democracy or local involvement. There will be room for that as well.

Another part of the legislation deals with assigning the various powers of the authority to the CEOs and the Minister for Health and Children. Such measures are necessary if we are to make progress. If we want to achieve reform quickly, we need a streamlined executive

structure so that the necessary measures can be put in place.

The reform of the health service will pose a number of challenges, including the need for the various bodies of the service to pull in the same direction and make decisions quickly. There would not be much point in increasing the level of spending each year if decisions are not quickly made and adhered to. The old structures were often accused of being unwieldy. This Bill will correct that.

The decision to transfer any decisions with regard to the purchase and disposal of property is another necessary step. For years the land purchase committee was often under extreme pressure from different areas within the health services. I am glad we are dealing with that issue as well. We must have a central decision-making process. We cannot have each area making decisions that might be of benefit locally but which fail to take account of the bigger picture. That is what the Government's health service strategy is about. It is about examining the overall scenario and ensuring that we provide a service for the country of which we can be proud.

It will be difficult to change old ways. Colleagues who served on health boards for years express the belief that they will be left out of the decision-making process. However, some health boards operating within the guidelines have suffered, particularly my own. I have often wondered why all of the health boards could not act in step with one another. For years the health board on which I served operated within budget and provided a service plan that remained within budget, while other boards exceeded their budget. Those health boards were not penalised and were able to provide more services and it was often pointed out that my health board had a marked lack of services compared to other health boards. If people check the records of the early 1970s, they will find one reason was that my health board could never agree on the location of services.

I thank the Chair for allowing me to contribute. I wish the Minister and the Ministers of State well in steering this Bill through the House and recognise that serious attempts have been made to resolve the difficulties within the health service.

Dr. Devins: I am delighted to have this opportunity to speak on the Health (Amendment) Bill 2004. Everyone in this House is aware that improvements are needed in the health service, despite the great work being done by people who work in the service both at a clinical and administrative level and despite the enormous amount of money that has been allocated in recent years. I have said repeatedly, and I will repeat it again tonight, that the most important person in the health service is the patient and yet some patients are unhappy with the service. That unhappiness appears to be centred on long waiting lists for certain

specialities and overcrowding in the accident and emergency departments of some hospitals. Only today I came across a patient who had been waiting an incredibly long time for an orthodontic appointment. Deputy Olivia Mitchell on the opposite side of the House is well aware of the problems that exist in that speciality.

Recognising these problems, the Minister has undertaken a comprehensive review of the health service in its totality. These problems and their solutions have been clearly signalled in the three reports published recently, namely, Brennan, Prospectus and Hanly. One of the issues identified as needing reform has been the structure of health boards. I spent a considerable time working for a health board, the North Western Health Board. It is one of the better health boards, if not the best. I do not say this purely from a parochial point of view but from experience gained from listening and talking to members of the public and Members of the House from all sides. However, the present structure of health administration dates from the 1970s and it is not best suited to deal with the complexities of health administration in the 21st century.

The health strategy clearly identified the need to have a consistent national approach to the delivery of health services based on clear and agreed national objectives. The key element of the reform of the health service is the rationalisation of the existing health service agencies which will involve the abolition of the existing health boards. In the case of the North Western Health Board, I shall be saddened to see its abolition but in the light of the evidence presented by the reports I have just mentioned, the overall improvement of the health service requires new structures. I hope the end result will be a health service executive which will be responsible for managing the service as a national entity.

Last week the chairman of the interim health service executive, Mr. Kevin Kelly and some members of this interim board appeared before

the Dáil health committee. I was very
6 o'clock impressed with the level of
consultation they are undertaking
with all interested bodies in the health service before the executive is established next January. I take this opportunity to wish them well in their very important task because the success of the very necessary reforms depend on the successful operation of this very important structure that is the health service executive. The end result of this reform programme will be a health service which will improve patient care and that is something everyone wants. The Bill is the first stage in the legislative process to bring about that reform. It is somewhat ironic that some members of the Opposition oppose that process. Having listened carefully to what they have said, it appears that many of them have fears about the perceived lack of democratic accountability in the new structures.

[Dr. Devins.]

I welcome the Minister's clear indication of his intention to bring forward opportunities for democratic input in the new health service structure. I particularly welcome the proposal to establish regional forums to allow local representatives to raise with the new executive their concerns about the health service within their regions. The membership of the forums will be based on nominations from local authorities. Therefore, the input of public representatives into the health service will be maintained. It is important that local councillors have an input into the running of the health service in their own areas so that their voices will continue to be heard as things happen in the health service.

I also welcome the proposal in the Bill to increase the role of the Joint Committee on Health and Children. I have mentioned that the Chairman of the interim Health Service Executive has appeared before the committee. I foresee an expanded role for the committee under this legislation, as it will mean that issues raised by constituents can be put directly to members of the executive. This open and accountable process is already happening in other Dáil committees. I am sure the members of the joint committee, including all the main Opposition health spokespersons, will relish their increasingly important role as public watchdogs.

A considerable number of places on health boards are reserved for health professionals, such as doctors, pharmacists and nurses. I welcome the Minister's recent announcement that arrangements will be made to allow such professionals to express their views. The voices of patients, who are the users of the service, have been overlooked in the past, however. It is true that some health boards have established consumer panels, but it should be done on a more formal basis. I urge the Minister to proceed with such panels as soon as possible.

While the health boards have served the country well for the past 34 years, generally, the evidence of the exhaustive review of the Irish health service is that more appropriate structures need to be put in place for the modern age. The Bill is the first step in that process and I commend the Minister for bringing it to the House.

Mr. Boyle: I intend to share time with Deputy Morgan.

Acting Chairman (Dr. Cowley): Is that agreed? Agreed.

Mr. Boyle: A myriad of reports has been issued during the term in office of the Minister for Health and Children and under the auspices of the Government since 1997. I do not believe the Government's intention in producing such reports has been to illuminate the needs of the health service and to address those needs into the future. The reports have been requested and provided on a political basis to allow the

Government to engage in prevarication and to delay the reforms that are required. Many of us believe that reforms can be implemented to enable a fair and efficient health service to exist. One can wonder why such a service does not exist. I do not doubt that we continue to suffer through the efforts of various vested interests, who are unwilling to put in place the necessary changes to allow us to bring about such a fair and efficient service.

Mr. Calley: Who are they?

Mr. Boyle: I will name some of them if the Minister of State allows me to continue. The changes being suggested in the Bill do not address the issues I have mentioned, just as many of the reports that have been issued do not answer the questions that need to be answered. The Bill is an exercise in moving the deck chairs on the *Titanic*. The fundamental question of the needs of the health service continues to be ignored.

There is an obsession with the administration of the health service, rather than an interest in making clear the philosophy that should underlie the service. We need to consider how best to achieve and maintain a philosophy of the "wellness" of citizens. The Minister, Deputy Martin, and his Government colleagues have never addressed how "wellness" can best be regained if it is not available to individual citizens. Such problems are further entrenched by the legislation before the House today, which underlines the Government's poverty of thinking in this area.

We have been obsessed with the administration of the health service throughout the history of the State. It has to be acknowledged that the Department of Health and Children has had various manifestations. It did not exist when the State came into being. It became an adjunct of the then Department of Local Government, before becoming a fully fledged Department in its own right. Many Governments have been uncertain about how best to deal with health as a political issue. I am afraid that such confusion continues to exist.

Given that there is such an obsession with the administration of the health service and the political packaging that surrounds it, many people are concerned about the extent to which elected public representatives can and should be represented in the process. How should resources be allocated within the health service? Who should make such decisions? We are avoiding the fundamental questions because of our obsession. We have Cinderella services in areas such as preventative health care, community care and mental health care. All such areas would benefit from a more open and imaginative political approach. The political structures we allowed to develop will be allowed to continue in the future, albeit in a more modified form. The Cinderella aspect of many important areas of health care will

continue to be overlooked because they are not deemed to be political priorities.

Successive Governments have continued to make mistakes in respect of mental health care in the community. I am sorry the Minister of State, Deputy Tim O'Malley, has had to leave the Chamber because he is directly responsible for this area. There continues to be a Dickensian aspect to mental health services, even in the 21st century. The moves that have been made in recent decades to move people from institutional care to community settings have been badly thought-out. Measures have often been taken in the interests of financial savings to the health service, rather than the medical care of individuals. The Minister of State, Deputy Callely, may shake his head but this has been the experience of individuals who have encountered aspects of that service and whose relatives have endured aspects of the service. The Government is not addressing such issues, but prefers to concern itself with the administrative structure of the health service.

Mr. Callely: There is no cost saving in moving between three and six people from institutional care to a community setting.

Mr. Boyle: We can argue that.

Mr. Callely: It is about quality of care.

Mr. Boyle: Quality of care is lacking in many aspects of the health service.

Ms O. Mitchell: It does not exist.

Mr. Boyle: I will not embarrass the Chair by pointing out that gaps in provision are being bridged not by formal State structures or the Government's policies but by this country's well-committed, if under-resourced, voluntary sector. A more caring and prescient Government would be prepared to bridge such gaps.

I have given one reason this amending Bill is deficient, but two further matters need to be tackled as part of the reform of the health service. Nobody denies that proper organisation is needed, but I would like to concentrate on the need for proper resourcing. The myth has been allowed to develop that we do not need to worry about funding any more because enough money is being invested in the health service. If one examines international comparisons, however, one will see that we spend less *per capita* and as a percentage of our gross national product than other European countries. We will be unable to provide the level of service that is found in other countries until we reach that level.

It is important for the organisation of the health service that it is dual-tracked. We have to recognise that the health service should have regional and a local components. There is also a need at a small level for a national body to achieve appropriate economies of scale to give us the best value for our money in the health service.

The Minister's proposal to reduce the number of health authorities from 11 to four does not represent a step in the right direction. Regarding many aspects of public health care delivery, it could be argued that much of the health service should be decentralised into local and regional government structures. It is a weakness of Irish local government that we have our health system and aspects of our education systems separate from our local government decision-making bodies, albeit with some nomination rights at VEC and health board levels. In other countries, the delivery of health services and education is an intrinsic part of regional and local government. If the Government was truly concerned about proper reform of our health services, it would be willing to put such structures in place. Unfortunately, this is another missed opportunity.

There is also the issue of people's experience of the health service in terms of the current level of resourcing. My mother was an out-patient nurse in a busy city centre hospital in Cork for 20 years. A number of years ago, my daughter injured her hand in a car door and went to the accident and emergency unit in that hospital. What we saw there shocked my mother, who had worked there for decades previously. The staff were no less caring than they had been, but they were under much more pressure and decisions were being made in that unit which are being replicated in accident and emergency units throughout the country. The decisions are not always medical and often relate to other areas and resources. My daughter had the misfortune of being injured on a Saturday evening and had to compete for accident and emergency space with people in various stages of intoxication being brought by ambulance to the unit. That is where the priority was given on that night in that unit because the staff feared that if those intoxicated people were not dealt with, violence might occur. This happened some years ago, yet I recently received a similar complaint from a constituent. His young son suffered a head wound and was brought into another accident and emergency unit in Cork city. There he was asked to wait for several hours without being tended to, while the parent was asked to maintain pressure on the child's wound until trained medical staff could treat him.

Such situations are the weekly reality for many people using our accident and emergency services. The Government is prepared to stand over such situations and promise that somehow, without bringing in the necessary resources, this rearranging of the deckchairs will change the reality of life for people. The Government is compounding the deceit it has been so willing to spread during the last general election when it promised that waiting lists would by now be a thing of the past.

Mr. Morgan: Sinn Féin's health spokesperson, Deputy Ó Caoláin, stated at the beginning of this

[Mr. Morgan.]

debate that this is an enabling Bill for a legislative and political stroke to vest all the powers of the health boards in their CEOs and the Minister for Health and Children for an indefinite period.

Recent events at Louth County Hospital and the conduct of the CEO of the North Eastern Health Board regarding those events act as a timely reminder of the dangers inherent in vesting increased powers in CEOs. The people of Louth were horrified to discover in recent weeks that surgical services at Louth County Hospital are to be closed after 5 p.m. daily from 1 July next, effectively taking the hospital off call. This is the latest in a line of cutbacks and closures at the hospital. The children's ward, the maternity ward and the gynaecological ward have already been closed. The people of Louth are being told that this further closure is, as was said about previous closures, a wonderful boost for the hospital and the people of the area. How can anyone say that? The Minister of State, Deputy Brian Lenihan, repeated this assertion in the House last week when he stated: "Far from being a downgrading of the service in Dundalk, this is an enhancement of the service".

How did this latest cutback of services at Louth County Hospital come about? I will explain briefly. Amazingly, the North Eastern Health Board sent the proposal to Comhairle na nOspidéal saying that the medical board of Louth County Hospital had been consulted and had agreed to the proposal regarding the surgical services cutback. This was a blatant lie, making the North Eastern Health Board submission to Comhairle na nOspidéal a fraudulent document. The people of Louth have a right to know who signed this document. They need to know that someone in the North Eastern Health Board will be held accountable for the actions of the health board regarding Louth County Hospital.

Is anyone accountable any longer in the North Eastern Health Board management? How much longer will this level of gross incompetence be allowed continue? Does the Department of Health and Children give even a fleeting glance to what is going on in that area? It appears it does not.

As a result of being fed misinformation, the Minister of State, Deputy Brian Lenihan, misled this House last week by stating that surgical staff at the Louth hospital were in favour of these proposed closures. This is not the case. Why are paid public servants being allowed to tell lies and get away with it? This is scandalous.

The proposal to end surgical services after 5 p.m. daily is also very dubious from a best practice perspective. It has been described by the medical board of Louth County Hospital as an unsafe practice. The nursing staff at the hospital have been deeply angered by this decision and said it will place the lives of their patients in danger. They are so angry they have organised a protest march in Dundalk for 31 May from the hospital to the town square. The people of

Dundalk will no doubt turn out in large numbers to say to the health board and the Minister that they will not sit back and watch while their hospital services are obliterated.

Who is going to intervene to examine what is going on? How can we introduce some modicum of control to senior management in the health board? The Department will not do so. Last week I called for the CEO of the North Eastern Health Board to be suspended pending an investigation into this botched affair. I repeat that call today in light of a litany of emergencies in the North Eastern Health Board area.

The North Eastern Health Board operates more on spin than on substance. We had a further example of its spin yesterday. Last night, on "Six-One News" a North Eastern Health Board spokesperson claimed it was necessary for the board to introduce the closure so as to comply with an EU directive that must be implemented by July 1. When I checked with the health board today, it admitted it was referring to the European working time directive which related to working hours for junior doctors. This directive will have only very minor effects in terms of the proposed surgical services closure at the Louth hospital. The Minister of State, Deputy Brian Lenihan, attempted to explain this when I raised it with him in the House last week by saying: "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".

Are the people of County Louth to accept the destruction of their health services based on this explanation? They will not do so. I commend my colleague, councillor Tomás Sharkey, for moving a emergency motion at Louth County Council to hold a special meeting to debate the issue. I understand that Dundalk Town Council is debating it as we speak.

Action is needed now. There is a serious crisis at senior management level in the North Eastern Health Board area. I implore the Department of Health and Children to send in an inspector and hold some sort of investigation. Until that happens, until people establish what is going on and understand the litany of catastrophes, the situation will worsen. Senior people in the Department of Health and Children must realise at this stage what is going on. I ask them to live up to their responsibilities by dealing with the crisis.

Ms F. O'Malley: I am glad to have the opportunity to speak on this Bill because it is one of the important legislative reforms necessary to deliver health service reform and provide a refined and radically improved health service.

God knows we are paying for a first class health system but how many would claim it is being delivered. The Government is rising to that

challenge in parts of its health reform programme and this Bill sets the ball rolling.

Everybody is familiar with the joke “How many people does it take to change a light bulb?” However, it is no joke to ask how many people does it take to make a policy for the health service. Certainly not 263. As the Tánaiste said at the launch of the health reform programme, we do not need 263 health board members in addition to the 166 Dáil Deputies and 60 Senators to make policy for the health services of a population of 3.9 million. This is the central point at the heart of the Bill and of the reform of the health services. We do not have 11 health services in the country, we have one and the system of governance should reflect that.

One of the great flaws of the present system, is that health boards have influence on making and implementing policy, without having to take responsibility to raise tax to back their proposals. Health board members do not have to face direct election to the board by the people whose lives they affect. It is inevitable that when a crisis hits, public concern is raised and responsibility is all too often passed like a hot potato to the Minister. When there is any trouble, it is as if patient, bed, ward and ambulance is the personal responsibility of the Minister of the Government in power. This is familiar to all Ministers who have held the health portfolio. It is part of the absurdity of the governance of health.

Health boards have statutory responsibilities, but all too often the boards escape political responsibility. Since political responsibility is always passed to central government, we may as well have a single executive and a unified system of governance of the health service. That is the logic of the Bill. It is not as if the health boards have provided a model of accountability and effectiveness in their functions. The Brennan report, Commission on Financial Management and Control Systems in the Health Service, gave some stark and simple instances of some very basic failures — unapproved capital spending, unauthorised staff appointments, late and inadequate accounts. To be fair, the Brennan report did not confine its critique to health boards, but that does not take from the relevance of what it said about them. It highlighted that between 1998 and 2000:

of the eight health boards then in existence, all but one received an unsatisfactory audit report [from the Comptroller and Auditor General] at least once in the three year period . . .

in the case of one of the eight health boards, its audit report was unsatisfactory in all three years examined.

In a devastating comment, the Brennan report remarked on the new Eastern Regional Health Authority:

At the date of completing this report (January 2003) the year 2000 audit report for the Eastern Regional Health Authority is not

yet to hand. By statute, the audit should have been completed by 30 September 2001.

If this happened in large companies, shareholders would sell out, regulators would require immediate corrections, suppliers would give no trade credit and banks would pull back on overdraft. The media and politicians would be raising a storm about corporate incompetence. What happened — nothing.

If one casts one's mind back to the period 1998 to 2000, does anyone remember any of the 263 health board members being under political, media or public pressure to take responsibility for these failures? Absolutely not.

Mr. Neville: I was one of the health board members.

Mr. Callely: I was the then chairman.

Ms F. O'Malley: If the truth were told, has it not become the case that failures in the health boards have become accepted and people just shrug their shoulders. Thankfully, that will end.

Leaving aside political responsibility, our present system serves little purpose either in terms of health service planning or delivery. The Prospectus report demonstrated this conclusively.

There is a clear need for consistent health service strategy and consistent health service delivery across the country — not for the sake of the Minister or the Government but for the sake of the patients and clients of our health service.

The argument is also made that there is a need for a democratic input and accountability for health service planning and delivery. The Minister intends to allow structured input from elected representatives, but we can ill afford local political turf battles to interfere with the delivery of health services consistently around the country. People's concerns should focus on the quality and availability of services.

Members who believe that the new Health Service Executive will be unaccountable because its board reports to the Minister for Health and Children who in turn reports to the Oireachtas has a poor view of the oversight of the Oireachtas. Some of my colleagues made a point that the Committee on Health and Children, of which I am a member, had the health service executive before it, and a very impressive organisation it is.

Mr. Neville: No one has responded to anything the committee has done. For five years we have been trying to have something done about orthodontics. Deputy Cowley, who is in the Chair also tried to improve the delivery of the orthodontic service.

Ms F. O'Malley: We have every faith it will deliver. At the end of last year when it was discovered that two health boards had not spent

[Ms F. O'Malley.]

all their allocation, the health boards were called before the Health and Children Committee of the Oireachtas, the parliament of the people to account for it. I do not see how this will change.

Deputy Devins raised the issue, but it demonstrates a lack of faith and commitment and interest in the Oireachtas committee, if one thinks that accountability will stop because local councillors are not on a committee. The reporting lines proposed in the Health Service Executive are the same as those of many existing executive bodies. The chief executive of the Health Service Executive will be an Accounting Officer, and therefore subject to the highest degree of direct scrutiny by the committees of the Oireachtas and the Comptroller and Auditor General. The Minister has proposed structured consultation with local elected representatives in the management of health services locally, which is a worthwhile complement to the governance structure proposed for the Health Service Executive.

I commend the Bill to the House.

Dr. Twomey: My greatest fear about the Health (Amendment) Bill is that it will be used primarily to cover up for future catastrophes rather than as a tool to start the reform of the health services.

I fully support the abolition of the health boards because they were of questionable benefit when their managerial or executive function was assessed, but they had one vital use as far as I was concerned, they were a great source of information as to how the Government was running the health services in different parts of the country. The regional health boards showed up the glaring inequalities that exist in the health service in different parts of the country. One of the dangers of having one body is that information that is so vital in a democracy will disappear. Information is the key to ministerial accountability and is also the lock that prevents further incompetence and corruption in how we deal with taxpayer's money. There is no guarantee that, as Members of the Oireachtas we will continue to have access to the type of information that can currently be obtained from the health boards. There is nothing in this Bill that will give us more information about how the health services will be run after 2004. We may only have parliamentary questions to obtain information and be given the same nonsensical answers that we often get currently. This is a very important issue as Deputies will be taking over the role of the county councillors after 2004. We will be the watchdogs of the health services and even though fine words have been said about the Committee on Health and Children, we know that downright lies have been told to the Committee on Health and Children and information is not exactly very forthcoming when we try to seek it out. A scandal similar to the hepatitis C scandal could occur and could

certainly happen in an environment where information is covered up and there is no access to it. Not only that, but millions of taxpayers money can be thrown away and squandered on all sorts of building works, expenditure and wasted taking on staff without knowing what they are needed for. Again, getting this information can be difficult.

I wish to read a quote into the record. "To deliver transparent, reliable and accessible services that offer our customers choice, convenience and value for money." That sounds like the mission statement of a well-respected, competitive company but it is a statement made to the Oireachtas Joint Committee on Finance and the Public Service by a senior official responsible for retail banking in AIB last year. He was either being economical with the truth or he did not know what was going on under his watch. I will not accuse the official of lying but if he was unfortunate enough to find out what was happening in retail banking in regard to foreign exchange services next year, instead of putting his €24 million on deposit, he could have been fined €24 million by the Irish Financial Services Regulatory Authority. Unfortunately, the legislation needed to fine the bank will not be enacted until later this year.

We can easily be given rubbish as information if we do not have a method to clarify it or to institute penalties for bad information. Transparency and accountability are important. Unfortunately, we are leaving it up to the media to inform the electorate as to what is happening in regard to Government. We seem to be ignoring the words "transparency" and "accountability". They are thrown around every report by Government but they do not operate in practice. It is important members of the Government pay attention to them and not only see them as fine words to be thrown out at meetings because they are the essence of democracy.

Tonight's Private Members' business is a motion about instances where Ministers have leaped without looking, where they have become bogged down in pet projects and where it has taken millions of euro to get them out. These Ministers should remain accountable to the Dáil, whether these pet projects go pear shaped accidentally or deliberately. We need to know whether Ministers are abusing their ministerial power and are incompetent. We would not look for resignations every time but we need to know what is happening. It would help to ensure good use of taxpayers' money.

The Government has an annual budget exceeding €35 billion, yet so much of this money seems to be just thrown away, and tonight's motion will only touch on some of that. In some cases, people may have got a little ahead of themselves, such as in the case of the Abbotstown project where the national stadium was due to be built. The State Laboratory was moved and millions of euro were spent on certain ground works which no longer seem to be needed.

Most people who oppose the Hanly report do not do so outright — they oppose recommendations in it which are bad for patient care. To a degree, I agree with some that it may be used a little in the upcoming local and European Parliament elections. What is the definition of a “parish pump politician”? I would like that question to be answered when we are talking about issues such as the health services and accountability therein. Why is there a five-storey building in Mullingar in which four-storeys do not even have windows? What happened in Mullingar between 1985 and 2004 where somebody built a five-storey building but before construction finished, it was decided that the extra four storeys were not needed? What about the hospital in Blanchardstown which was practically rebuilt but which is not open because somebody says there is no funding or staff, or there are other problems? Does one not find it silly to talk about accountability and who is supposed to be accountable when these buildings are sitting on health board or Department of Health and Children land yet we have no idea what purpose they serve and nobody seems to want to offer a reason as to the purpose they serve?

The Minister for Health and Children, Deputy Martin, is spending €50 million on a new obstetrics hospital on the grounds of Cork University Hospital. This €50 million will pay for a new hospital with 25 new labour suites, 50 new neonatal beds and many other facilities for obstetrics for the Cork region. There is also an obstetrics unit in Tralee General Hospital in County Kerry. The South Eastern Health Board region has the same number of births per annum, 5,700, yet it must increase charges in the car park to take on extra paediatricians to look after the children born in that region.

The hospital in Tullamore is another case in point. It was without question the Cinderella of the three hospitals in the Midlands Health Board region until it had the luck that the prince became the Minister for Health and Children. Tullamore Hospital was suddenly brought up to the status of a regional hospital and had its future secured because the Minister for Health and Children at the time managed to get millions of euro invested in it. That is parish pump politics. That is investment in the health services which has more to do with political reasons than implementing Government health policies. Despite all this fine talk about the Hanly and Prospectus reports, nothing I have seen in the past two years indicates to me there is any genuine reform of the health services.

The alternative to the health boards is the health service executive. It is great to see AIB again turn up in terms of the alternative to running the health services. Mr. Peter Kelly is overseeing it. To my knowledge, none of the members of this new board have any direct frontline experience or have any idea what it is like to work on the frontline, yet they will dictate

policy. In some respects, one could say it is just as well they do not because whoever wrote the Hanly report does not seem to have had too much frontline experience as far as the health services outside Cork, Dublin and Galway are concerned. There is no doubt about that in my mind. Since all the public upset about the Hanly report has emerged, the only clear answers we are getting are from members of the medical service involved in writing up the report. I was at the Irish Medical Organisation conference in Killarney when Dr. Cillian Twomey, who was one of the authors of the report, made it quite clear that the Hanly report was not to be implemented until the primary care strategy was implemented and until issues such as the upgrading of the ambulance service were addressed. It may not be important to the Minister of State, Deputy Callely, because he comes from a Dublin constituency and he has little understanding of what happens in many rural constituencies——

Mr. Callely: That is not true.

Dr. Twomey: Maybe the Minister of State should have read the Hanly report before it was published and he could have stopped it. As far as I am concerned, the Minister, Deputy Martin, does not have much interest because again he would have stopped it.

Mr. Callely: That is not true either.

Dr. Twomey: If it is not true, one would wonder why it was allowed to go forward because it is not a serious piece of medical policy in regard to reform of the health services outside Dublin, Cork and Galway. Passing remarks were made on two issues, including the ambulance service. Fewer than half of the ambulance crews are emergency medical technicians. The other half are still at the stage of advanced first aid training. None of them are legally entitled to work as paramedics. One needs to be a paramedic if one is to carry a fairly sick patient from the site of an accident on the side of the road to a regional hospital. Not to remark on that shows a clear lack of knowledge.

Mr. Callely: What about first responders? Did the Deputy read that aspect?

Dr. Twomey: Does the Minister of State mean first responders in regard to general practitioners?

Mr. Callely: In relation to the health reforms.

Acting Chairman: Deputy Twomey has the floor.

Mr. Durkan: The Minister of State should not encourage us to go down that road.

Dr. Twomey: How the ambulance service is to be changed is not mentioned, yet that is

[Dr. Twomey.]

fundamental. The report mentions that the primary care strategy must be implemented but we know where that is going. Of the 400 primary care centres envisaged in the course of this plan, which began two years ago and is to cover ten years, less than ten have been started but I am not saying they have been finished. That is not going very far, yet they are two vital components.

The Hanly report did not touch on the issue of tertiary services and I was quite surprised by that omission, considering that we are reforming the health services. The existing tertiary services include neurosurgery, although some people think we do not have such surgery because they cannot gain access to it. The same goes for other significant tertiary services, such as the liver transplant unit at St. Vincent's Hospital and the heart transplant unit in the Mater Hospital. Nobody ever examined those services to see what should be done with them — whether for instance, they should be bunched together into one hospital. Perhaps we should ask the national treatment purchase fund to change its remit from doing toenails and hernias to seeking to provide tertiary services from abroad, because ours is only a small country of four million people.

The case of the young man in County Kerry who requires a lung transplant is unfortunate in so far as the Minister for Health and Children does not have much control over the situation. When we read about that case we also heard that the Mater Hospital is spending €4 million this year to do two lung transplant operations. Over the course of the next few years it will spend €60 million to set up a lung transplant unit.

Mr. Durkan: That was a promise in the 1997 election campaign.

Dr. Twomey: Hanly referred to closing down acute surgical services in many of the smaller hospitals around the country. Some of those hospitals had out-patient and accident and emergency units attended by 16,000 patients per annum. The Hanly report said such small hospitals should be closed down because they do not have critical mass or enough cases per annum to justify spending money on having them on call 24 hours a day. However, we do not seem to apply the same logic to lung or liver transplants. Are we to set up a lung transplant unit that will do two cases per annum? If that is the case, perhaps the Government is right to revert to having a hospital at every cross-roads because, on that basis, as long as one or two operations are done per year, one might be able to justify their existence. Much of what is being said is illogical and I am annoyed because every opportunity is taken by Government speakers to condemn me and other opposition speakers. The Acting Chairman and I are trained medical practitioners and, while we may not know everything, we have a good idea of what is going on in our respective areas. We know quite well that the Hanly report

simply cannot work. It would be disastrous if anybody tried to implement the report, as I read it or, worse again, along the lines of what I heard about it before the local elections became an issue. That has been confirmed by many consultants who have taken the trouble to read it. This is why accountability and transparency in Government decision making is so important. The Government should be able to take criticism on the chin and, to some degree, the Minister, Deputy Martin, is able to do so. He is able to appreciate that sometimes one needs to listen to what is being said on this side of the House. There are fatal flaws in the Government's policy.

The Minister for the Environment, Heritage and Local Government, Deputy Cullen, was unfortunate in letting himself become embroiled in the current situation, where another €60 million is coming up for discussion. Before we have to round off our working lives with a tribunal into the current health services, we should examine seriously what we are doing. Some €10 billion is being spent but we should have a good idea of how it will be spent after the health boards are abolished. I would not be too keen on the South Eastern Health Board and the Southern Health Board regions being lumped together. As it stands, Cork University Hospital seems to be absorbing the vast bulk of the Southern Health Board's resources. If that pattern continues in the south east, we will definitely see some of our hospitals being downgraded and shut down to feed the monster that is Cork University Hospital.

No great consideration is being given to primary care services or general practitioners' services, even in the Minister of State, Deputy Callely's, constituency. He is probably well aware that there is one GP for 2,500 patients on the north side of Dublin, whereas the national average is 1,500 patients per GP. Therefore, there is already a deficit in the services on the north side of Dublin. It does not come as any great surprise that Beaumont and the Mater have the busiest accident and emergency departments. They are providing a very expensive type of health service but that money is being thrown away. It demonstrates a poor understanding of what general practice is all about. Perhaps because GP work is not very glamorous, not enough is being spent on looking after such patients, and so general practice is being run into the ground. I have not heard anything from the Department of Health and Children to show that it appreciates there is any impending crisis in general practice, even though some parts of the capital city are already facing such a crisis.

The Bill aims to get rid of health boards and transfer their functions to four new regional authorities and a health service executive, but that executive will be unaccountable to the people. Given the way in which the new system will be structured, the Minister also will not be accountable. That issue is growing in importance politically.

When I submit questions to the Minister I am sometimes told that he has no responsibility in regard to them, whereas I might obtain a response more quickly if I submitted them to the newspapers which would find them quite interesting. Some of these questions make perfect sense to me but the lack of response means that the disastrous situations we are discussing, and that are considered to be Government policy, could be implemented yet it would be difficult to discover what is going on. If we are to radically reform the health service and get county councillors off the new regional health authorities, at the very least Members of the Oireachtas should still be able to gain access to information so that they will know everything is being done in the name of the people.

Mr. Durkan: I am glad to have an opportunity to speak about this legislation. I disagree profoundly with Deputy Fiona O'Malley's assessment. It may well be true that in some circumstances debates at health board meetings did not represent the epitome of the distilled knowledge of the wider community, but it was democracy. It gave an opportunity for elected representatives to give their tuppence worth, to say their piece and represent those who had elected them. If they did not do so, they would not be re-elected. It may well be that the level of debate was parochial from time to time and may have related to issues that were seen by some sophisticated administrators as being outside the remit of public representatives, but it was still democracy. It was a system whereby the public had a representative view and a voice on the board.

The proposed change has nothing to do with democracy, accountability or saving money. It has everything to do with centralised control, which is fast becoming the hallmark not only of the health services but of many other services. Two Departments are the greatest sinners: the Department of Health and Children, and the Department of the Environment, Heritage and Local Government. In recent times, a third Department has begun to show tendencies towards centralised control.

The main reason health boards are now being abolished is to coincide with what was seen as a necessity by the Hanly report. Let us look at what has been happening in recent times where centralised controllers and administrators have taken decisions — it is appalling. Let us look at some of those decisions for an instant. The decisions taken by clinicians or administrators in the hospitals in Monaghan and Cavan had serious consequences. If a health board or one of its members had made a proposal that had such consequences, there would have been a hue and cry.

In another example, the Eastern Regional Health Authority and the authorities at Peamount Hospital refused admission to a patient suffering from a highly infectious

complaint requiring isolation and specialised treatment that was available in the hospital. Why was that? The administrators, the bureaucrats, those given the job of providing a service, and not merely providing a service in the way in which they thought it should be done, turned the patient away, thereby presenting a serious threat not only to the patient but to those other patients who were then expected to have this person alongside them in other hospitals. What was the response from the authorities? They said that such cases in future would be treated in other general hospitals.

I spent a number of years on a health board, entertained by the Minister of State, Deputy Callely, much as I entertained him.

Mr. Callely: We had a great working relationship and did much good work.

Mr. Durkan: We did. If a similar decision had been taken at that time there would have been a hue and cry a special meeting would have been arranged where the people responsible would have been called to account. What happens now? Nothing, and it is intended that nothing happens. If the Hanly report is implemented, although half of the Government says it should be while the other half says it would not be a good idea in the run-up to the local and European elections, there will be totally centralised control and no possibility of democracy prevailing in future.

Mr. B. O'Keeffe: We are all behind the Minister for Health and Children. There is total cohesion.

Mr. Durkan: Until recently there were local area health advisory committees. Those bodies met in each community care area and vetted the performance of the health services on a month by month basis. The head of each discipline would give an account of his or her stewardship and all involved would comment. Representatives of the local authorities, nursing organisations and the medical profession were involved and when a proposal was made at a meeting that might have an impact on the delivery and quality of services, it would be discussed. There was no such thing as a person making a decision that would affect the quality of services or those working in them without a debate. Now, however, there is a new era in health politics where centralised control eliminates as much debate as possible and information is withheld for as long as possible from as many as possible, ensuring the Minister does not have to answer questions in this House. Local authority or health board members do not have the opportunity to ask questions, the entire operation is as secretive as possible and the services are run in a way not seen before.

I remember being on a health board in the early days and debating centralised control. The thinking then within the Department was that big institutions were the answer to everyone's

[Mr. Durkan.] prayers and the bigger the hospital, the better it would be. That was all rubbish because the degree to which specialised areas were able to operate and link with other hospitals made or broke the service.

Mr. B. O’Keeffe: It is amazing how they got away with it for so long.

Mr. Durkan: It is amazing how they were able to think that for so long and then suddenly forget it. Since the Fitzgerald report was published in the early 1970s there has been no focus on where the health services are going at all. This proposal would result in even less focus in future and that is a sad thing because I thought Deputy Callely was a focused Minister of State. The reason there is no focus is that everything now revolves around the money available and the extent to which a service can be provided to meet a need.

Mr. B. O’Keeffe: It is about time we focused on the patient and geared everything towards him or her in terms of front line care. This is what these changes are all about.

Mr. Durkan: I agree 100%. Deputy Batt O’Keeffe understands this but it is sad that there are not many on the Front Bench who also understand it. If I was the Minister of State I would be careful about Deputy Batt O’Keeffe because he could be on his way to the Front Bench.

Mr. B. O’Keeffe: I would not bet on that.

Mr. Callely: Deputy Durkan should have a word with the Taoiseach.

Mr. Durkan: People with experience at the coal face should be involved in the administration of health services, be that experience in the medical or political professions. A combination of the two is urgently required.

The Hanly report is a classic example of recent trends. There were three reports in one year, one of which contradicted the other two. The purpose of the exercise was to deflect public attention from the reality that the health services were going down the tubes at an alarming rate and to give the impression that the Government was doing something about it when it was not doing anything. Not only would it not do anything, it would silence debate on the matter, as this legislation proposes.

It is a sad time, as the Acting Chairman, Deputy Cowley, knows because he has spoken on these issues many times himself.

Mr. F. McGrath: He will be up in a few minutes.

Mr. Durkan: The consequences if we continue to deliver health services in this way will be very serious.

I spoke to a senior staff member of this House some years ago. Waiting lists and hospital ward closures were in the news and he asked how we ever survived in the past when there was a multiplicity of hospitals throughout Dublin, the country had no money and the population was half what it is now. An extraordinarily good service was provided in those hospitals.

Mr. B. O’Keeffe: People were still complaining then.

Mr. Durkan: We were not, that is the strange thing. It was possible to get rapid service and there were no waiting lists. What happened in the meantime?

Mr. Callely: Many of those hospitals were closed by the Government of 1982-87.

Mr. Durkan: The Government of 1977-81 was the Government that put the nails in the coffins of many of those services and they have not revived since. The Minister of State’s memory is not as good as I thought. I am sorry to see that the health services will be called upon again because Deputies Callely and Batt O’Keeffe are suffering from amnesia.

Debate adjourned.

Private Members’ Business.

Management of Public Funds: Motion.

Mr. Gregory: I would like to share my time with Deputies Cowley, Finian McGrath, Twomey, Connolly, Boyle, Eamon Ryan and Ó Caoláin.

Acting Chairman: Is that agreed? Agreed.

Mr. Gregory: I move:

That Dáil Éireann—

notes:

- that the Government has squandered up to €60 million of taxpayers’ money on the electronic voting fiasco;
- that the Government has squandered up to €199.8 million on the clearing of the site at Abbotstown;
- that hundreds of millions of euro in taxation is forgone due to exemptions granted by Government to wealthy tax exiles, stud farm owners, mega-rich rock stars and authors;
- that the Government has squandered up to €15 million on the Punchestown Equestrian Centre;

- that the Government has squandered up to €100 million due to its failure to address the excessive fees paid to the legal profession in the tribunals of inquiry;
- the two recent budgets where tax reductions on the profits of major corporations resulted in a loss of €634 million each year to the Exchequer; and
- the mismanagement by the Government causing massive cost overruns on the Luas project;
- in the context of the accumulated loss of up to €1 billion by Government mismanagement and reckless policies, further notes:
- the failure of the Government to address the rich-poor gap in Ireland which is the widest in the EU, while the Government has reneged on its own commitment to raise the lowest social welfare rate to an adequate level to address poverty;
- the failure of the Government to address health apartheid with continuing poor access to services and ongoing crises in public accident and emergency hospitals while private hospitals thrive on massive tax breaks;
- the failure of the Government to address the spiralling housing waiting lists, which have now grown to 48,000 households;
- the continuing neglect of disadvantage in education and the failure to address appalling conditions in schools;
- the failure of the Government to introduce a rights based disability Bill;
- the refusal of the Government to honour the task force recommendation to provide €18 million for care of elderly emigrants in Britain; and
- the dramatic reduction by the Government of community employment scheme places from 40,000 to 20,000 with the subsequent reduction or elimination of essential community services;
- calls for:
 - an equitable taxation and improved social welfare system to reverse the widening rich-poor gap;
 - the ending of the two tier health system, the proper funding of a health service providing guaranteed comprehensive health care for all with access based on need, an end to waiting lists, the granting of the additional 200,000 medical cards, the

immediate provision of a dedicated inter-hospital helicopter emergency medical service and an effective ground ambulance system;

- an emergency programme of social-affordable homes while imposing controls on speculation and profiteering in housing development land giving rise to unacceptably high house prices;
- the immediate introduction of a rights based disability Bill;
- the allocation in 2004 of the full €18 million for care of elderly emigrants;
- the restoration of the lost community employment places to restore essential community services and the mainstreaming of community employment in the health services; and
- calls on the Irish people to turn out in overwhelming numbers in the local and European elections on 11 June to reject this Government's squandering and mismanagement of public funds at the expense of workers, the poor and the disabled.

Dr. Cowley: It is soul destroying to come here tonight to talk about the abuse of taxpayers' money by this Government. The real tragedy is that those wasted billions of euros could have done so much for people whom we have an obligation to help, whose need is urgent, and who are suffering severe deprivation. The shame for that belongs to those responsible — our Government, which has officiated over the squandering of those scarce resources. The fiasco of Abbotstown cost €199.8 million. The cost of Luas has gone from some €466 million in 1999 to €764 million in 2001 and €775 million in 2002. The Government could give €15 million to PuncHESTOWN while denying our worthy and forgotten emigrants the same amount, as recommended by its own report from the task force on emigrants, but that is not all. There are 48,000 households on our growing housing waiting list while the Government wastes €52 million on electronic voting and €12 million on an asylum centre which is no longer needed in leafy Donnybrook.

All the while people lie on trolleys because there are no hospital beds. People cannot afford to get sick, since they cannot get access to a GP because they do not have medical cards. There are brand-new medical units which cannot open because of lack of funding, while private hospitals get large tax breaks. People are dying because of health cuts — so say the medical consultants — and cancer patients are not receiving optimum treatment. A thousand people wait for six years to get an appointment, and one will be seen in a few weeks if one has cancer. Arthritics wait for

[Dr. Cowley.]

four years for a first rheumatology appointment with the sole rheumatologist in the west. He attended the Joint Committee on Health and Children a year ago, and nothing has changed since. He is looking after the entire Western Health Board area and additional counties.

We need proper investment in our ground ambulances and ambulance stations, but we also need a helicopter emergency medical service. The Beaumont story of 2000 showed us the farce that has been provided by the Aer Corps. They call it an air ambulance service, but people desperately ill wait for 12.25 hours for the Aer Corps helicopter to turn up. It is not a dedicated service, so it is no fault of the Aer Corps. The fault lies with the Government. The Aer Corps spends more time carrying Ministers from A to B than on mercy missions, and it is based in Dublin. Some helicopters are not available when they are wanted. My patient lay on the ground and is now paralysed for life in a wheelchair because of the failure of the Aer Corps to turn up owing to lack of availability.

We need a dedicated helicopter service to deal with the 400 to 600 transfer cases that must be catered for every year. In 1997 the Aer Corps made just over 200 transfers, and in 2001 the figure was 86. That was certainly not enough. The answer lies in the recently published feasibility study report into an all-Ireland helicopter emergency medical service. That report was two years overdue. The cost of such a service is €12 million plus an annual charge of €4 million. That includes the cost of building the helipad at Beaumont Hospital. Surely the Government should agree to that as an urgent priority as do our ground ambulance workers and emergency medical technicians. A baby with meningitis cannot wait 12.25 hours. The Government indicated the need for six new Aer Corps helicopters five months ago to mind President Bush at Shannon and Dromoland. The tenders are now being issued. Why not give the go-ahead for HEMS? It gave a dedicated helicopter to the Garda to fight crime, so why not look after people who are desperately ill and need this service?

Mr. F. McGrath: I am thankful for the opportunity to present this motion with my Independent Colleagues in Dáil Éireann. Before I enter the details of the debate, perhaps I might put to bed the notion that there is no real opposition to Government policies in this House. This motion clearly shows we have a group of Deputies prepared to stand up and be counted when dealing with real issues affecting our people. Those issues are the key policy areas on which we were elected, and we intend standing up for them in this debate. I urge all Deputies in this House to support us and, above all, support the important needs of our citizens. The issues are the squandering of public money, the rich-poor gap in Ireland, the needs of our health

service, the delay in the publication of the disability Bill, the housing waiting list, educational disadvantage, the care of the elderly, and the urgent need for a just society based on equality.

In our motion, we raised the issue of the disability Bill. Perhaps I might bury some of the negative comments made over the past 24 hours regarding that legislation, particularly those coming from the Government side. People from the disabled community want rights-based legislation because they have been let down by successive Governments and left at the back of the queue for services and a better quality of life. It is necessary for people to trust new legislation. That is the key. They must be confident that it will take their genuine needs into account. Therefore they must be sure that Governments, now and in the future, are obliged by legislation to do this. There is an awareness that the Government and in particular the Department of Finance and the Department of Justice, Equality and Law Reform fear rights-based legislation because they believe it will have the effect of opening the financial floodgates, but I reject this. We do not agree that rights-based legislation would have this effect. However, it is time for people to listen to the disability groups.

As regards costs we have the scandal of hundreds of thousands in taxpayers' money being spent every second week on legal cases against families that have children and adults with disabilities. On the broader issue of housing, there are 48,000 households on waiting lists. The national housing needs assessment compiled by local authorities completely underestimates the number of people with disabilities in need of housing. Only 423 were assessed. Local authorities have to respond. We need to build more houses. The disabled person's grant is now at a maximum of €20,000, and many people get less than that. There are 120,000 people with disabilities dependent on social welfare payments, which are insufficient to get a loan or mortgage. Will the Minister say how they can do this? People with a mental illness are still stuck in hospitals and locked away. This is not an option. So what do we do? We build more houses. We look at examples of good practice. The whole question of funding needs to be looked at and we have presented ideas of economic reaction to the housing crisis in our motion tonight.

Other strategies are required. The Department of the Environment, Heritage and Local Government needs to get its act together with the Department of Health and Children and they should work together on a national accommodation plan for housing people with disabilities. The disabled person's grant should cover 100% of the cost of the approved building work. That is the way forward. Local authorities have to work with voluntary and State agencies. We need an action plan, not more talk or more reports. We need a dedicated actions officer in

local authorities. This would make a major contribution for all people with disabilities.

The Disability Federation of Ireland needs to be a recognised body at county and city level to facilitate the disabilities sector in local government. In accordance with section 48 of the Local Government Act 2001, the requirement to ensure the disabilities sector is represented on strategic policy committees is the way forward. The Minister should look at section 48. There are too many people on the fringes of our communities. There are too many people being neglected. I urge all Deputies to support our motion, support people with disabilities, our health service, reform and investment, people on housing waiting lists and, above all, the sensible spending of public money on worthwhile projects.

Dr. Twomey: I would like to speak on two parts of tonight's motion. One is in regard to the cost of tribunals. The cost of tribunals mirrors the cost of legal services in this country. I look forward to the time when the Minister for Enterprise, Trade and Employment, Deputy Harney, will publish the reports on competitiveness in the legal system, because so much money is being spent in legal fees covering all aspects of Government business. Tribunal costs in particular look scandalous in the eyes of the public. We throw out figures here such as €100 million. Only recently we witnessed the case of an *au pair* who had a difference with her employer and who took the issue to the High Court. That will cost her €300,000 in legal fees or more. It will probably take her a lifetime to pay it off. I am surprised the Government has not tackled the anti-competitive nature of legal costs.

The Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, takes every opportunity to have a snipe or a go at what general practitioners earn. A GP would need to see 100 private patient in a day to earn the fees of one of the senior counsels at the tribunals. The same GP would need to look after more than 5,000 patients to earn the fees of junior barristers in the tribunals. That figure of 5,000 people is equivalent to the population of a big town. This is something to be urgently tackled by the Government rather than simply having a go at other professions in this House.

As regards the health service, which again is included in tonight's motion, naturally there is a crisis because of the state it is in. There is poor access to services for those who need them. In some health boards services are non-existent. For some services such as neurology, it might as well be non-existent it takes people so long to get access. Patients wait three and four years to be seen by an ear, nose and throat consultant or for an out-patient's orthopaedic appointment. That is simply unacceptable in this day and age. Time prevents me from expanding on these issues, but I am sure the Minister for Finance, Deputy McCreevy, well understands the position from the crisis in accident and emergency departments

caused by a bottleneck in bed availability in hospitals.

The reason for the crisis is that there is little or no management of beds in the acute hospital services. Beds are being closed. Patients who should be in other facilities are not being moved on because of the warped thinking which concludes it is easier to pay €2,500 for them to be looked after in an acute hospital rather than the €700 it would cost to care for them in a nursing home. The thinking is that if the bed is made available the €2,500 will have to be paid anyway. That is the sort of foolish thinking that is currently running the health services and it is causing many problems.

Many other aspects of the motion will be debated by other members of the Independent group. Even if we do not have time to discuss them all, I hope the Government will take on board what we are saying. What is needed is more accountability and transparency.

Mr. Connolly: I welcome the opportunity to speak to the motion. It gives us an opportunity to look at the magnitude of mismanagement of the finances of our country on an ongoing basis. Not having money is one thing, having it and squandering it is another. Some time ago, anyone who had to borrow money was aware of how much every citizen owed. We were told everyone owed £2,000 or £3,000 or whatever it was. I wonder if any thought has been given to finding out how much has been squandered on our behalf. It appears that more and more hundreds of millions are being squandered daily. We are harking back to the days of the Celtic tiger, when the country was awash with funds. Perhaps Ministers feel they are immune from having to answer for such spending, that there is plenty of money there so we should move on. I am often asked what makes a Minister of this Government different from an ordinary man in the street.

Mr. Durkan: Absolutely, that is right.

Mr. Connolly: The only conclusion I can come to is that if the ordinary man in the street, working for a private company, made similar mistakes, or mistakes of much less magnitude, he would be expected to do the decent thing, go in front of his board of directors and hand in his resignation. If he did not do that, he would certainly be given the sack.

Mr. Cullen: I agree with the Deputy, he would be fired.

Mr. Connolly: The Minister agrees with that. He should have done the decent thing. Maybe he will do it.

Mr. Cullen: For what purpose?

Mr. Connolly: For the purpose of better men there. If he wastes €56 million and he feels so arrogant about it, he should resign. It is

[Mr. Connolly.] taxpayers' money he is squandering and he is still arrogant about it. There is no sign of remorse whatever. That is what is annoying the people.

Mr. Durkan: The public have copped on to it as well.

Mr. Connolly: They copped on long ago. The reason the Minister is so arrogant is that his managing director——

(Interruptions).

An Leas-Cheann Comhairle: Order, please.

Mr. Connolly: ——squandered €160 million trying to clear us out to Abbotstown. That is why. That is why I believe he cannot control the rest of the Cabinet. If the Minister makes a mistake of one third of that magnitude——

Mr. Cullen: We will be using electronic voting, do not worry.

Mr. Connolly: That is what has happened. The Minister has made a mistake, and the Taoiseach has made a mistake. The Government has lost the run of the thing. The Minister has lost the plot, as has the Taoiseach. We are wasting billions here and not one head has rolled as yet. The Taoiseach has not asked one individual Minister to hand in his or her portfolio. Maybe he should have handed his in as well, I do not really know. There is arrogance and no sign of remorse.

Mr. Cullen: Read *The Irish Times* today, where it says that over 600 million in India can hold elections with electronic voting

Mr. Connolly: Grudgingly, the Minister came into the House to attempt to give an answer. Apart from that, he attempted to explain away €52 million or €40 million, or whatever it was — we have lost count because no two reports carry the same amount, it was €40 million that was wasted on one occasion and €52 million on another. There are ongoing costs involved.

Mr. Cullen: Listening to the Independent group, it is a wonder we can hold elections at all.

Mr. Connolly: At times I believe Ministers are treating government like a game of monopoly. I really believe that the figures do not mean anything to Ministers any more.

In fairness, the Minister, Deputy Cullen, is not the only Minister to make mistakes. Others are making mistakes of the same magnitude. The Minister for Health and Children spent €400 million on building facilities around the country, which are welcome. However, there is no staff to man these buildings. There is a cost involved in maintaining the facilities but no money to commission or man them. As Deputy Twomey said, beds are lying idle in nursing homes.

Mr. Eamon Ryan: I thank the Independent Deputies for the chance to debate this issue, the key to which is squandering money. While there are many examples of money being squandered by the Government, we have present the Minister who is single-handedly responsible for the most spectacular loss of €52 million that has ever occurred in our history.

Mr. Cullen: That is pie in the sky.

Mr. Eamon Ryan: The Minister was arrogant before that decision but the fact that he sits there proudly after he blew that money is remarkable.

Mr. Cullen: The Deputy is confusing arrogance with determination.

Mr. Eamon Ryan: In my five minute contribution to the debate on the electronic voting system on which the Minister squandered our money——

Mr. Cullen: That must have been illuminating for all of us.

Mr. Eamon Ryan: ——the Minister spoke for about two and a half minutes accusing me of telling untruths. In a rabid response he accused me of losing the plot and not knowing what I was talking about when I said that we should go for a system that had open source software, not the private unverifiable software that he had purchased. He took serious umbrage at that and accused me of telling lies and so on.

Mr. Cullen: Who has said we should do anything different now?

Mr. F. McGrath: The Minister got it wrong, like the Waterford hurling team on Sunday.

Mr. Eamon Ryan: I have not heard an apology from the Minister. If he would care to listen to me——

Mr. Cullen: I played rugby and that is a tougher game.

Mr. Eamon Ryan: The Minister played rugby.

Mr. Cullen: I took down the biggest and the best.

Mr. Eamon Ryan: He took down the biggest and the best.

Mr. Hogan: I hope he played better than the hurling team.

Mr. Eamon Ryan: I do not know what the Minister's rugby playing career and the fact that he took down the biggest and the best on the pitch have to do with this debate. During the debate on the Electoral (Amendment) Bill 2004, I asked the Minister if, when this was concluded,

he would come back and acknowledge that we were right and that it was proper and correct for us to use an open source software.

Mr. Cullen: The commission has not said that.

Mr. Eamon Ryan: The Minister's arrogant refusal to accept that the people on this side of the House were speaking sense was remarkable, but when the independent commission backed up our argument, his continued arrogant refusal to acknowledge this and apologise——

Mr. Cullen: Arrogance is the only word in the Opposition Deputies' collective vocabulary. Can they not be a little more imaginative?

Mr. Eamon Ryan: No. We want an apology and an admission that the Minister was wrong.

Mr. Connolly: There is only one word to describe the Minister.

Mr. Eamon Ryan: All I seek from the Minister is an apology and an admission that he got it wrong.

Mr. Cullen: I did not.

Mr. Eamon Ryan: The independent commission thinks so.

Mr. Cullen: The commission has not said that.

Dr. Cowley: The commission is wrong. Somebody must be wrong.

Mr. McHugh: The Minister should sack the commission.

Mr. Eamon Ryan: The Minister for Environment, Heritage and Local Government might concentrate on his job of trying to protect the environment. How could he better spend the €52 million that he blew? Given the approaching problem of climate change and the significant reduction we must make in our carbon dioxide emissions, research projects would be the best use of that sum. It is not a large amount in the context of overall Government spending, but if the Minister spent €52 million on biomass, biofuse, wind, wave or tidal power technology to make Ireland a world expert in one of those areas rather than always lagging behind, that would have been a much better use of the money he squandered. It would be useful if the Minister started learning from those lessons. If the word "arrogant" arises frequently in the context of the Minister's actions he might pause to wonder why.

Mr. Boyle: It is surprising that the Minister for Environment, Heritage and Local Government is present. Possibly this is because the €52 million lost to date on electronic voting is cited in the motion, but the motion is about public spending in general, and the Minister for Finance might

have been better placed to explain Government policy in this area. Perhaps the Minister's Cabinet colleagues have decided that he must remain in purgatory a bit longer——

Mr. F. McGrath: Hear, hear.

Mr. Connolly: It is more like hell for his prospects.

Mr. Cullen: I am happy to be present for this kind of debate.

Mr. Boyle: ——because the €52 million is only the cost to date. Now that the commission is about to be placed on a statutory footing, we await its full report. Many of us fear that will open the State to legal challenge for contracts into which the Minister entered without being properly informed.

Mr. Cullen: That will happen only if the commission finds that we were wrong.

Mr. Boyle: This happened not only because of his arrogance, but because of his vanity, pride, and any adjective the Minister chooses to apply to what can only be described in political terms as "Culenesque". There is a style of debate and political behaviour that the Minister typifies and that does no good to the practice of politics. It is not only amazing that he remains a member of the Cabinet but retains the position of Fianna Fáil director elections for the local and European elections. The master of profligacy must be exposed for the fool that he is.

Mr. Cullen: The Deputy is being very personal now.

Mr. Boyle: This is the man who asks that election spending limits be extended even further and who, as Minister for the Environment, Heritage and Local Government, has put no cap on candidates' spending in the forthcoming elections. He is the director of elections who is not willing to put on public record the money spent to date by his party, and its candidates, in seeking to put "placemen" on local councils to practice the type of Government we have seen at national level and which has done the country no good. This motion is self-evident.

Mr. Cullen: I agree it is self-evident. It shows the shallowness of the Opposition.

Mr. Boyle: Not only has there been wasteful spending which could have been put to use to cure our ailing health service, or establish an education service that does not depend on where one lives and how much one is prepared to pay, or a housing policy that meets citizens' accommodation needs and does not encourage housing as an area of speculation and means of enrichment for the people who supported the Minister and continue to support his party.

[Mr. Boyle.]

Housing is a basic need and right and members of the Government and Deputies on that side of the House must begin to understand the need of the 40,000 for social housing.

Mr. Cullen: What is the Green Party's policy?

Mr. Boyle: The Government is building 70,000 houses but who is getting those houses? Why are there 40,000 people on local authority housing lists?

Mr. Cullen: What is the Green Party's policy?

Mr. Eamon Ryan: We launched it last week. The Minister can see it on our website, www.greenparty.ie.

Mr. Boyle: Regardless of the Government that we have after July and the Department in which the Minister finds himself placed or not, the Government should be taken to task not only for the wanton abuse of money on electronic voting, vanity projects such as Punchestown and overspending on infrastructure projects. According to the first edition of Sky News Ireland, it is only now, after seven years in office, that the Government is willing to rectify that by putting fixed contract costs in place. This Government also forgoes tax receipts by its tax expenditure and the money it gives away in the form of allowances. This benefits the wealthy, distorts their tax payments and places the burden of tax payments for maintaining public services on the middle and low income earners.

That will be the legacy of the Government. Not only is it reckless and greedy, it has failed to take the opportunity of the world economic environment to make this a better off country which, although it feels less at ease with itself, has begun to come to terms with its contradictions, such as the imbalance between rich and poor and between those who have all they need and those who cannot access basic services.

Mr. Cullen: No Government has done more to close that gap.

Mr. Boyle: It has done the opposite.

Mr. Cullen: The Deputy should read the OECD report.

Mr. Boyle: Does the Minister want an OECD statistic? We have the lowest rate of social protection expenditure in Europe. We have the greatest gap between wealth and poverty in Europe.

Mr. Cullen: We do not.

Mr. Eamon Ryan: The Minister will not be transferred to the Department of Finance.

Mr. Cullen: We have a different view of Ireland than the Deputy.

Mr. Boyle: The Minister may like to see himself as a Minister for Enterprise, Trade and Employment or a Minister for Finance who just happens to be the Minister for Environment, Heritage and Local Government, but he has responsibilities he ignores because he sees an economic picture that benefits the few. If the House in its wisdom — although I question the wisdom of many on the Government side of the House — chooses to accept this well-worded and pertinent motion, it will for once reflect the concerns of those who elected us to express those concerns and ensure they are properly addressed in future.

Caoimhghín Ó Caoláin: On behalf of Sinn Féin, I fully support the Private Members' motion in the name of the Independent Deputies. It covers a wide range of issues, but at its heart is the economic mismanagement of the State by the Government since taking office in 1997. This was a period of unprecedented economic growth and commendations are in order for the successes of the past seven years. However, the Government has no right to take credit or to commend itself, as it does in the amendment to the motion.

The people who deserve thanks are the hard-working people of Ireland whose labour in industry, agriculture, the service sector, public services, health and education is the basis for economic progress. The question must be asked as to why so many of those hard-working people are not benefiting as they should from the wealth created by their labour. Most working people have not benefited to near the extent they should from the economic growth which they brought about. They have not benefited in financial terms in an economy where we still have a serious problem with low pay, especially in the service sector. They have certainly not benefited in terms of quality of life at a time when people are working longer hours, spending less time with their families and devoting less energy to recreational pursuits and voluntary work in their communities.

Above all, people are not benefiting in terms of improved public services in health, education, public transport and physical infrastructure. When these issues are raised, the Taoiseach and Ministers immediately pull out the departmental script and provide lists of raw spending figures. They choose to ignore the other end of the equation, the actual delivery or non-delivery of services, the inequity which permeates the system, the dire needs which are neglected and the marginalised people who are kept on the margins.

At the root of the Government's mismanagement of the economy is not just incompetence, although there is plenty of that, but a fundamentally flawed view of the role and function of the economy. The Government's

philosophy is to look after the market in the mistaken view that the market will look after people's needs. This is epitomised in its disastrous housing policy, which has been alluded to by previous speakers, that has pushed the cost of homes even beyond the reach of people on average incomes. It has made millionaires and billionaires of property speculators and developers, the friends of Fianna Fáil, and turned every acre of land zoned for housing into a gold mine. It has forced people into mortgage slavery so that now, as never before, people work ever longer hours to pay off loans to banks and building societies, so that these institutions and the developers and speculators can enjoy bloated profits. It is likely that people will face more difficult times if the interest rate forecast is correct.

The people slaving to pay mortgages are the lucky ones. The less fortunate are the 130,000 people — 48,000 housing units — awaiting social housing from local authorities. As a proportion of overall housing output, we have the lowest level of social housing in the history of the State.

Mr. Cullen: That is not true.

Caoimhghín Ó Caoláin: There is a definite move away from social housing provision, a point which I put to the Taoiseach this afternoon. The Minister should make no mistake about it, some who are entrusted with the management of local authorities have also said this, which gives the lie to what the Minister just said in the Chamber.

Mr. Cullen: I wish they would draw down the money I made available.

Caoimhghín Ó Caoláin: They are saying it and they are feeding the concern that exists. The statistics I quoted also point in that direction. The Minister cannot walk away from this. As always, it is those most in need who lose out, those on social welfare, the low paid, single parents, the elderly and people with disabilities.

With other colleagues, I attended a seminar today organised by the Disability Federation of Ireland to launch a programme for local government focused on the housing needs of people with disabilities. There was anger at the delay in the publication of the disability Bill, which is referred to in the motion. If that Bill is not rights-based, people with disabilities will once again have been betrayed.

Mr. F. McGrath: Hear, hear.

Caoimhghín Ó Caoláin: Since my election to the House in 1997, I have never ceased to challenge the two-tier health system. That fundamentally unequal system is at the root of the many and complex problems plaguing our health services. It is both grossly inequitable and grossly inefficient. There is no need to recite again all the Government's broken promises on

health. However, I will return to the promise on waiting lists.

Nobody has been fooled by the statistical exercise by the Minister for Health and Children designed to disguise the true level of hospital waiting lists. I tabled a parliamentary question to him today inquiring if there were estimates of the number of patients awaiting appointments with hospital consultants, in other words, those who are on a waiting list to get on a hospital waiting list. These are people referred to consultants by their GPs in the expectation that they will almost certainly require surgery. In his reply, the Minister stated the Department does not collect or collate such information and has no intention of doing so. The hidden waiting list will remain hidden, most conveniently for a Government that promised to permanently end hospital waiting lists by this month.

I remind the Government of another parliamentary question I asked of the Minister for Finance regarding the cost to the Exchequer of the range of massive tax breaks to hoteliers, developers of holiday homes, multi-storey car parks and sports injury clinics, to name but a few. The Minister was unable to quantify the cost. The people's money is being given away in these and many other tax breaks and the Minister cannot even tell us what it is costing.

Mr. F. McGrath: He does not know.

Caoimhghín Ó Caoláin: Yet when we call for the reversal of cuts to community employment schemes or rent allowance restrictions, we are told it cannot be done because of budgetary restrictions. There is no problem costing those. Multi-millionaire tax exiles are protected and rewarded by the Government while the most vulnerable continue to suffer. This is a Government which prefers to house horses in Punchestown than to provide a proper disabled person's housing grant to allow people with disabilities to adapt their homes.

Mr. Cullen: The Deputy should tell us what he wants to do. He should spell it out.

Caoimhghín Ó Caoláin: The Minister did not like the reference to Punchestown. He should at least absorb the fact that what is required is a disabled person's housing grant that will offer an opportunity to the disabled to undertake remedial works to adapt their homes to their needs. That is not happening. As Minister for the Environment, Heritage and Local Government, the Minister is aware that local authorities are constrained in what they can provide. For each euro they generate, the Minister provides two euro.

Mr. Cullen: The funding provided by the rainbow Government was £5 million, it is now €80 million.

Caoimhghín Ó Caoláin: They do not have own resources financing and, therefore, they are limited in what they can provide.

Mr. Cullen: Some are very responsible.

Caoimhghín Ó Caoláin: That is the reality.

Mr. Cullen: Where good Fianna Fáil councillors are involved, it is good, but where councillors from parties in opposition are involved, it is bad.

Caoimhghín Ó Caoláin: Some may have a tremendous rate base, and it is lucky for those that have and can provide more, but I assure the Minister that small rural counties such as those I represent are limited in terms of what they can offer. They barely have the potential to direct 3% of their annual budget — the other 97% of it is predetermined. That is the reality in which councillors are working. We need fundamental reform of the disabled person's housing grant.

Mr. Cullen: I am doing it, but the Deputy will not like the outcome.

Caoimhghín Ó Caoláin: I am not listening to the Minister's interruptions. With respect, I will leave aside the word "arrogant", and point out that this Government has proceeded bull-headed with its flawed electronic voting system; and this at a cost well in excess of what the Minister for Health and Children, in his leaked memo to Cabinet, estimates it would cost to open the idle health facilities provided at a capital investment of €400 million but still lying unused because of spending restrictions. Where is the prudent financial management in the contradiction between the Minister's wasteful bull-headed approach to e-voting and the needs of communities awaiting the opening of those essential health service units at some 20 locations throughout this State?

Mr. Cullen: The Deputy is eating into my time.

Caoimhghín Ó Caoláin: It is an awful record and the Minister should be truly ashamed.

Mr. F. McGrath: What will be the Minister's next mistake?

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

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

"commends the Government for its continuing prudent management of the economy and the public finances since 1997;

congratulates the Government for:

— the creation of 300,000 new jobs;

- reducing unemployment dramatically, from 10.9% to 4.4% at present;
- exempting nearly 700,000 low paid from the tax net;
- tackling tax evasion and tax dodges in a vigorous manner;
- further developing and enhancing our public services;
- record levels of expenditure on the schools capital programme;
- the weekly increase of €10 in social welfare rates in Budget 2004, three and a half times the projected rate of inflation in 2004;
- the introduction of a national minimum wage which is now €7 per hour;
- co-operating with the Commission on Electronic Voting in completing the further recommended testing programme while noting that the many benefits of electronic voting have been acknowledged by the commission and that this approach will safeguard the investment in the system;
- investing historically high levels of funds in public infrastructure, specifically noting that Luas is being completed within the approved cost; and
- building record levels of new housing for our people; and

supports and welcomes the Government's determination to continue implementing its economic programme to the benefit of all."

I wish to share my time with Deputy Conor Lenihan.

An Leas-Cheann Comhairle: That is agreed.

Mr. Cullen: There are many ways in which the Opposition can try to approach Private Members' business. There was a time when it was used to promote alternative policies and set new agendas. Deputy Gregory would remember such days. However, over the past two years, we have seen this habit die out.

Mr. Boyle: Four Bills have been brought forward.

Mr. Cullen: As a result, every week we are faced with another shallow and hysterical denunciation.

Dr. Twomey: That is not true.

Mr. Cullen: What we never hear is even a basic attempt to detail specific alternatives. The

Opposition has no interest in engaging in a policy debate.

Even though we now have one of the most diverse Oppositions ever, the tactics are shared by the different elements. The names on the motion change every week, but the refusal to propose an alternative remains the same.

Dr. Twomey: We still have no answers.

Mr. Cullen: What also always remains the same is a weekly lecture on democracy. Certain members of the Technical Group are more distinguished in this than others. Their opening day publicity stunt in the House when the Green Party members wore gags is probably the last time they allowed someone to speak uninterrupted.

Mr. Boyle: We did not and the Minister should know about that.

Mr. Cullen: The Technical Group came together as a marriage of convenience——

Mr. Boyle: The Minister should talk; he should practise what he preaches.

Mr. Cullen: ——designed to give its members greater access to support and the ability to contribute to the agenda of the House.

Caomhghín Ó Caoláin: Why will the Minister not talk about the issues?

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

Mr. Cullen: The motion they have proposed tonight shows that they have no intention of using these extra resources for any constructive purpose.

We have a record of substantial achievement which we have no problem defending. We have a detailed programme in regard to every area of public policy. The public is fully aware of what our objectives are and how they are to be paid for. Let there be a debate, but there cannot be a real debate if only one side has any policies to put forward, and that is the Government side.

Mr. F. McGrath: The squandering of public money is the issue.

Mr. Cullen: The record shows that this House has entered its third year without any Opposition party or Deputy publishing a detailed budget proposal. The Opposition has retreated to vague generalities. It has opposed every specific measure to raise extra income in favour of a wide range of extra spending at the same time as promising something its Members call “equitable taxation” and something for everyone in the audience.

The Opposition lives in a world without choices to be faced. It does all it can to avoid answering

the specific questions of how much it will cost and who will pay for it.

Mr. Boyle: Has the Minister answered those questions?

Mr. Cullen: Deputy Rabbitte has gone further than abandoning the publication of detailed budget alternatives. He has scrapped the only detailed policy document Labour issued in the past seven years. Deputy McManus travelled the country telling everyone——

Mr. F. McGrath: This motion is tabled by the Independents.

Mr. Cullen: ——how she had a compulsory private insurance health policy which would cure all our ills, but it has now disappeared. Instead, a policy of opportunistic scaremongering has been adopted. The Labour Party’s local elections manifesto issued today confirms yet again that the party’s policy cupboard is as empty as its leader’s soundbites. Its new slogan is: “Stop thinking and vote Labour.”

This week Labour and Fine Gael will again join the Green Party and Sinn Féin in the vote on this motion. They will once again be a coalition which cares about everything but promoting alternative policies.

Sinn Féin has the distinction of being the only party in this House which has never in its history published a detailed alternative budget.

Caomhghín Ó Caoláin: With respect, every year I present the Minister for Finance with a free budget submission.

Mr. Cullen: This fits fully in line with its policy in local government of voting against every budget but never proposing an alternative, something which it will continue to do if it has some of its people elected to local government for the next few years.

Caomhghín Ó Caoláin: We are proud of our presentation——

Mr. Cullen: The motion’s attack on the Government’s fiscal and economic record is remarkable. Let us get some facts straight. Ireland has one of the lowest unemployment rates in Europe and one of the strongest public finances in Europe. We have emerged from the longest and deepest international recession in 20 years stronger than most and as good as the best. At the same time, record increases in funding for pensions, school buildings and health have been implemented. This is a situation which the Opposition is asking the House to condemn.

Mr. F. McGrath: People still cannot get a hospital bed.

Mr. Cullen: We know already that the Sinn Féin element of the Technical Group has never

[Mr. Cullen.]

had any problem claiming that black is white. It has long believed that facts are an inconvenience which can easily be ignored, whether they be laws or acts of violence.

(Interruptions).

Mr. Cullen: It has an ability to keep a straight face when denying the truth, which is a tribute to its propaganda department. However, more should be expected from the other parties which support this motion. Glib and facile comments to the effect that the economy is working but the Government is not simply do not wash. Every year for seven years we have heard the Opposition doing its Chicken Licken impersonation telling us that the sky is about to fall in. It has opposed tax reductions. It has said we were spending too much and at the same time that we are spending too little.

Dr. Twomey: It is how the money is spent that is important.

Mr. Cullen: If it was being honest, it would admit that great gains have been made over the past seven years. It would acknowledge the extra jobs, the lower taxes, the higher welfare benefits and the expansion in public services.

Mr. Boyle: Is it the €54 million in cuts to which the Minister is referring?

Mr. Cullen: One cannot take these things for granted. Consolidating dramatic gains is often just as tricky as the original struggle to get progress. There are times when sacrifices must be made to deliver long-term and sustainable progress. We have ignored the Opposition's call to implement irresponsible policies and this involved some tough decisions. For the short term, there is no doubt that this hurts, but for the long term there is no doubt that there is no alternative.

To suggest that this list, which purports to be a coherent motion, is a shot in the dark is to give it credit it does not deserve. It is irresponsible, ill-thought out, uncosted, socially regressive and fails to come anywhere near recognising reality.

Mr. Boyle: Just like the Minister's proposals.

Mr. Cullen: The Members opposite should take the truth when it is coming at them. I am sorry to embarrass them.

(Interruptions).

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: The single most effective way of addressing issues of social inequality is through the creation and maintenance of employment.

Caomhghín Ó Caoláin: Did Hans Christian Andersen write this script for the Minister?

Mr. Cullen: Since 1997, we have created more than 300,000 new jobs in the economy. No longer are we exporting our greatest asset — our people. Now we are exporting to every corner of the world the goods and services being produced in every corner of the country.

The on the hoof approach of the Opposition puts all these gains at risk.

Dr. Twomey: That Minister is not speaking to the motion.

Mr. Cullen: The three master chefs of the Technical Group — Deputies Ó Caoláin, Sargent and Higgins — come from the “can't cook, won't cook” school of catering. It is a pinch of Sinn Féin borrowing here, a dash of Green taxation there and a splash of indigestible Trotskyite madness for flavour.

Mr. McHugh: The Minister is reading the wrong speech. This is tomorrow's speech.

Mr. Cullen: We have encouraged and facilitated prosperity and the creation of wealth in every sector of the economy, not only among the privileged few, as some opposite would have one believe. Levels of consistent poverty have fallen dramatically in recent years.

Mr. Boyle: What about relative poverty? It has increased.

Mr. Cullen: This is something which the Opposition likes to dismiss and to point to other measures. Its approach to this is interesting because it involves dismissing its own so-called policies. The poverty targets we have worked to meet were set out not by us but by the Labour-Fine Gael Government in 1996. It was the then leader of the Democratic Left who was in charge of the process of defining the targets. We signed up to the targets in Opposition and worked to them in Government. We achieved them a couple of years before the target dates set by the Opposition.

As defined by the Opposition in Government, poverty has fallen and the ability of people to participate in society has improved. We have met and exceeded its targets, yet it wants to condemn us. The sheer audacity of those opposite to talk about more equitable taxation and improved social welfare is truly breathtaking. The low tax policy pursued by us has paid huge dividends.

The facts show that Ireland has the lowest tax wedge in the EU for the average single worker.

Mr. Boyle: Some people do not pay any tax——

Mr. Cullen: That is the independent conclusion of the OECD. Reports repeatedly show that we

have raised the pay of low paid workers and reduced their taxes.

Mr. F. McGrath: People still cannot get a hospital bed.

Mr. Cullen: We have removed almost 300,000 income earners from the tax net, while at the same time reducing both rates of income tax by six percentage points. Some 35% of income earners are now exempt from tax compared with 25% in 1997. No one on PAYE pays tax at less than €246 per week as opposed to €98 per week in 1997-98.

If Opposition Deputies want to be taken seriously on tax, they should tell us who will pay more and who will pay less under their so-called equitable alternative.

Mr. Boyle: People on minimum income will pay less.

Mr. Cullen: I know it is painful, but the Deputies must listen. As regards social welfare payments, I remind them of the facts. At a time when the unemployment rate has more than halved, social welfare spending has almost doubled since 1997. The majority of this additional funding has gone to increase the rates of social welfare payments. For example, the lowest weekly social welfare rate was approximately €83 in 1997 compared with more than €134 per week today. The money to fund these record increases is available because of a balanced economic policy which recognises that one must generate resources before one can spend them.

Mr. Boyle: It is still below the target.

Mr. Cullen: In respect of public expenditure policy, I will offer one more irrefutable fact, namely, that 68% of total voted expenditure this year is accounted for by health, education and social welfare. Are these the actions of a Government whose own citizens are not its primary concern? The equivalent of every cent and more paid in income tax is invested in the health service.

Let us no longer hear the other popular throw-away line that it has "all disappeared". If those opposite want to know where the money is, it is paying the salaries of extra doctors, nurses, teachers and other staff. It is also providing new facilities, including the largest building and renovations programmes in the history of our health and education systems. The impact of this is seen in the treatment of more than 100,000 additional people each year and the lowest class sizes in our history.

Mr. F. McGrath: People still cannot get hospital beds.

Mr. Cullen: No more than any of my colleagues in Government, I have no difficulty facing

criticism and defending our record. However, Deputy Finian McGrath must recognise that such a debate demands honesty.

Mr. F. McGrath: We live in the real world.

Mr. Cullen: The motion tabled by the Technical Group does not provide that honesty. It typically tries to have the best of both worlds. It fails to demonstrate how additional health spending, more new housing starts and the provision of extra community employment places will be paid for. There is no more than a vague reference to equitable taxation in the motion. What exactly does this mean? Does it mean increasing personal taxation and, if so, at what level and at what rate? Does it mean increasing business taxes and, if so, which taxes? Is it proposed to abandon the policies which have served us so well during the past seven years?

These are serious and legitimate questions which require honest answers. Ireland has created a thriving enterprise culture where the creation and maintenance of work is encouraged and facilitated. We have all worked hard to create that climate, it is the legacy of the Celtic tiger and one which we are duty-bound to foster and protect. We cannot afford to allow irresponsible policies that jeopardise this lasting legacy which is envied throughout the world and which serves as a model to be emulated by many of our new European partners.

We have built a new Ireland during the past seven years to which young people have returned in their thousands and thankfully so. The modern Ireland is a country of opportunity. It is a better place in which to live and work. We have identified our priorities and, as resources allow, we have persevered with those policies to the benefit of all our citizens.

Mr. F. McGrath: People still cannot get hospital beds.

Mr. Cullen: Notwithstanding the difficulties associated with the global economic slowdown of recent years, we have continued to invest record amounts of money in health, education and welfare. Our young, our sick and our most vulnerable continue to be our priority. It is worth reiterating that this year we will spend the equivalent of every cent we collect in income tax on our health services. That is more than €10 billion or €2,500 for every man, woman and child here. Just as we continue to invest in the present, we are also investing in the future.

We have established the National Pensions Reserve Fund—

Mr. Boyle: It has not made a penny.

Mr. Cullen: —made huge strides in reducing the national debt and are committed to investing record amounts in addressing our infrastructural deficit. These measures are aimed at the future. They will reduce the burden which would

[Mr. Cullen.]

inevitably have had to be carried by the next generation of Irish taxpayers. We owe that to them.

We are fortunate to have favourable demographics and we need only look at the difficulties experienced in Germany, France and Austria in terms of pensions reform to see how quickly matters can change. We cannot afford to ignore the realities and abdicate our long-term responsibilities and we will not do so. The initiatives we have taken will be of great benefit in a generation and they demonstrate this Government's capacity to take the longer view and eschew the short-term populist opportunism which is so obvious in the terms of the motion put before the House by the Technical Group, that wonderful party, the Greens, and Sinn Féin, the members of which could obviously not stomach what I had to say and left.

Mr. Boyle: Members of Fianna Fáil would never do that.

Mr. Cullen: The Government has every reason to be proud of its record in investing in new school buildings as well as refurbishing and extending schools. This has been achieved through consistently high levels of funding and a planned, measured programme of action. This year alone, educational infrastructural spending at first and second level will have increased since 1997 by 424% to €388 million. This year's schools capital programme is sufficient to illustrate the impact of sustained Government investment.

Mr. F. McGrath: The Minister should tell that to the students in Whitehall.

Mr. Cullen: More than €200 million will be invested in primary school projects, with a further €187 million for post-primary projects. This will deliver: in excess of 260 significant new projects at or going to construction during 2004; more than 400 smaller scale projects under the €31million summer works scheme; site purchases for new schools; up to €16 million investment in science equipment; a €15 million investment in furniture and equipment for schools; and the continuation of the asbestos, dust and radon remediation programmes. This is just the 2004 programme.

Between 1998 and the end of 2004, almost €2 billion will have been invested and in the region of 7,500 large and small projects will have been completed in schools. This includes 130 brand new schools and 510 large scale refurbishment and-or extensions. Contrast this to the efforts of the rainbow Government when only 42 school building projects were under way.

Mr. F. McGrath: The motion was tabled by the Independents, not the parties which made up the rainbow. The Minister has not read it.

Mr. Cullen: Building on this investment, the Government's decision to provide a €3 billion multi-annual capital funding envelope for education is proof of its continued commitment to modernising school buildings.

The Government's prudent management of the public finances has allowed for a record allocation of €11.26 billion this year to provide real increases in social welfare payments. This level of expenditure is a clear demonstration of the Government's commitment to addressing the needs of the elderly, widowed persons, carers, the unemployed and the disadvantaged.

Mr. Boyle: Commitment to widows. Is the Minister joking?

Mr. Cullen: It represents year-on-year increases under this Government in social welfare spending focused on improving the rates of payment in line with Government commitments. In Budget 2004, a €10 per week increase was provided in the rate of the lowest social welfare payments. This is more than 3.5 times the projected rate of inflation in 2004. An estimated 970,000 people on average are expected to claim weekly social welfare payments this year and almost 1.5 million people, including dependants — or two out of every five people in the State — will benefit from these payments.

These real improvements in social welfare in recent years have led to a significant reduction in the consistent poverty measure. The success of Government policies in tackling consistent poverty is reflected in the sharp decreases observed in respect of this indicator in recent years. According to the latest figures available, it is down from 15% in 1994 to some 5.2% in 2001.

Mr. Boyle: What about rent allowance?

Mr. Cullen: We have heard it all before. The Deputy should stop bleating.

The €11.26 billion committed by the Government in 2004 to social welfare will have a meaningful impact on poverty rates by reducing consistent poverty further and is indicative of the Government's priority to protect the living standards of social welfare recipients.

Mr. F. McGrath: Dream on.

Mr. Cullen: The Government is committed to continuing to protect and support the weak and vulnerable in our society and to safeguard the progress made in building social inclusion.

The Government also introduced the National Minimum Wage Act 2000. When it came into effect on 1 April 2000 the national minimum hourly rate of pay was set at £4.40. Since its introduction there have been three increases to the rate, bringing it to the current rate of €7.00 per hour from 1 February 2004.

Mr. Boyle: On which people pay tax.

Mr. Cullen: This rate is one of the highest rates in the EU and demonstrates our commitment to improving the living standards of all sections of society. Many low paid workers have benefited from the introduction of the minimum wage, particularly women, young people and part-time workers. That is something those opposite would not have bought into.

The Opposition motion criticises the Government for wasting money on the investment in a modern electronic voting system.

(Interruptions).

Mr. Cullen: Despite the desire of those opposite to see the money wasted, that has not been the case.

Mr. Boyle: Explain the outlay of €52 million.

Mr. Durkan: The Minister is displaying supreme arrogance.

Mr. Cullen: The report of the Commission on Electronic Voting envisages that electronic voting should be progressed for all forms of elections in Ireland, subject to a further testing programme.

Mr. Durkan: The Minister, having wasted €52 million in taxpayers' money, should be ashamed to come before the House.

Mr. Cullen: The Deputy may wish to believe that but the sad reality is that he knows the money was wasted.

(Interruptions).

Mr. Cullen: The Commission in its recommendations has provided a clear route map to enable this to be achieved. The use of electronic voting continues to gain in strength around the globe, from sophisticated and developed European countries, such as the Netherlands, to developing countries such as India, with its enormous population and diverse circumstances. I hope the Opposition Deputies hung their heads in shame when they read the reports from India today.

Mr. Durkan: What about the machine that would not work in the demonstration? What kind of machine would not work then? The Minister should be ashamed of himself. It failed five times in one week.

Mr. Cullen: Like the major investment which we are making in road, rail and other infrastructure at present, I am confident that, working with the Commission on Electronic Voting, the benefits of electronic voting will soon be made available to the full Irish electorate.

Mr. Durkan: The Minister is impervious to the views of the electorate.

Mr. Cullen: In years to come, the investment which we have made in the Irish voting system will be seen, in spite of the bleatings of the Opposition, to be a wise one.

I am surprised the Opposition motion criticises the Luas project. Luas will be the first major public transport infrastructure to be constructed in Dublin since the DART was built 20 years ago.

Mr. Durkan: The most expensive in the world.

Mr. Cullen: The Railway Procurement Agency, the body with responsibility for the construction of Luas, has advised that passenger services will commence this June for the Sandyford to St. Stephen's Green line and the end of August 2004 for the Tallaght to Connolly Street line. The agency has also advised the Department of Transport that the final cost of the project will be within the approved budget of €691 million plus contingency of €84 million as advised to Government in December 2002.

Mr. Boyle: That was not in the original budget, and the Minister knows that.

Mr. Cullen: It was in the original budget. Do not mind the speculation, there is no budget until the contract is signed and the money has to be paid. When the contract is agreed, the budget is known. All the speculation leading up to a final figure is irrelevant. What matters is the budget price and whether we deliver on budget. Luas will be delivered on budget.

Mr. Connolly: The Minister lost the envelope.

Mr. Cullen: The Government understands that the provision of housing at affordable prices continues to be one of the major concerns of young working people and their parents. The success of our economic policies in creating almost three quarters of a million extra jobs since 1990 has put unprecedented demands on the Irish housing market. The approach of the Government has been to tackle this issue with a wide range of initiatives. In particular, we recognise that housing supply is the key to holding down house prices and helping people to become homeowners. This approach is clearly working. We are now building almost 70,000 houses per annum in Ireland — three times the levels of ten years ago, three times the output per head of population of the EU average and five times the UK output.

Mr. F. McGrath: The Department is not building them.

Mr. Cullen: Over 5,500 households have benefited under the shared ownership and affordable housing schemes in the past three years——

Mr. F. McGrath: There are 48,000 people on the housing lists.

Mr. Cullen: — and the supply of affordable housing is now being boosted by the coming on stream of houses provided under Part V of the Planning Act.

Mr. Boyle: What is the percentage?

Mr. Cullen: The Government has maintained and developed strong social housing programmes to meet the needs of those not in a position to provide for their housing needs from their own resources.

Mr. Durkan: The Minister may as well dream here as in bed.

An Leas-Cheann Comhairle: Order, please.

Mr. Cullen: We are spending €1.8 billion per annum on a range of social and voluntary housing programmes. We are delivering the highest level of local authority completions for 16 years, with output from all social and affordable housing measures enabling the needs of 13,000 households per annum.

The Government has also taken radical measures to ensure that developers who have done well out of the housing boom return some of their profits to the local community.

Mr. Durkan: What about the levies?

Mr. Cullen: The Deputy wanted a lot more.

Mr. Durkan: A €20,000 levy is a nice boost to the housing market.

Mr. Cullen: By enacting Part 5 of the Planning Act we have required developers to provide a percentage of houses below market value so that young people in employment have a better chance of purchasing their first home.

The Government continues to prioritise policies to increase the supply of affordable housing by accelerating the production of housing under Part 5 and by implementing the affordable housing initiative agreed with the social partners under the Sustaining Progress agreement.

Mr. F. McGrath: The reality is that most young couples in Dublin cannot afford to buy their own home.

Mr. Cullen: I reject the short-term views of the Members opposite. I reject the accusations and assertions of squandering and mismanagement.

Mr. Durkan: The Minister should apologise to the people for what he did.

Mr. Cullen: In just over four weeks the Irish people will vote in European and local elections. If I agree with the Opposition on one thing, it is with the call for the Irish people to turn out in overwhelming numbers. If the Opposition and

the Technical Group want to have a debate, let us have a real debate.

Mr. McHugh: Yes, let us have real debate.

Mr. Cullen: There have never been greater resources available to Opposition Deputies and parties to support them in their work. Through the Estimates process and parliamentary questions they have fully comprehensive information about programme costs. I challenge them to put aside the empty rhetoric and hysterical denunciations and publish detailed policy alternatives. I urge them not to cherry-pick or isolate a few areas and pretend that is the same as producing an alternative.

Dr. Twomey: Do not embarrass the Minister.

Mr. Cullen: If the Opposition is willing to propose programme-by-programme spending proposals and detailed tax proposals, I will certainly support providing extra time in this House to debate them. That would be an honest debate showing the people the alternatives and allowing them to make a choice. In the absence of the Opposition publishing such proposals, we will continue to return here each week for another empty attack on the Government and refusal to debate the substance of Ireland's economic and fiscal situation.

Mr. Durkan: Marie Antoinette was like that Minister.

(Interruptions).

An Leas-Cheann Comhairle: Order, please.

Mr. C. Lenihan: I find it somewhat bizarre that one of the Opposition Deputies asks the impossible of the Minister and complains that the Minister has not addressed the motion. The motion is signed by a number of Independent Deputies, of somewhat dubious and diverse talents.

Mr. F. McGrath: Did the Deputy ever look at his own party?

Mr. C. Lenihan: If I was to be kind, I would describe this as an omnibus motion.

Mr. Durkan: Be kind to the poor man in front, he is very sensitive at the moment.

Mr. C. Lenihan: In real and substantive terms it is a motion which adopts the scattergun approach of a completely scatterbrained Opposition.

(Interruptions).

Mr. C. Lenihan: Deputy Durkan is, perhaps, the most scatterbrained of these Opposition Deputies with his bellicose noises from offstage.

Mr. Durkan: Speaking of scatterbrains, the Deputy need not look far.

Mr. C. Lenihan: I have a serious question for the Independent Deputies. They have framed a motion which is all-embracing and covers many diverse and eclectic topics of their choosing. Why was this motion not signed by Fine Gael, the Labour Party or the Green Party? The Independent Deputies are pushing this motion alone. They should face reality, the plans are ready and prepared for their abolition.

Mr. Durkan: They are certainly prepared, but for the abolition of the Government.

Mr. C. Lenihan: The Labour Party, Fine Gael and the Green Party plan to provide an alternative to the Government, but that alternative is based on an explicit exclusion of the Independent Deputies and Sinn Féin.

Mr. Durkan: We support each other, we do not go to the plinth to undermine each other.

Mr. C. Lenihan: However, Fine Gael, the Labour Party and Sinn Féin have the brass necks to come into this House and support this scatterbrained motion. They support it because they have nothing left to do in this House. If one goes anywhere in Europe or reads any journal commenting on economic and social matters, one sees that Ireland is example A of how one should do things if one wants to improve one's country.

Mr. Durkan: The Deputy is deluding himself.

Mr. C. Lenihan: International journals of repute, *The Economist*, the *Financial Times* and various periodicals and journals have pointed out that over the past seven years this country has been transformed in terms of its membership of the European Union and how it treats its people. We have transformed the economic and social landscape of this country.

Mr. Durkan: How does it treat the homeless?

Mr. C. Lenihan: This motion looks serious at the start, but not at the end. When one reads the last line, there is a plaintive call to the Irish people to turn out in overwhelming numbers in the local and European elections and to reject the Government's squandering and mismanagement of public funds.

Mr. Durkan: That is an excellent call.

Mr. C. Lenihan: In the last line of the motion the cat is out of the bag. The Opposition is trying tonight, and has been trying unsuccessfully for the best part of seven years, to get people to come out and vote against the Government.

Mr. Durkan: They will come out but will not vote electronically. They will vote in the old-

fashioned way and we will be able to count and check the results.

Mr. C. Lenihan: The evidence of the general elections of 1997 and 2002, the local elections of 1999 and the presidential election which elected Mary McAleese is that the people reject the blandishments and nonsense presented by the Opposition. The harsh reality the Opposition, particularly Fine Gael, refuses to recognise is that it lost the election. That was never as true as in 2002.

Mr. Durkan: The Deputy knows what will happen next time.

Mr. C. Lenihan: Fine Gael continues to lose and to render itself meaningless through its support of scatterbrain, scattergun motions of this kind. It is a nonsense. It inverts, in *Alice in Wonderland* fashion, the truth as we know it, which is one of unrivalled growth and lower taxes both for corporate bodies and the individual citizen. This is a period unique in political history where there are both social democratic and Christian democratic values riding side by side in the one Government.

Mr. Boyle: The Deputy forgot Thatcherism.

Mr. C. Lenihan: What we have is a Government that is increasing spending and cutting taxes at the same time. This has never been done before in Ireland.

Mr. Durkan: That is right. The Government cut services while the Minister has €52 million worth of surplus material that nobody will buy from him.

Mr. C. Lenihan: Historically this will never be done again by any Government, including our own. We have set a new line in the sand behind which we will not fall. We have decided as a country to grow up and away from the kind of infantile posturing that is presented as an Opposition motion but is only signed by Independent Deputies who have voted themselves out of power. Compare the current group of Independents to the mighty Healy-Rae, the mighty Mildred Fox and the mighty Harry Blaney.

Mr. Durkan: They are building an invisible monument to him.

Mr. C. Lenihan: Those three Independents achieved more in five years than any of the Independents in this Dáil will achieve over five, seven or ten years.

Mr. Durkan: I do not believe the Deputy was meant to say that. That was not in his script.

Mr. C. Lenihan: Those Independents had the sense to know that anyone who wants to be part

[Mr. C. Lenihan.]
of progress and achievement in this country joins and works with Fianna Fáil. All the parties are growing in terms of realising this basic political fact. I wonder now how cohesive the Labour-Green-Fine Gael coalition will be.

Mr. Durkan: The Deputy has exceeded his time.

Mr. C. Lenihan: I reckon that when the votes are counted after the next general election, at least two of those three will be trying to get into Government with Fianna Fáil.

An Leas-Cheann Comhairle: Before calling Deputy Bruton I must point out to the Deputy that it is not in order to introduce the name of the President into any debate in the House.

Mr. C. Lenihan: I mentioned not the President but the presidential candidate in the coming election.

Mr. Durkan: The Deputy has exceeded his time by three minutes.

Mr. C. Lenihan: I apologise if what I said was misinterpreted. What I am stating is that President Mary McAleese was a presidential candidate nominated and supported by Fianna Fáil.

An Leas-Cheann Comhairle: The Deputy should not introduce the name of the President into any debate because it could lead to controversy.

Mr. R. Bruton: I propose to share my time with Deputy Bernard Durkan. The Minister is leaving which, perhaps, is timely because I was about to refer to some of his remarks. It strikes me that the Government is so high on its own arrogance that it has lost touch with what is happening in the real world. The Minister of State at the Department of Health and Children, Deputy Callely, is one of the few Ministers who still has his feet on the ground, and Ministers like him must surely know that the product of rampant false promises made before the last election is to be seen now in the cruel cutbacks in areas for which he is responsible. We are scraping the barrel to try to keep home help services going. Elderly people in need of care are being squeezed for the scarce hour a week or hour a day home help to try to accommodate someone else. Where does that fit into the great Christian democratic ideal which was praised by Deputy Conor Lenihan, who did not stay to hear the rest of the debate? The Government is driven by electoral need. That is the one thing the Government understands.

It is timely that the Technical Group has brought up this huge array of white elephants that has emerged from the stable opposite during recent years. Even this week, in trying to provide

for the European Union Presidency when there will be 30 meetings and Ministers will tramp up and down the streets of the country trying to show Ireland and themselves in a good light to their ministerial colleagues, they failed to observe any of the procedures that were put in place to deal with public procurement. This is a gross failing and it comes right from the heart of the Department of Finance and the Progressive Democrats Minister of State, Deputy Parlon, who ought to ensure that we use money responsibly.

There is something seriously awry — and the rhetoric of the Minister for the Environment and Local Government, Deputy Cullen, does not address it — when in regard to the PuncHESTOWN equine centre we saw no tenders or evaluation and decisions by Ministers made without any proper procedure to double the money within seven days when the original Estimate was not enough. That is not how we expect financial management to be done. This is Ministers treating taxpayers' money as if it was their own to be used on a whim to try to curry favour with small groups within their constituency.

It is interesting that Deputy Conor Lenihan referred to Deputy Jackie Healy-Rae. The high point of Fianna Fáil cynicism regarding public spending must surely have come with the marina in Kenmare. Not only were all procedures ignored but the Department of the Taoiseach wrote letters to be signed by another Minister to override all need for evaluation. That happened under the eyes of the Government which has the audacity to tell the people the key issues for it in the next election will be accountability and value for money. That marina was demolished because it did not have planning permission. The Taoiseach signed off on that without proper procedure and taxpayers' money not only went down the drain but ended up as rubble.

We have seen that sort of approach also regarding Stadium and Sports Campus Ireland, another castle in the sky that the Taoiseach wanted to build for himself. The consequence of his arrogance on that issue is that we now have no stadium, the opportunity for the FAI to produce a stadium has been scuppered and we have stalled the opening of Croke Park to other sports. Again we have seen the familiar pattern of a Government unwilling to use public money according to a certain code and to insist on proper procedures and evaluation, and unwilling to accept that it is acting on trust for the people and that it is supposed to defend their interests.

Time and again we see the opposite occurring. It is no accident that there are vacant asylum facilities, vacant hospitals in Mullingar and vacant units in Blanchardstown acquired by the Government at great expense. That is the consequence of not putting proper financial procedures in place and of not anticipating what happens when certain decisions are made. When a decision is made to build a hospital, it must be staffed. If the Government does not think that far down the road, it is not fit to govern.

If it is decided to extend medical cards to people who are 70 years of age and over, one must have an accurate assessment of how many people will be involved, negotiate with doctors and assess the consequences of extending free treatment to all those over 70 years of age. None of that was done and, as a consequence, the taxpayer has paid ten times more than the Minister estimated for that concession.

Mr. Calley: That is not true.

Mr. R. Bruton: If the Minister of State wants to check that, he should read the report of the Comptroller and Auditor General on the subject. It came in as an Estimate of €5 million and ended up as an Estimate of €50 million. The same is true of other “goodies” that have been brought in by Ministers trying to sweeten the pill at budget time. We have reached the stage where the budget is a charade. In the hands of the Government, it has become a vehicle for short-term opportunism.

The greatest rabbit produced out of the hat this year was when decentralisation was announced to screen a budget that was otherwise siphoning money out of people’s pockets through stealth taxes. That was covered up by producing the idea of decentralisation like a rabbit out of a hat. With decentralisation everyone would have a slice of Government coming to their town soon. It was a cynical move.

We need regional reform to drive regional development. The way to do that is within the context of the spatial plan with a well-planned policy that anticipates what will happen to the quality of service and plans for that, and where there are talks with staff to ensure that they can make this change efficiently. None of that was done. Electoral needs drove everything. Any sensible analysis or assessments were rejected. It became a short-term political spree over which Government and Ministers scrambled like so many hyenas over a carcass. That is not the way to treat the public service which has been a valued asset to this country. It deserves to be treated with the seriousness it has earned over many years. It is lamentable to see Ministers coming here to try to defend decentralisation when none of them thought about how they would make it work or how it would deliver improvements.

Unfortunately, we have blown a massive opportunity to do good. When I was Fine Gael’s education spokesman a few years ago, the key issue we faced was ensuring that more people stay in school. We needed to find ways of stopping people from dropping out of school early, without qualifications. After six years of the greatest bonanza this country has seen, it is pathetic that the same number of children continue to drop out of school without literacy abilities of the standard we need. It is still the case that one in six children leaves school without being able to understand the instructions on the side of an aspirin packet.

Such a fact is at odds with the great Christian democratic ideal that Deputy Conor Lenihan said was being delivered on by the Government.

We see discrimination every day. I am sure the Minister of State, Deputy Callely, meets many people in private rented accommodation, just as I do. Many such people are badly paid but are trying to better themselves. What support do they get from the State to support them in trying to meet the cost of their rent? The sum total of what the Government will concede to them is €4.99, despite the fact that the Celtic tiger was built on their backs. It is unfair treatment. If they were unemployed and in receipt of rent supplement, they would be given €200 per week. If they were living in a local authority house on a differential rent, they would get €200 per week. They would also receive substantial support if they were getting a mortgage. The Government treats people with contempt and discrimination, however. They cannot get any of those things because they are in the private rented sector. Government Members are too blind to see what is happening under their eyes.

It makes me sad that Ministers come to the House to pretend that everything is rosy in the garden when there are problems everywhere. It is time for a radical Cabinet reshuffle, at least so that people who understand what it is to struggle and to try to get by can be introduced from the backbenches of Fianna Fáil. The current Cabinet has grown increasingly out of touch. The Progressive Democrats Members have become more like Fianna Fáil Members as time has gone by. There is no distinction between the parties. A prominent Progressive Democrats Deputy climbed up poles to say “One-Party Government — No Thanks”, but it was just a slick trick to get to the top of the greasy pole, as Benjamin Disraeli described it when he became Prime Minister in the UK. The Progressive Democrats continue to be driven by such motives — they are not driven by a need for reform.

The House must address the issue of serious reform. We are a joke as a House. We are not holding the Government to account to a sufficient extent as we do not have the powers, resources or parliamentary means of doing so. It is time for the Government’s procedures to change so that those who sponsored the over-70s medical card, for example, will have to come to the House to be held responsible. The Minister who introduced the system should take the rap for the fact that it is ten times over budget. Like any other chief executive who gets it wrong, he should sacrifice his position. We need such accountability. If that is what the Taoiseach means by accountability, it would be a great thing, but it is not what he means. His focus groups have come up with the idea that he is seen as indecisive, that he does not sufficiently derive value for money and that he is not sufficiently accountable. He has tried to address such problems by producing language to suggest that this is what he is all about. Such a

[Mr. R. Bruton.]
 ploy is skin deep and will not con the people anymore.

Mr. Durkan: This timely motion encompasses many of the things we have been saying in the House since the last general election, although it would take a much longer motion to encompass fully all the failures of the present Administration. The motion refers to the various overruns in almost every Department. The cost overruns in the Government's procurements, sales and contracts are of such serious magnitude that we are prompted to ask what is really happening. What is happening in respect of the various public contracts that makes them not seem to add up? Every other country in the world seems to have a system that can be measured fairly accurately when it comes to public procurement and contracts, but it seems to go on and on forever here. An overrun of €50 million, €60 million or €100 million is relatively nothing here. The clear impression has been given that the Government does not care. It is sad.

The neck of the Minister, Deputy Cullen, who addressed the House tonight, is in a very healthy condition. He must have a very healthy neck to allow him to come to the House after wasting €52 million of taxpayers' money. The money went down the tubes as he attempted to pursue his dream and that of his predecessor. In theory, the dream was pursued so that the voting system could be modernised. Having tried everything else, the Government has decided to turn its hand to modernising democracy. What worries me most about the Minister is that he is totally impervious to criticism. He believes he is doing the right thing. He defiantly said to the House tonight: "Wait until you see; this system is going to be in whether you like it or not." That is a rather peculiar thing to say. It is the first time I have heard something like it in this House. The Minister's negligence and bad management have resulted in the loss of almost €60 million of taxpayers' money. Not only has he forgotten to say sorry, but he has refused to accept that he was wrong. It is a serious problem.

Another serious problem is starting to affect those on the Government benches, both Fianna Fáil and Progressive Democrats. Poor Deputy Conor Lenihan was showing signs of delirium this evening. He considers that the Government's loss of €52 million on the electronic voting project represents the achievement of a great objective. He thinks that it was a major achievement. He cited as a shining example the monument to Deputy Healy-Rae, which was constructed without planning permission. The fact that the monument is not near water is a problem, when one considers that it is a marina. It took a fair amount of imagination for a Deputy of some years' standing to suggest that it was a great idea and a major achievement. It is sad that such an attitude was expressed in the House tonight in support of the unsupportable.

Deputy Richard Bruton referred to the Tarzan-like feats that were performed by certain members of the Progressive Democrats on top of telegraph poles in the centre of the city. The Progressive Democrats set themselves up as watchdogs in government which, in turn, indicates that there was a need for watchdogs. Having laid down with the enemy, however, the Progressive Democrats are quite happy to sup at the same table and to walk away contentedly. There is not a single word of demur from them at present and there will not be, because they are happy to be buried in the bosom of Fianna Fáil and smothered within a Government that is engaging in a spending splurge that has continued, with one or two exceptions, since the Government came into office.

Deputy Conor Lenihan also mentioned the Government's great achievement in cutting taxes, but it is obvious that he forgot to mention that it has also cut services. The two matters are linked. The real cuts have taken place in the major areas of housing, health, education and crime prevention. Everybody is affected by these cuts. The Government believes it does not have the wherewithal to win another election if it does not save money at the public's expense to create a war chest over the next two and a half years. It hopes that such a fund will allow it to cod the public into giving it support that it does not deserve.

In days gone by, Ministers would put their hands up and say, "We got it wrong, I am sorry, we shouldn't have done that," before quietly walking away. The current Government is involved in a different ball game. These guys are actually proud of their performance and they keep repeating it again and again. Every time somebody on the Opposition side points out the Government's inadequacies, the Government Members bluster and tell us about all the good they have done. However, that is no more than the spending splurge in which they have indulged to endear them to the public, they hope, when the next general election comes. They are currently worried. They are putting before the people their candidates for the European and local elections.

We have again run out of time, and I regret that the Deputy sitting opposite has eroded our time.

Mr. Callely: I did not.

Mr. Durkan: I refer not to Deputy Callely but to the Deputy who sat opposite to me earlier on. I support the motion. It is timely, and identifies the inadequacies of this Government, which must now either apologise individually and collectively to the Opposition and the people, or continue in the manner of Marie Antoinette, fooling itself and everyone else. That will not go on forever.

Debate adjourned.

Adjournment Debate.

Banking Industry.

Mr. R. Bruton: Events have developed during the day, and AIB has indicated that one of its staff has been temporarily suspended from duties while matters are investigated. The handling of this business has exposed a deep problem in the bank. There has been a clear lack of understanding within AIB of the obligations of consumer law. There were no proper compliance procedures to ensure the bank stayed within the law, and even people at senior level, heads of departments, seemed to be unaware of their obligations.

While there are red faces in the AIB Bankcentre, the Government too should have some red faces regarding this issue. The discovery of the offence came from a whistle blower not from effective regulation. It also revealed in very stark terms there is no sanction in the legislation for the offence of charging more than was allowed by the authorities. The Government cannot apply any sanction in the matter. There has been no monitoring of the bank's obligation. Over a period of eight years, even the new financial service regulators, supposedly the most up-to-date in the area of regulation, did not identify this breach of one of the most basic elements of consumer law.

The Government has not put in place any legal obligation on the directors of the banks to have a compliance statement. Currently, the directors of almost all major companies must produce compliance statements on health and safety issues and on an entire range of matters. In financial institutions, a compliance statement regarding observation of consumer law is not required by Government.

These huge gaps have appeared not by accident, but because of the regulatory structure that we have as a direct result of a turf war in which the consumer lost out. When this legislation was going through the Dáil, I demanded, by means of a reasoned amendment, a delay on this Act until we had a full audit of the consumer protection powers we were giving to the IFSRA. The Minister refused to have such an audit and now, at the very first challenge to this new regulatory authority, we discover that there are no sanctions to protect the consumer in respect of this issue. That is a serious flaw, and one for which the two Ministers involved, the Tánaiste and the Minister for Finance, must take the rap. There has been heavy spinning by Government, in the hope that AIB would take all the flak, but the Government must face up to its responsibilities in the matter.

This affair has also revealed deeper problems in the banking sector. The sector is not competitive when it comes to small businesses and personal borrowers. We have seen this time and again. The euro rate cuts were not passed

on to small businesses or to personal borrowers. Savers are being mis-sold products which are not of a proper standard. Elderly people are being sold long-life products. We need to address much more vigorously the issue of regulation and competition in the banking sector. The Government has received two reports from the Competition Authority, yet nothing has been done.

We need Government action. At the very least, sanctions must first be put in place for the type of offence revealed. New regulations must be enforced to facilitate the smooth moving by consumers of their business from one banking institution to another. We must restrict captive selling, which we have seen as part of the problem in the sale of investment products to elderly people. We must subject the bank clearance system to proper, fair access rules. We need to have bank advisers subject to the same professional requirements which apply to all other investment advisers. Those working for the bank should have to prepare a statement of advice and be able to show that such advice is appropriate to the needs of the person. We need to institute cooling-off periods for investors. Numerous amendments must be put in place to protect consumers.

Sadly, this Government has not even started on that radical agenda. I hope that if anything positive emerges from this debacle, it will be that the Government is alerted to the substantial issues that need to be addressed in this area.

Minister of State at the Department of Health and Children (Mr. Callely): I thank my constituency colleague, Deputy Richard Bruton, for raising this very important issue and giving me the opportunity to respond.

This in some ways is a first test of the regulatory structure put in place last year. That structure, which was set out in the Central Bank and Financial Services Authority of Ireland Act 2003, brought together into one institution, the Irish Financial Services Regulatory Authority, financial regulatory functions that hitherto had been spread over four different institutions. Among the responsibilities transferred to the IFSRA were the functions which formerly rested with the Director of Consumer Affairs under Section 149 of the Consumer Credit Act 1995. This Act did not make it an offence to fail to notify correct amounts to the Director.

The IFSRA is carrying out a serious and detailed investigation, and we should not prejudice all the facts until that investigation is completed. A team of senior inspectors has already advanced its work and as a result, the IFSRA has established that it should be possible to identify from records at least two thirds of the people who have been affected by incorrect charges. The IFSRA has also requested AIB to report immediately on the extent of the impact on its customers, to examine how compensation can be appropriately paid, to identify how the

[Mr. Callely.]

matters could have arisen and persisted over an extended period, and to identify remedial measures to ensure that such matters could not arise again.

Naturally, the focus of the IFSRA investigation is initially concentrated on identifying the amount involved and the customers affected. The next phase of the investigation will involve finding out how this could have arisen in the first place and persisted over an eight-year period, and identifying whatever measures need to be taken to address this issue. The IFSRA has also agreed with AIB that a €25 million deposit will be made with the Central Bank to cover anticipated costs of reimbursing customers, including interest.

Regarding ongoing official policing of the 1995 Act provisions. I understand there is a spot-checking system in place and that the majority of these spot checks have concentrated on foreign currency cash transactions.

Mr. R. Bruton: How did they miss the AIB transactions?

Mr. Callely: These account for the vast majority of foreign exchange transactions carried out by consumers. Random checks do not pick up everything, and I understand the IFSRA will consider any changes to the regulatory procedure required following its investigation in the current case. The chief executive of the IFSRA said today: "This case, I believe, clearly demonstrates that we do have powers and we are willing and able to use them on behalf of the consumer." However, he has noted a desire that IFSRA would have additional powers to levy penalties or sanctions in appropriate cases.

As the House will be aware a second Bill, to complement the Central Bank and Financial Services Authority of Ireland Act 2003, has completed Second and Committee Stages in this House, and Report Stage will be taken shortly. This Bill complements the Act passed last year and deals with a wide range of issues. In particular it includes provision for penalties to be applied to financial institutions which contravene a provision of financial services legislation, contravene an IFSRA code of conduct and contravene a direction from the IFSRA or a condition or requirement imposed on the institution by IFSRA under financial services legislation. It should be noted that the IFSRA may amend its codes of conduct when necessary to keep abreast of the current state of development of financial markets and financial products.

In addition to the penalties provisions, the Bill provides for significant additional powers for the IFSRA to require formal statements from institutions in regard to their compliance with legislation — compliance statements — on which IFSRA may also require sign-off by auditors. This provision will be in addition to provisions of the Companies (Auditing and Accounting) Act

2003 which will impose an obligation on the directors of companies to prepare and publish a directors' compliance statement.

To sum up, the Government has sponsored legislation to establish the IFSRA, which is already proactively managing the situation that has arisen in AIB. It has, through the legislation, very considerably extended the consumer protection and education functions of the IFSRA and has allowed the IFSRA the resources to carry out these functions. I agree with Deputy Richard Bruton that further legislation is required. This was signalled during the passage of the 2003 Act. This additional legislation is well advanced in the form of a Bill due to go to Report Stage in this House. We should await the results of the IFSRA's detailed investigation before drawing final conclusions on the case. We must all, Government, Oireachtas regulators and financial institutions, learn the lessons that will emerge from this case, to provide greater safety and reassurance to the financial services consumers of this country. The Government is determined to do its part.

Residential Institutions Redress Scheme.

Ms O'Sullivan: I welcome the opportunity to raise the operation of the Residential Institutions Redress Board. Today is the fifth anniversary of the apology by the Taoiseach to the Irish people, to people who were abused in institutions while in the care of the State. At that time a great sense of hope existed that the issues would finally be acknowledged and addressed, giving the survivors the opportunity to tell their story. Measures to compensate the survivors for what happen during their childhood, although it would never be at the level required to compensate for their childhood, were put in place. Five years later, many stories remain to be told and there has been little in the way of either justice, redress, transparency or closure for many of the victims of abuse.

Practically every Member spoke last week to Mr. Tom Sweeney when he was on hunger strike outside the Dáil. I am aware that Deputy Sherlock as well as many other colleagues spoke to him every day during his four week hunger strike. I wish to ensure, now the crisis is over, that we do not forget the issues that were raised by Mr. Sweeney and the other survivors of child abuse who were with him on his hunger strike. We are all relieved that he was able to accept the proposal put to him and I understand he is making a good recovery. On each occasion on which I spoke to Mr. Sweeney, he stressed that his action was not as a result of the lower award but to highlight the operation of the redress board, which he said punished survivors who wanted the opportunity to have their experience outlined in a full hearing of the board. That was certainly his perception and that of many others to whom I spoke in the past few weeks. He and a number of others had their awards substantially reduced at hearing.

There is certainly a perception that this is a deliberate strategy to deter survivors from going to hearing and if this is the case, it must be stopped. Let me stress that it is a perception, but this perception must be addressed, particularly in light of the fact that a man was willing to risk his life to have the issue addressed. Another issue that has been raised about the board's operation is that the former Minister, Deputy Woods, gave an undertaking that awards would be commensurate with those of the High Court. Many have told me that this is not the practice.

One of the problems is that the secrecy that surrounds the operation of the redress board means that it is very difficult to access the facts around these concerns and to know the reality for many people. In that context, I call on the Minister to review the operation of the board to ensure that it is complying with the spirit of the legislation as outlined to the Oireachtas when it was debated and when the regulations under the Act were discussed at the Committee on Education and Science. I participated in the committee debate, although I was not a spokesperson when the Bill was being debated in the House. During the debate, there was no indication in the replies we received from the Department representative in committee or from the Minister in the Chamber that going to hearing might lead to a reduction in the award. We were assured of the intention to mirror the level of award that an applicant could reasonably expect to receive in the High Court. That was spelled out in great detail with a weighting system which defined the level of abuse that was considered to have taken place and the level of damage that was considered to have been done and so on.

Mr. Sweeney felt so strongly about this issue that he was willing to put his life at risk. We as representatives of the public and the Minister for Education and Science, as the responsible Minister, must examine the issues he raised. If the legislation or the operation of the board is found wanting, changes must be made. However, I stress that I am requesting the Minister to undertake this review to ensure that no faults exist in the legislation or in the operation of the redress board. Anyone who spoke to those outside the Dáil last week know that they had genuinely felt concerns that must be addressed. In a sense the redress board is a step away from the Department of Education and Science and there is a difficulty in having the matters addressed, but the Minister must review the situation and come to a conclusion as to what, if anything, needs to be changed.

Mr. Callely: I thank Deputy O'Sullivan for giving me the opportunity on behalf of my colleague, the Minister for Education and Science, Deputy Noel Dempsey, to speak on this matter and clarify the position on the operation of the Residential Institutions Redress Board and the Residential Institutions Redress Review Committee.

I welcome Deputy O'Sullivan's acknowledgement of the Taoiseach's apology five years ago. It should be acknowledged that while many Taoisigh had the opportunity to address this issue, they failed to do so. The current Taoiseach, Deputy Bertie Ahern, took the courageous step. He was concerned that victims of such abuse would have the opportunity of redress and that it should be as easy as possible. Deputy O'Sullivan noted the perception of reduced awards, and I would like to clarify that the redress board is not there to reduce the awards, but the opposite.

I will address issues that should clarify the position to everybody's satisfaction, but most importantly the redress board and the review committee were set up to resolve issues rather than what is perceived. The Residential Institutions Redress Act was enacted on 10 April 2002. The Act provided for the establishment of the Residential Institutions Redress Board to provide a mechanism to make financial awards to victims of abuse to assist them in their recovery and enhance the quality of the remainder of their lives. It also provided an alternative to them having to pursue traumatic civil court cases to obtain compensation for injuries. While the civil courts operate on the basis that a plaintiff must prove his or her case on the balance of probability, the redress board operates on a much lower threshold of proof and does not make any finding of guilt in relation to an individual or an institution. An applicant can engage the services of a solicitor to assist him or her in submitting an application and all reasonable legal costs associated with it will be covered by the board.

In 2002, the compensation advisory committee established by the then Minister for Education and Science produced a report, entitled *Towards Redress and Recovery*, which established a weighting scale for the evaluation of the severity of abuse and consequential injury. In addition to this, it set out redress bands for the offer of financial awards which are in line with High Court awards made in personal injuries cases. These scales have been incorporated into the regulations governing the operation of the board in assessing the amount of awards to be offered to applicants.

In some cases, the board will make an applicant a settlement offer solely based on the victim's written application. In the event an applicant is not satisfied with the offer, the person can opt to pursue an oral hearing of his or her case. If a person decides not to accept a settlement offer and proceeds to a hearing, that hearing takes place independently of the settlement talks. Members of the board who hear the case are not informed of any settlement process. In effect, this amounts to a new hearing of the case.

Following the hearing, the board notifies the applicant in writing of the award on offer and the applicant has a period of one month to accept it. The applicant can use this period to reflect on the offer and consider any legal advice received from

[Mr. Callely.]

her or his legal representative on the merits of the award. The redress board has published information on its website today which indicates that 57% of cases which were sent to hearing after failure of the settlement process were increased, 29% had the awards reduced and 14% remained the same.

In the event that an applicant is not satisfied with an award, the person is entitled under the Act to submit the application to the redress review committee, which will review the entire case. The review committee may uphold the amount of the award or increase or decrease the amount. The review committee stage of the process is, effectively, the final option available to an applicant under the redress Act process. However, an applicant still retains the right to pursue a case through the courts.

As the Deputy is aware, Mr. Sweeney, who had been on hunger strike outside Leinster House because he was dissatisfied with the outcome of the redress process, agreed to come off his strike last Thursday and has taken the option of recommencing his case in the courts. The Government has agreed to do everything it possibly can to expedite a hearing and, taking into account the papers already lodged for the purpose of his civil case, to agree that the case will proceed on the basis of an assessment of damages only.

While Mr. Sweeney was dissatisfied with the outcome of his application to the redress board, the operation of the redress board and review committee must be viewed objectively and adverse judgments regarding the process should not be made on the basis of just one case. To date, in excess of 3,500 applications have been made to the redress board and awards have been offered in more than 1,000 of these cases. The remaining cases are at different stages of the redress process. This indicates a high level of satisfaction with the operation of the board and the process of redress.

I am aware that some of the groups which represent survivors of abuse have requested a meeting with officials in the Department of Education and Science to discuss issues regarding the operation of the redress board, and this will be dealt with in the normal way. I also understand that officials from the redress board have met group leaders as well as hosting general meetings where issues raised by the leaders have been discussed and clarified. I am satisfied that this process will continue.

In the circumstances, the Department of Education and Science does not see a requirement to bring forward amendments to legislation which is working to the benefit of the majority of survivors. I thank the Deputy again for giving me the opportunity to explain the position in this House.

Schools Building Projects.

Ms Hctor: Tá traidisiún na Gaeilge agus na teanga labhartha go láidir i dTiobraid Árann Thuaidh. Tá gaelscoil bhreá nua againn in Aonach Urmhumhan, mo bhaile féin, ach anocht, cuirim an bhéim ar Ghaelscoil Bhríde i nDurlas Éile.

I am glad of the opportunity to raise this pressing issue regarding Gaelscoil Bhríde in Thurles. The school was founded in 1990 with six pupils. Current enrolment is 199 pupils. In September 2004, there will be 203 pupils, in September 2005, 211 pupils, and in September 2006, 217 pupils. These figures have been approved by the inspector.

Gaelscoil Bhríde is highly regarded in the town of Thurles. It provides co-educational facilities, is all-inclusive and serves the growing population of Thurles town, which is approximately 9,000, and the hinterland of Thurles. Currently, the school comprises six classrooms which are either at or below the minimum recommended space of 16 sq. ft. per pupil under the 1965 Department of Education and Science rules for national schools. There is no hard surface in the area in which the school is located, so it is not possible for children to play ball, which is a tremendous disadvantage.

The school has eight full-time teachers, one resource teacher, one learning support teacher and the príomh-oide. These are all catered for under one roof in an old building dating back 140 years. They work in accommodation kindly provided by a local family at a reasonable rent. This kind gesture of the landlord is indicative of the support in the community of Thurles. Nevertheless, the accommodation is inadequate for the growing numbers who wish to attend Gaelscoil Bhríde.

Before 1999, a 3.9 acre site was bought by the Office of Public Works at Ardnacroise in Thurles for Gaelscoil Bhríde. Planning was applied for, but it was refused. It was also refused on appeal because of the poor entrance to this site. Architects were involved at the time and attempts to move on failed because of the poor entrance to this site at Ardnacroise. That site was, however, zoned educational. On 19 May 1999, the management of Gaelscoil Bhríde received a letter from the Department which consoled the parents and teachers. It stated that should there be any delay in the progress of the project because of technical difficulties outside the Department's control, the project would not lose its place in the priority listings.

In December 2003, with the great assistance of the Minister, Deputy Noel Dempsey, a four acre site was bought by the OPW with his approval. Gaelscoil Bhríde hoped its plans for its growing school would move ahead. I was happy with this announcement because I had continued communication with the Minister and the board of management of the school. The application approved would have been for the eight classroom school and ancillary works for which

the site at Ardnacroise was originally bought. A four acre site, however, has now been secured.

To my knowledge, the schools building programme fails to list Gaelscoil Bhríde. This school is very pressed for space. A new site has been bought and there is no apparent plan in print at present despite the commitment given in the 19 May 1999 letter from the Department that should any difficulties arise, it would not lose its place on the building list. That is why I raise this issue.

My correspondence, together with that of the dedicated principal of the school, indicates clearly that Gaelscoil Bhríde is anxious to engage in public private partnership should the Minister approve it in his summer reappraisal of the building programme. I call on the Minister to sell the site which was deemed unsuitable and which is a property of the Department to fund the construction of a new school for Gaelscoil Bhríde. Tá foirgneamh nua ag teastáil ón ngaelscoil agus iarraim ar an Aire foirgneamh nua a thabhairt duinn gan mhoill. I ask the Minister to respond to this pressing need in Thurles. He has done so before with the purchase of the site and I ask him to move it along.

Mr. Callely: I thank my colleague, Deputy Hctor, who I know has a special interest in this case, for raising this matter on the Adjournment. It gives me the opportunity, on behalf of the Minister for Education and Science, Deputy Noel Dempsey, to outline to the House the departmental strategy for capital investment in education projects, as well as outlining the position regarding Gaelscoil Bhríde in Thurles.

Gaelscoil Bhríde is a co-educational, all-Irish, primary school with a current enrolment of 199 pupils, a staffing of a principal plus eight mainstream teachers, one shared learning support and one resource teacher. The school opened in September 1990 with an enrolment of 25 pupils. The Department of Education and Science granted provisional recognition to the school in July 1991 and permanent recognition was granted in August 1993.

The school operates in rented accommodation which is grant-aided by the Department at a rate of 95%. Enrolments at the school have continued to grow steadily since it opened. The need for permanent accommodation at the school is clearly acknowledged. The Department has already agreed that, on the basis of projected enrolments, permanent accommodation should be provided in the long term for an eight-classroom school. It was also agreed that a new building should be provided.

A design team was nominated for the proposed project in 1999 and for this project to progress to architectural planning, a suitable site had to be identified and purchased. The Office of Public Works, which acts on behalf of the Department of Education and Science in site acquisitions, was asked to investigate the availability and suitability of a number of sites in the locality of the school

which might prove suitable for the construction of a new school.

A number of sites were examined and a suitable site was finally identified in 2003. Final contracts for the sale were signed last September. The school site is now in the Department's ownership. The next stage will be the architectural planning and construction of the school.

The 2004 school building programme at primary and post-primary levels amounts to €387 million. The programme will deliver 200 large-scale projects, but it was not possible to include all projects in this year's programme. The proposed project at Gaelscoil Bhríde is one of a number which must be considered in the context of future capital allocation for school building.

When publishing the 2004 school building programme, the Department of Education and Science outlined that its strategy going forward would be grounded in capital investment based on multi-annual allocations. Officials from the Department are reviewing all projects which were not authorised to proceed as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005. The Department expects to be in a position to make further announcements on this matter in the course of the year. The proposed new school for Gaelscoil Bhríde will be considered in this regard.

I thank Deputy Hctor once again for having raised this matter in the House. I assure her that it will be brought to the attention of the departmental officials involved in the school building programme. The issue will be progressed as quickly as possible.

Post-Mortem Facilities.

Mr. Connolly: I welcome the opportunity to speak on the provision of post-mortem facilities nationally, seven days per week. In recent times, post-mortem facilities have been withdrawn at weekends, first from the smaller general hospitals and now from the larger regional hospitals as well. Post-mortems are needed at weekends in the case of sudden, unexplained deaths or murders. More often than not, such deaths occur as a result of car accidents or suicides, causing trauma in the homes of bereaved families.

If, for example, someone dies as a result of an accident on a Friday evening, Saturday night or Sunday morning, the post-mortem will be delayed. Some hospitals can undertake post mortems on Mondays, but some large hospitals cannot do them on the first working day after the weekend. Road accidents account for some 450 deaths annually, with quite a large proportion of them occurring at weekends. Young people are dying in these traumatic circumstances and, in addition, more than 450 suicides happen every year. Such deaths cause trauma for the bereaved families. If such deaths take place on bank holiday weekends, for example, the post mortem may be delayed for some days.

Parents may be faced with taking the decision to switch off a life-support machine, which is a highly charged emotional situation for the next of

[Mr. Connolly.]

kin. Such circumstances add to the trauma a family must suffer following the loss of a loved one. People find it difficult to accept that their relative is lying in hospital awaiting a post mortem. It may be part of our culture but people seem to prefer to keep the deceased at home, which can help with the grieving process.

Young people dying unexpectedly in accidents will be grieved by their parents, brothers and sisters and, in some cases, they may have had children of their own. There is a sense of community grieving in cases involving sudden death, and so people wish to convey their sympathy when calling at the family home. They like to be able to see the body and it can help younger people to come to terms with their loss. Traditionally, wakes have been held in homes as a mark of respect to the deceased, and they can assist the grieving process. It is part of our culture which differs from that of our European neighbours. In some European countries, bodies are buried as soon as possible after death, while in others people think nothing of storing bodies in refrigerated facilities. Cultures vary, but we should respect and maintain ours which gives dignity to such sad occasions.

I never saw any decision being taken to withdraw post mortem facilities at weekends, yet, regrettably, it has happened. This is because the Minister for Justice, Equality and Law Reform is not making sufficient funding available for pathologists to be on-call at weekends. The fee for carrying out a post mortem at weekends is approximately €127, so it is a financial issue. Perhaps the authorities do not want post mortems to be carried out at weekends, but the matter should be examined.

Normally, when a death occurs, the emergency is over. The exceptions include murder or an unexplained set of circumstances causing death. In such cases, evidence is preserved. Generally, suicides and fatal car crashes are not regarded as emergencies warranting post mortems at weekends, but compassion should be shown in such situations.

The Minister for Health and Children should reinstate post mortem facilities at Monaghan General Hospital. The facilities were removed on health and safety grounds, and the same will happen in other hospitals. The Department's idea seems to be to transport bodies so that post mortems are undertaken at a different venue, but this can leave a family with the additional trauma of having to recuperate a body from another location.

The inquest system has not been reviewed since the middle of the 19th century. Inquests should be dealt with in a swifter and more practical manner. These matters should be taken into consideration.

Mr. Calley: I thank Deputy Connolly for raising this issue on the Adjournment. I note he said that he was not aware of a case that was affected by such an issue, and he went on to talk in general terms.

Mr. Connolly: I am aware of quite a number of such issues and I apologise if I did not give that impression.

Mr. Calley: I understood the Deputy said that he was not so aware. I wish to respond positively to the Deputy's remarks, with the deepest compassion and understanding of the issues involved.

When people are notified of the sudden death of a loved one, the circumstances are traumatic. It is painful for them to have to wait a number of days for a post mortem to be held so that the grieving process can begin in the fashion the Deputy has outlined.

A post-mortem is a procedure carried out to establish the cause of death in cases where the cause is not immediately certain. There are two categories of post mortem performed in this jurisdiction, a post mortem carried out under the Coroners Act 1962 and a post mortem carried out with the consent of the next of kin of a deceased at the request of an attending doctor.

Post-mortems are performed under the Coroners Act in circumstances of sudden, unexplained, violent and unnatural death where there is a legal responsibility on the doctor, registrar of deaths, funeral undertaker, householder and every person in charge of any institution in which the deceased person was residing at the time of his or her death to report such a death to the coroner or, in some cases, the State Pathologist. Responsibility for funding and administering the coroners service falls to each local authority. However, the major acute hospitals make their facilities available to local authorities to perform post mortems which are to be conducted under the Act.

The second category of post-mortem is carried out by an attending doctor to gain more information about a death, and is only performed with the consent of the next of kin.

Facilities to conduct post mortems are located in the major acute hospitals throughout the country. The availability of these facilities varies across the hospital system. In some instances they are open on a seven day basis and in others on a five day basis. I am not aware of any case where a difficulty has arisen, but if the Deputy has a specific example where he would welcome improvement in the facilities and services currently available, my Department will be happy to look into the matter.

The Dáil adjourned at 9.15 p.m. until 10.30 a.m. on Wednesday, 12 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 6 answered orally.

Questions Nos. 7 to 37 resubmitted.

Questions Nos. 38 to 43 answered orally.

Air Corps Operations.

44. **Mr. Gilmore** asked the Minister for Defence the search and rescue bases now maintained and operated by the Air Corps; the role he expects the Air Corps to play in search and rescue operations; and if he will make a statement on the matter. [13395/04]

55. **Mr. Gilmore** asked the Minister for Defence if a date has been set for the hand-over of the search and rescue service in the north west from the Air Corps to a private company; and if he will make a statement on the matter. [13394/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 44 and 55 together.

The Irish Coast Guard has overall responsibility for the provision of maritime search and rescue services within the Irish search and rescue region. The Air Corps provides the search and rescue, SAR, service off the north west coast while CHCI, a private operator, provides the service from Dublin, Shannon and Waterford.

Late last year, I announced my decision to withdraw the Air Corps from the search and rescue service. This decision was only made following a considered assessment of the capacity of the Air Corps to return to and maintain a full 24 hour service in the north west. As Deputies will recall, the service had been restricted following on from an unusually high incidence of sick leave among the winch crews. There is no plan to reconsider the decision to withdraw from the search and rescue service.

The Air Corps will continue to provide its current limited service, while the Coast Guard makes alternative arrangements for the return of a full SAR service in the north west. I have been informed by my colleague, the Minister for Communications, Marine and Natural Resources, that the proposals are still under assessment and a final decision in this regard is expected shortly.

Air Corps pilots will continue to train in search and rescue techniques and it is envisaged that they will provide support in regard to limited non-maritime search and rescue services.

Emergency Planning.

45. **Mr. Gormley** asked the Minister for Defence if he will report on the meetings to date

of the Government's Task Force on Emergency Planning; the number of such meetings during the same time period in 2003; the initiatives this task force has taken in relation to the EU-US Summit in June 2004; and if he will make a statement on the matter. [13461/04]

48. **Ms Burton** asked the Minister for Defence the current work of the Government's Task Force on Emergency Planning, which he chairs; when the last meeting was held; when the next meeting is planned; and if he will make a statement on the matter. [13390/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 45 and 48 together.

The most recent meeting of the Government Task Force on Emergency Planning was held on Thursday, 22 April. I have scheduled a further meeting for 27 May. The task force has met on three occasions — 18 February, 25 March and 22 April — during 2004. The task force met on a total of nine occasions in 2003.

The Government Task Force on Emergency Planning has worked, since it was set up in 2001, to co-ordinate emergency planning and response arrangements across those Departments that lead and support the State's response in an emergency.

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

Potential threats to the State arising from international terrorism are continuously monitored by those involved, principally the Garda Síochána and the Defence Forces. The advice available to me is that, while the Garda authorities recognise that the terrorist threat to Europe may currently be high, in regard to Ireland it is low. The awareness that the situation could change rapidly, and with little warning, has ensured that vigilance is maintained.

Should the situation with respect to Ireland change, the Government Task Force on Emergency Planning will provide the necessary co-ordination to promote the best use of the State's resources and compatibility between the varying emergency planning requirements. Arrangements regarding security issues that may arise in connection with the EU-US summit to be held in June are primarily a matter for the Garda Síochána. Emergency planning preparations are designed to ensure that as far as possible the necessary advance planning is in place to deal with the consequences of any incident that may arise.

A critical issue in an emergency is the question of issuing adequate and timely warnings and providing the necessary information to the general public on threatened or developing emergency situations. The EU civil protection mechanism and other international mechanisms

[Mr. M. Smith.]

provide Ireland with certain warning and alert systems and mechanisms. Television and radio broadcasting will be the key means of contact with the public in such circumstances but all other means of communication will be utilised.

International links have also been important as a means of sharing expertise and resources. The European Union continues to develop programmes to improve co-operation within the Union and prevent and limit any consequences of chemical, biological, radiological or nuclear terrorists threats. This was given new impetus by the EU Declaration on Combating Terrorism agreed under the Irish Presidency, which, among other things, emphasises the benefits of co-operation and co-ordination.

I am pleased to report to this House that there continues to be excellent co-operation between my Department and all other Departments and public authorities. I continue to report regularly to Government on emergency planning, on a confidential basis. I presented the most recent of these confidential reports to Government last October. The report noted that the year had been one of consolidation of emergency planning development. Steps continue to be taken to build on the work done since 2001, formalise the arrangements that have been put in place and lay the groundwork for the future.

The objective of the Government is to ensure that all State bodies can react quickly and efficiently to any large-scale emergency.

As chairperson of the Government task force, my approach continues to be that such responses should be characterised by effective management of all aspects of emergency planning and by a high level of public confidence in all the response arrangements. I will continue this work and I will report regularly to Government and to this House on these matters.

Defence Forces Training.

46. **Mr. Stanton** asked the Minister for Defence the measures he has taken or intends to take to adjust the amount of time Naval personnel have to spend at sea; and if he will make a statement on the matter. [13149/04]

Minister for Defence (Mr. M. Smith): In December 2000 I authorised a new organisation for the Naval Service which increased personnel numbers from 959 serving at that time to a new establishment of 1,144. I am advised by the military authorities that there were 1,078 personnel serving in the Naval Service as at 31 March 2004.

The Naval Service endeavours to operate a planned approach to sea-shore rotation of personnel based on a two year period of commitment to sea-going duties followed by a two year period ashore subject to the exigencies of the service. However, where there are shortages of skilled personnel within the Naval

Service, it may be necessary for personnel to carry out sea-going duties more frequently.

The reorganisation of the Naval Service was designed to ensure that when fully implemented all personnel would spend alternate periods of two years in a shore based appointment followed by two years in a ship based appointment. Two years in a ship based appointment does not imply that people spend two years at sea. On the other hand, some naval personnel are keen to spend more time at sea and, where possible, they are accommodated. Overall, the broad range of strategies adopted by the Naval Service, including continuous recruitment, direct entry officer schemes, direct entry and internal technician schemes, are all focused at achieving sufficient numbers of trained personnel so that the planned approach to sea-shore rotation, based on a two year cycle, is maintained. This helps to ensure that Naval Service personnel do not spend long periods at sea.

I am aware of the difficulties regarding the deployment of certain technical Naval Service personnel, especially engineering staff, engine room artificers and electrical artificers. The position with engine room artificers is that the number of such appointments in the Naval Service was increased from 76 to 85 following the reorganisation of the Naval Service. A total of 75 engine room artificers are serving at present. The situation will continue to improve as significant numbers of trainee engine room artificers complete their training and come on stream over the next four years. A further 30 apprentices-trainee technicians are currently at various stages in the training process. They will all come on stream over the next four years and will both meet the current shortfall and replace any further wastage that may occur.

The position with electrical artificers is that the number of such appointments in the Naval Service was increased from 42 to 48 following the reorganisation of the Naval Service. A total of 33 are serving at present. A further 25 are at various stages in the training process and will come on stream in the coming years.

Given the specialist nature of many of the additional positions, it was not possible to fill them all until such time as personnel had completed the necessary training. It was always accepted that it would take a number of years for all appointments to be filled by suitably qualified people.

While the increased number of specialist appointments could not all be filled instantly, thus creating some transitional short term difficulties, I am assured by the military authorities that the arrangements in place to provide suitably trained and qualified personnel should see an early improvement in the situation.

Defence Forces Property.

47. **Mr. O'Shea** asked the Minister for Defence the number of Defence Force properties at which civilian security firms are used; the amount spent

on services provided by such private security firms in 2003 and the estimated figure for 2004; and if he will make a statement on the matter. [13402/04]

Minister for Defence (Mr. M. Smith): The costs incurred by my Department in 2003 and 2004 in respect of the engagement of private security firms at vacated barracks are as follows:

Property	2003	2004
	€	€
Murphy Barracks, Ballincollig	204,570	NIL
Clancy Barracks	266,039	69,243

As both of the properties mentioned have now been sold, no further security costs will be incurred by my Department at these premises.

Private security firms are not engaged by my Department at present to secure any other Department of Defence property.

Question No. 48 answered with Question No. 45.

Question No. 49 answered with Question No. 43.

Defence Forces Reserve.

50. **Mr. O'Shea** asked the Minister for Defence the progress made to date with regard to the planned reorganisation of the Reserve Defence Forces; and if he will make a statement on the matter. [13400/04]

Minister for Defence (Mr. M. Smith): On 15 January 2003 I approved, in principle, the report of the Reserve Defence Forces Review Implementation Board for the implementation of the recommendations of the special steering group on the Reserve, which had reported to me in September 1999.

The Permanent Defence Force is now organised in a three-brigade structure and a Defence Forces training centre. The Reserve Defence Force will be similarly reorganised and restructured and it is envisaged the implementation of these changes in the Reserve Defence Force will take place over a period of approximately six years.

The White Paper on Defence recognised that a notable and important feature of the existing FCA organisation is its countrywide, geographical spread. This aspect will, in general terms, be retained in the future. The full organisational and establishment details of the new Reserve will be determined in the course of the ongoing detailed implementation process. Plans are currently being prepared within each brigade for the amalgamation of FCA units in line with the proposals outlined in the steering group report. The objective of this process is to ensure that better training and other facilities will be provided to members of the Reserve Defence

Force. No decisions have yet been taken on the location of proposed newly amalgamated units but the military authorities have advised me that all proposed amalgamations will provide an optimal environment for personnel in the relevant areas to take part in the new enhanced Reserve Defence Force.

Members of the FCA are already seeing the benefits of the reorganisation process in terms of better clothing and improved equipment and more and better quality training. As the process develops we will see additional benefits in terms of a clearer role for the Reserve, a better overall organisation structure and opportunities for suitably qualified Reserve personnel to serve overseas. We will also see benefits from the closer integration of the Reserve with the Army.

I am mindful of the need to preserve and to retain the very many traditional and well established strengths of the current Reserve system, not least the admirable spirit of individual voluntary commitment, close social links with local communities and a good depth and scope as regards nation-wide geographical spread.

Planning is ongoing by the Military authorities but no final decision on the amalgamation of FCA units will be taken until I have had the opportunity to examine and approve the final amalgamation proposals.

Question No. 51 answered with Question No. 43.

Overseas Missions.

52. **Mr. Durkan** asked the Minister for Defence the extent to which further deployment of Irish troops is being considered for overseas missions; the context in which; and if he will make a statement on the matter. [13429/04]

Minister for Defence (Mr. M. Smith): Ireland is currently contributing approximately 735 Defence Forces personnel to 21 different missions throughout the world. The main commitments are to KFOR in Kosovo, with 203 personnel and to UNMIL in Liberia, with 427 personnel. Other personnel are serving as monitors and observers with the United Nations, the OSCE and the European Union. Staff are also deployed at the organisational headquarters of the OSCE, the UN, NATO and the EU.

In the past year, Ireland reconfigured its commitment in the Balkans replacing the existing military police platoon in SFOR in Bosnia Herzegovina and the transport company in KFOR with an APC Mounted Infantry Company Group in KFOR. The Defence Forces are serving as part of a Finnish battalion with a Swedish led multinational brigade.

A reorganisation and down-sizing of the NATO led forces in KFOR was planned and had partly commenced when civil disturbances broke out in March this year in Kosovo. That down-sizing has now been deferred to allow the situation to settle. The withdrawal of the Irish

[Mr. M. Smith.]

contingent was planned as part of this down-sizing and was to have been completed by October 2004. However, having regard to the fragility of the peace in Kosovo, and subject to ongoing assessments of the situation on the ground, Ireland will continue to maintain an appropriate presence in KFOR in 2004.

In making reference to the major outbreak of violence in Kosovo in March, I take this opportunity to commend the bravery and professionalism shown by the 27th Infantry Company Group of the Defence Forces who were in Kosovo at the time of the recent disturbances.

Ireland's other current major contribution to peacekeeping is in Liberia. Here, Ireland, together with an infantry company group from Sweden, provides the rapid reaction reserve to the UNMIL force commander. Despite the difficult start to this mission, with the tragic death of Sergeant Derek Mooney of the Army Ranger Wing in a road accident, the mission is proving very successful. Ireland was specifically requested by the UN to participate in a substantive manner in this mission, which is a tribute to the high regard in which the UN holds the Irish Defence Forces. I very much welcome the participation of Sweden as part of the Reserve. This type of co-operation reflects the changing dynamics in peacekeeping. The range and diversity of arrangements now in place for peacekeeping allows us to work in tandem with like-minded nations to contribute in a very effective and meaningful manner to peace support operations throughout the world. Interoperability with other forces is a key factor in our involvement in PfP and in our preparations in recent years for the EU Rapid Reaction Force and it is rewarding to see the effects of the hard work put in by the Defence Forces over several years coming to fruition in such a positive way in the peace support role. In regard to our deployment in Liberia, I have already stated that our participation would be for two to three years.

In the coming 12 months, we look forward to the take-over by the EU of the current NATO led mission in Bosnia Herzegovina. Ireland has already participated in its first EU mission, Operation Artemis, in the Democratic Republic of the Congo, and we currently have a number of staff deployed at SFOR headquarters. Subject to the approval of the Government and Dáil Éireann and an appropriate UN mandate, I plan that Ireland will make a substantive contribution to the EU mission in SFOR taking account of available resources and ongoing developments in other peace support missions in which we are involved.

Emergency Planning.

53. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself regarding the adequacy of arrangements, preparations and equipment available to or through his Department in the

event of a terrorist attack; if the necessary early warning procedures have been put in place; and if he will make a statement on the matter.

[13428/04]

Minister for Defence (Mr. M. Smith): The Garda Síochána has primary responsibility for law and order, including the protection of the internal security of the State. The potential threats to the State arising from international terrorism are continuously monitored by them in co-operation with the Defence Forces. The advice available to me at this time is that, while the Garda authorities recognise that the terrorist threat to Europe may currently be high, in regard to Ireland it is low. Notwithstanding this, it is important that all prudent precautions are taken and that matters are kept under continuous review.

The objective of the Government is to ensure that all State bodies can react quickly and efficiently to any large-scale emergency. The key issue in regard to responding to any terrorist attack is to have in place appropriate and effective plans to respond to the impact of that attack and to protect the civilian population.

The Government Task Force on Emergency Planning has worked, since it was set up in 2001, to co-ordinate emergency planning and response arrangements across those Departments that lead and support the State's response in an emergency. The objective of the task force is to ensure that all State bodies can react quickly and efficiently to any large-scale emergency. As chair of this task force, my objective is to ensure that such responses continue to be characterised by effective management of all aspects of emergency planning and by a high level of public confidence in all the response arrangements. I am pleased to report to this House that there continues to be excellent co-operation between my Department and all other Departments and agencies through these mechanisms.

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

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

A critical issue in an emergency is the question of issuing adequate and timely warnings and

providing the necessary information to the general public on threatened or developing emergencies. While television and radio broadcasting will be the key means of contact with the public to provide warnings and information on a developing situation and on precautionary measures, all other available means of communication will also be utilised.

The Defence Forces make contingency plans for a range of scenarios where the security of the State may be at risk. In addition, the Defence Forces have contingency plans in place regarding the provision of aid to the civil power, meaning in practice to assist, when requested, the Garda Síochána, and the provision of assistance to the civil authorities for a range of emergency situations.

An urgent and detailed review of capacities and procedures to deal with a range of emergencies was undertaken by the military authorities following on from the events of 11 September. It included, *inter alia*, an update of the threat assessment; intensive contacts with other State agencies; a reassessment of operations orders relating to vital installations, alert systems, the Army Ranger Wing, ordnance and engineer assets in terms of explosive ordnance disposal and specialist search and a review of equipment including the need for air defence. Guidance documents pertaining to aid to the civil power and aid to the civil authorities were also reassessed. All matters arising were addressed and all procedures updated as required.

The capacity of the Defence Forces to deal with major emergencies is kept under constant review. Plans and procedures are updated as necessary and such additional equipment as is required to address any perceived deficiencies is acquired on the basis of identified priorities. Training and preparation for such events is also provided for in the Defence Forces annual training plan.

Overseas Missions.

54. **Ms Burton** asked the Minister for Defence the role being played by Irish troops serving with KFOR; when the current mandate expires and if it is intended to renew it; and if he will make a statement on the matter. [13391/04]

Minister for Defence (Mr. M. Smith): KFOR was established on 10 June 1999, in accordance with UN Security Council Resolution 1244, for an initial period of 12 months, to continue thereafter unless the UN Security Council decides otherwise. Ireland has participated in the KFOR since August 1999. The mission is authorised under Chapter VII of the UN Charter and was approved by Dáil Éireann on 1 July 1999, following a Government decision of 29 June 1999. Since then, the Government has reviewed and approved, on an annual basis, continued participation by the Defence Forces in KFOR. On 27 May 2003, the Government approved continued participation by a contingent of the

Permanent Defence Force in KFOR for a further period of 12 months beyond June 2003.

It had been anticipated that a reorganisation and scaling-down of KFOR would take place this year. This had partly commenced when civil disturbances broke out in March in Kosovo. The scaling-down has now been deferred on foot of those events. The withdrawal of the Irish contingent was planned as part of this reduction in KFOR presence and was to have been completed by October 2004. However, having regard to the fragility of the peace in Kosovo, and subject to ongoing assessments of the situation on the ground, Ireland will continue to maintain an appropriate presence in KFOR in 2004. In the near future, I intend to bring proposals to Government with regard to the continued participation by the Defence Forces in KFOR beyond June 2004.

The Irish contingent currently comprises an infantry group of some 203 personnel together with a number of personnel in staff posts at various headquarters. The infantry group was first deployed last September. Previously, a transport group had been deployed with KFOR since August 1999. Three Defence Forces personnel are also serving with the United Nations Interim Administration Mission in Kosovo, UNMIK.

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

The Irish infantry group operates as part of a multinational grouping, within the Finnish battalion. It comprises a Mowag APC mounted company together with support and logistic elements. The main tasks of the Irish infantry group include the following: provision of general security to all ethnic groups, institutions and cultural sites; provision of support to UNMIK police and other agencies with security tasks; identification of and reporting on extremist groups and activities; vehicle and foot patrols; and vehicle checkpoints and operation of observation posts.

In referring to the major outbreak of violence in Kosovo in March, I take this opportunity to again commend the bravery and professionalism shown by the 27th Infantry Company Group of the Defence Forces who were in Kosovo at the time of the recent disturbances.

Question No. 55 answered with Question No. 44.

Military Exercise.

56. **Mr. Eamon Ryan** asked the Minister for Defence if he will report on the recent war game Black Dawn, organised by the European Union and NATO to counter potential nuclear terrorism; if Ireland participated in this exercise;

[Mr. Eamon Ryan.]
and if he will make a statement on the matter.
[13470/04]

Minister for Defence (Mr. M. Smith): My Department has consulted both the Departments of Foreign Affairs and Justice, Equality and Law Reform and I understand Ireland did not participate in this exercise. Other than media reports, my Department has no knowledge of the exercise.

Defence Forces Equipment.

57. **Mr. Howlin** asked the Minister for Defence when a decision will be made on the provision of light utility and medium lift helicopters for the Air Corps; and if he will make a statement on the matter. [13398/04]

Minister for Defence (Mr. M. Smith): The procurement process for the acquisition of new helicopters for the Air Corps has commenced with the preparation of the tender documents in my Department. Following discussions between senior officials in my Department and the military authorities, it has been decided that up to six helicopters will be acquired, two light utility helicopters primarily for Air Corps crew training purposes and four larger utility helicopters for use in support of the Army and for other ancillary uses such as air ambulance. The new aircraft will replace the current fleet of Dauphin, Alouette and Gazelle aircraft. It is expected that the relevant notice for the tender competition will be sent by my Department to the Official Journal of the European Communities shortly.

The procurement of modern light utility helicopters will provide a significant boost to the Air Corps in available flying hours at reduced maintenance costs, compared to the existing aircraft in the Air Corps helicopter wing. It will also provide increased capability in the roles currently undertaken by the existing Air Corps light utility helicopters.

My decision to proceed with the tender competition was based on the recommendations in the report of the Joint Military-Civil Board, which examined the rotary wing requirements of the Air Corps. The report of the board also dealt with the procurement of medium lift helicopters for the search and rescue service in the longer term. However, as the Air Corps will no longer be providing this service, this part of the report will not be implemented.

Defence Forces Strength.

58. **Ms McManus** asked the Minister for Defence the number of personnel from the other ranks commissioned as officers in the Defence Forces in each of the past five years; if there are plans to increase the numbers commissioned from the ranks; and if he will make a statement on the matter. [13397/04]

Minister for Defence (Mr. M. Smith): A total of 28 non-commissioned officers have been commissioned as officers in the Army, Air Corps and Naval Service in the past five years.

Potential officers courses, POC, are held for non-commissioned personnel from time to time within the Defence Forces. Personnel who successfully complete such courses are commissioned as officers in the Permanent Defence Force. Participants on such courses are selected on a competitive basis. In addition, from time to time non-commissioned personnel who hold appropriate qualifications are commissioned to fill specialist appointments where vacancies arise. Eligible non-commissioned personnel may also apply for the annual cadetship competitions. The requirement for potential officer courses and commissioning from the ranks, CFR, competitions is reviewed from time to time and is being specifically addressed in the context of the integrated personnel management system, or IPMS, which is one of the major policy initiatives provided for in the White Paper on Defence. The IPMS will make specific and ongoing provision for the introduction of regular schemes to commission enlisted personnel as officers in the Army, Air Corps and Naval Service.

Draft conditions governing the appointment of enlisted personnel of the Permanent Defence Force to be officers of the Naval Service are under discussion with the representative associations. As the discussions with the representative associations are ongoing, it would not be appropriate to comment on any of the specifics of the proposed draft conditions. However, it is the intention that a potential officers course will be run as soon as these discussions are completed.

Defence Forces Recruitment.

59. **Mr. Howlin** asked the Minister for Defence the steps being taken to address the shortage of officers and NCOs in the Naval Service which are well below the establishment levels; and if he will make a statement on the matter. [13399/04]

Minister for Defence (Mr. M. Smith): In December 2000 I authorised a new organisation for the Naval Service which increased personnel numbers from 959 serving at that time to a new establishment of 1,144.

The strength of the Naval Service, as advised by the military authorities, was 1,078 as at 31 March 2004.

The Government remains fully committed to the policy of ongoing recruitment to ensure that an overall PDF strength of 10,500 is achieved and maintained.

It is proposed to recruit ten cadets to the Naval Service from the 2004 cadetship competition. The Naval Service recently had an initial intake of 31 general service recruits. The requirements for any further intakes will be reviewed on an ongoing basis. The ongoing recruitment campaign for enlistment in the Defence Forces, which I have

approved, is designed to address any shortfall in personnel in the Defence Forces including the Naval Service.

A total of 93 recruits were enlisted in the Naval Service in 2003. Fourteen cadets and eight direct entry officers were also recruited during 2003.

In 2002, 100 recruits, nine engine room artificers and six electrical artificers were enlisted in the Naval Service. In addition, 13 other technical qualified personnel, comprising of four watchkeeping officers, four marine engineers and five electrical engineer officers were also appointed. A total of 16 cadets were also enlisted from the 2002 cadetship intake. In 2001, 62 recruits, six cadets, one marine engineer, two watchkeepers and three electrical artificers were recruited to the Naval Service.

Where the need arises, competitions are organised to recruit specialist personnel by direct entry. Competitions have been advertised in recent years for marine engineer officers, watchkeeping officers, electrical engineer officers, electrical artificers and engine room artificers in the Naval Service.

Decentralisation Programme.

60. **Ms Shortall** asked the Minister for Defence when he expects the decentralisation of the Civil Defence school from Dublin to Roscrea to take place; if only ten of the 22 staff of the school have agreed to the transfer; the breakdown of these staff by grade; the steps being taken to recruit replacement staff; and if he will make a statement on the matter. [13407/04]

Minister for Defence (Mr. M. Smith): As the Deputy will be aware, in the context of the White Paper on Defence, the Government decided to decentralise the Civil Defence branch of my Department to Roscrea, County Tipperary. I expect the move will take place during the summer.

Of the 23 staff currently serving with the Civil Defence Board, 11 staff, in the following grades, have indicated a willingness to relocate to Roscrea: one director general, one assistant principal, five higher executive officers, two executive officers, one staff officer and one clerical officer.

It is expected that formal applications will be sought shortly from civil servants in other Departments who wish to transfer to my Department to relocate to Roscrea, and I am confident that all staffing requirements in the relocated offices will be met.

Hearing Impairment Claims.

61. **Ms Lynch** asked the Minister for Defence the number of claims for damages for deafness determined in court or settled out of court at the latest date for which figures are available; the amount paid out to date in terms of damages or legal costs; the number of such claims

outstanding; and if he will make a statement on the matter. [13404/04]

Minister for Defence (Mr. M. Smith): By 30 April 2004 a total of 16,713 claims had been received in my Department from current and former members of the Defence Forces in respect of loss of hearing allegedly caused during their military service. A total of 331 claims have been determined in court and 14,891 have been disposed of out of court, mainly through settlement, leaving a total of 1,491 claims outstanding at that date. A total of €275.5 million has been paid in respect of hearing loss claims including €92 million in plaintiffs' legal costs.

Departmental Strategy Statements.

62. **Aengus Ó Snodaigh** asked the Minister for Defence, further to parliamentary questions (details supplied), if his Department has not undertaken and has no plans to undertake cost analyses or cost projections with respect to the domestic implications of EU defence-related measures agreed by the Government, including Rapid Reaction Force deployments, the setting up of an EU armaments agency and the increased defence spending imperatives in the agreed EU security strategy, or with respect to the Article 40 (3) provisions of the draft EU constitutional treaty to which the Government has consented. [13452/04]

Minister for Defence (Mr. M. Smith): I refer the Deputy to my answers to the previous questions.

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

In seeking to modernise the Defence Forces, I have been fully conscious of the need to obtain the best possible efficiencies from existing resources. For example, the disposal of assets has been used as a method of financing our re-equipment programme, while the planning and review process of Partnership for Peace has been used as the forum for enhancing the ability of the Defence Forces to operate effectively with contingents from other countries on Petersberg Task type operations. In this way the Defence Forces have been able to make a valuable contribution to Peace Support Operations from within existing resources.

In regard to financing of Petersberg Task type operations, Ireland favours maximising a system of financing operations on the basis of costs lie

[Mr. M. Smith.]

where they fall. This is the basis on which Ireland successfully participates in KFOR and SFOR, and I envisage that our participation in similar Petersberg Task type operations in the future will be similarly financed. The cost implications of the operational activities of the Defence Forces are kept under continual review in my Department.

In addition, I support measures which may emerge within the European Security and Defence Policy which could lead to future efficiencies in defence spending. For example, the creation of an agency in the field of defence capabilities development, research, acquisition and armaments as agreed by the Thessaloniki European Council in June 2003, by implementing such efficiencies, could yield economies of scale for the procurement of equipment for the Defence Forces.

Both the development of the agency and the development of an EU rapid response capability with an emphasis on supporting the United Nations in crisis management are issues which are currently under consideration at EU level. Much work remains to be done at EU level on both these issues before any meaningful cost analysis of their implications can be usefully undertaken.

In the context of the broader development of the EU's capacity to carry out both civilian and military crisis management operations, I have continuously advocated that the EU should prioritise the development of qualitative aspects of capability development. I am pleased this view is shared by many of my colleagues at EU level at a time when the majority of member states, including Ireland, has no plans to increase defence spending.

I take this opportunity yet again to remind the Deputy that national sovereignty and voluntarism are, and will continue to be, the fundamental underlying principles of participation in the European Security and Defence Policy, ESDP. Accordingly, I do not consider the issues he has raised on the European security strategy and the draft constitutional treaty will alter current Government policy in this area.

Defence Forces Personnel.

63. **Ms McManus** asked the Minister for Defence the number of Defence Forces personnel tested to date under the new drug testing programme; the numbers who tested positive; the action taken when a member tests positive; and if he will make a statement on the matter. [13396/04]

Minister for Defence (Mr. M. Smith): Drug abuse has long been recognised as a serious and escalating problem in our society and while there have been relatively few instances of drug related problems within the Defence Forces, it is recognised that the Defence Forces, as a component of the wider community, mirror the community at large. The implications of drug abuse in an organisation where personnel have

access to fire-arms are too obvious to require elaboration.

A compulsory substance testing programme was introduced on 1 February 2002, as part of a Defence Forces substance abuse programme, following a long consultative process involving the Office of the Attorney General, the Deputy Judge Advocate General and the Defence Forces representative associations.

Prior to the launch of the programme, an education programme and awareness briefings were conducted throughout the Defence Forces. All personnel were issued with a booklet devised to inform them of the purpose of the new compulsory random drug testing programme, the administrative procedures involved and the sanctions for those who test positive. All necessary measures, including pre-enlistment screening, education, compulsory random drug testing, monitoring and sanctions, will be taken to maintain a drug free environment within the Defence Forces.

The primary objective of compulsory random drugs testing is deterrence. In order to provide a credible level of deterrent, the testing programme has been devised to maximise the possibility of random selection for testing. A trained drugs testing team is responsible for taking urine samples for compulsory random testing throughout the Defence Forces. Testing commenced on 14 November 2002 and the programme is now in its second year of operation. The target of testing 10% of the Permanent Defence Force has been achieved. A member of the Permanent Defence Force, randomly selected, may be required, at any time, to provide a urine sample which will be tested for evidence of use of controlled drugs, the abuse or misuse of other substances or for the detection of the metabolites thereof. A member of the PDF who refuses to provide a urine sample, or who provides a urine sample which tests positive, shall be liable to retirement, discharge or relinquishment of commission or withdrawal of cadetship as appropriate under the provisions of Defence Force regulations.

I have been advised by the military authorities that a total of 1,611 all ranks have been tested to date. There have been five positive tests. Where personnel have confirmed positive test results, they are discharged or retired in accordance with the relevant regulations.

Defence Forces Training.

64. **Mr. M. Higgins** asked the Minister for Defence the progress made to date in the investigation into the circumstances in which a number of civilians came into contact with an unexploded tear gas canister near firing ranges at the Curragh; and if he will make a statement on the matter. [13406/04]

Minister for Defence (Mr. M. Smith): I have been advised by the military authorities that the investigation into this matter will be completed

very shortly. The investigating officer into the incident expects to have the final report completed within the coming week and submitted to the military authorities.

As I have previously indicated to the House, I have asked that a report on the investigation be submitted to me as soon as possible. Once the final report is submitted, I will consider whatever recommendations may be made to me on the ongoing management and control of military ranges.

Question No. 65 answered with Question No. 43.

EU Summits.

66. **Mr. Gormley** asked the Minister for Defence, further to his reply of 25 March 2004 concerning security preparations for the visit of President Bush to Ireland, if the security arrangements have been finalised; if so, the nature of the input from the Defence Forces; and if he will make a statement on the matter. [13462/04]

72. **Mr. Costello** asked the Minister for Defence if the Defence Forces have been asked to provide support for the Garda during the planned visit of President George Bush; the role he expects the Defence Forces to play; and if he will make a statement on the matter. [13392/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 66 and 72 together.

The Garda Síochána has the primary responsibility for law and order, including the protection of the internal security of the State. Among the roles assigned to the Defence Forces is the provision of aid to the civil power, meaning in practice to assist, when requested, the Garda Síochána, which duties include the protection and guarding of vital installations, the provision of certain security escorts etc.

The level and demand for Defence Forces assistance depends on ongoing security assessments undertaken by the Garda. The Defence Forces and the Garda have ongoing consultations on such issues as a matter of course.

The arrangements for the visit of President Bush and the EU-US summit have yet to be finalised and it would be neither productive nor appropriate to speculate on the details at this time. However, the Defence Forces will render such assistance as is deemed necessary and appropriate based on ongoing security assessments.

Army Barracks.

67. **Dr. Upton** asked the Minister for Defence if the sale of Clancy Barracks has been completed; the amount involved; if the money has been paid over; and if he will make a statement on the matter. [13401/04]

Minister for Defence (Mr. M. Smith): The sale of Clancy Barracks was completed on 26 March 2004 and the proceeds in the sum of €25,400,555.58 were remitted to my Department. The sale price for the property was €25.4 million and the balance represents interest on the deposit.

Defence Forces Strength.

68. **Ms Lynch** asked the Minister for Defence if he has satisfied himself with the current level of female membership of the Defence Forces; if he has plans to encourage the recruitment of a greater number of women; and if he will make a statement on the matter. [13405/04]

Minister for Defence (Mr. M. Smith): The Government is committed to a policy of equal opportunity for men and women in the Defence Forces, including the Reserve Defence Force, and to the full participation by women in all aspects of Defence Forces activities.

Women are eligible for service in the Army, Air Corps, Naval Service and in the Reserve Defence Force and to compete for promotion on an equal basis and under the same general conditions as those which apply to men. Female officers are generally being promoted at the same stage in their career as male officers. All female personnel undergo the same training and receive the same military education as their male counterparts.

The military authorities advise that the trend for general service recruitment has been that 9% of all applicants have been female and that on average 9% of enlistments have been female. It is obviously not possible to predict what the relevant percentages will be in any future intakes of recruits, but there is no reason to assume this pattern will change to any great degree.

Some 15.4% of applicants for the 2003 cadetship competition were female. Some 15.5% of successful candidates were female.

Under the terms of the Employment Equality Act 1998, the Defence Forces are prohibited from operating recruitment policies that discriminate on grounds of gender.

To encourage increased participation by women in the Defence Forces I decided in March 1998 to reduce the height requirement for all female recruits to 5' 4", and this height requirement now also applies to male recruits.

The Defence Forces actively encourage female applicants, for example, by advertising: where possible, all graphical advertisements and booklets produced for the Defence Forces show both male and female personnel and emphasise that all applicants are assessed on an equal basis; recruitment fairs — stands at recruiting fairs are generally staffed by male and female personnel; and visits to schools — when the Defence Forces are invited to give talks at all female or at mixed schools, every effort is made to have a female speaker.

[Mr. M. Smith.]

Over the past six years, the strength of female personnel in the Defence Forces has grown from 244 at the end of 1997 to 484 at the end of 2003. In percentage terms this represents an increase from 2.11% to 4.61% of total strength.

The strength of females in the Defence Forces is provided in the form of a tabular statement which I propose to circulate in the Official Report.

Strength of Females in the Defence Forces

31 March 2004.

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	PTES	Cadets	Total
Army	0	0	0	0	1	13	30	31	75	0	0	3	1	10	89	103	214	14	406
Air Corps	0	0	0	0	0	0	1	2	3	0	0	1	0	0	7	8	9	1	21
Naval Service	0	0	0	0	0	0	2	14	16	0	0	0	0	0	1	1	44	5	66

Defence Forces Operations.

69. **Mr. Costello** asked the Minister for Defence the role played by the Defence Forces in the security operation surrounding the ceremonies marking the accession of new member states to the EU; the costs incurred by the Defence Forces in the operation; and if he will make a statement on the matter. [13393/04]

70. **Aengus Ó Snodaigh** asked the Minister for Defence if he will report on the terms of deployment of the Defence Forces in support of the Garda Síochána on 1 May 2004. [13451/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 69 and 70 together.

The roles of the Defence Forces as assigned by Government are set out in the White Paper on Defence, which was published in February 2000. To aid the civil power, meaning in practice to assist, when requested, the Garda Síochána which has the primary responsibility for law and order, including the protection of the internal security of the State, is among the assigned roles. The Defence Forces, pursuant to their role of rendering aid to the civil power, assist the Garda as required in duties, which included the security operation surrounding the ceremonies marking the accession of new member states to the EU on 1 May 2004.

In the case of the recent deployment of the Defence Forces on 1 May, a significant amount of pre-planning was undertaken by the Garda and the Defence Forces in regard to the deployment and the respective roles of the deployed personnel. Defence Forces were mainly deployed at Farmleigh and on the periphery road inside the Phoenix Park. Extensive preparations were put in place by the Defence Forces to provide additional training in riot and crowd control and more than 2,500 personnel were deployed in various roles. In addition, the Naval Service was on patrol in the Irish Sea and the Air Corps provided air traffic control capability and support to operations both at Casement Aerodrome, Baldonnell and in the park. The Garda air support unit was also very active on 1 May providing top cover support to Garda operations. A temporary

restricted flight area was in place over Dublin and the Air Defence regiment provided air defence cover for Dublin Airport, Farmleigh and Casement Aerodrome, Baldonnell in this regard. The Defence Forces EOD units, its chemical biological, nuclear and radiological units and its engineering and communications specialists also provided support for the operation.

I am glad to say there was no requirement to call on the Defence Forces to provide additional support to the Garda in the maintenance of public order in this instance and that the Garda were able to fully contain the actions of a relatively small number of trouble-makers who endeavoured to breach the security cordon.

With regard to the question of the costs incurred by the Defence Forces in the provision of assistance to the Garda Síochána on 1 May, I am advised that such costs are not readily available due to the extent of the Defence Forces commitment to the operation. However, these costs are currently being compiled and I will arrange to have them forwarded to the Deputy when they are available.

EU Presidency.

71. **Mr. Cuffe** asked the Minister for Defence the progress in the development of the EU's common defence policy under the Irish Presidency; and if he will make a statement on the matter. [13466/04]

Minister for Defence (Mr. M. Smith): The European Union does not have a common defence policy, and I assume the Deputy is referring to the European security and defence policy, ESDP, and the development of the EU's capability to carry out Petersberg Task operations, namely, crisis management operations, peace support operations and humanitarian tasks.

The year 2003 was important for the development of the European security and defence policy. At the European Council meeting of 19 and 20 June 2003 held at Thessaloniki, the Council noted that the EU has an operational capability across the full range of Petersberg Tasks, limited and constrained by certain

shortfalls. The operational capability of the European Union was demonstrated through the launching of four ESDP operations in 2003. These were the EU police mission, EUPM, in Bosnia-Herzegovina, Operation CONCORDIA in the Former Yugoslav Republic of Macedonia, FYROM, Operation ARTEMIS in the Democratic Republic of Congo, and the police mission, Proxima, in FYROM, which followed the successful completion of Operation Concordia. These operations have made significant contributions to peace and stability in their respective areas of operations.

The Irish Presidency has taken forward a number of key issues relating to the post 2003 development of ESDP. The operational focus of this progress has been maintained. As Deputies may recall, the European Council held in Brussels in December 2003 confirmed the EU's readiness for an ESDP follow-on mission to the UN mandated NATO-led Stabilisation Force in Bosnia Herzegovina. The Irish Presidency has made significant progress on the necessary preparations for this operation. This work has also added an impetus to the development of relations between the EU and NATO.

Other key issues during the Irish Presidency have related to the development of a new headline goal for 2010, work in regard to the creation, in the course of 2004, of an agency in the field of defence capabilities development, research, acquisition and armaments as agreed by the European Council held at Thessaloniki, and the development of an EU rapid response capability with an emphasis on supporting the United Nations in crisis management.

In this regard, Ireland's commitment to collective security is pursued through the United Nations, which has the primary role in the maintenance of international peace and security. National sovereignty is a fundamental underlying principle of participation in any specific operation which is decided on a case by case basis. Participation in an overseas military operation requires UN endorsement, a specific Government decision and, where the level of participation is to exceed 12, the approval of Dáil Éireann.

Question No. 72 answered with Question No. 66.

Defence Forces Property.

73. **Dr. Upton** asked the Minister for Defence the Defence Forces property that has been handed over or is planned to transfer for the purposes of the new affordable housing initiative agreed in Sustaining Progress; and if he will make a statement on the matter. [13403/04]

Minister for Defence (Mr. M. Smith): The Government decided in July 2003 that Magee Barracks, Kildare, and Gormanston Camp, County Meath, would be among the State lands released to relevant local authorities for inclusion

in the Sustaining Progress affordable housing initiative.

In addition, the Government agreed in December 2003 to the release of a further series of State lands for inclusion in the initiative including Department of Defence sites at St. Bricin's Hospital, Dublin, and at the Camp Field, Collins Barracks, Cork.

The modalities for the transfer of these sites to the relevant local authorities are under active consideration.

The affordable housing initiative will be targeted at those who in the past would have expected to purchase a house from their own resources but who find that they are unable to do so in the current market.

Decentralisation Programme.

74. **Ms Shortall** asked the Minister for Defence if, in regard to proposals for decentralisation, he has plans to undertake a survey to establish the number of persons employed in his Department who are willing to move to the new locations announced by the Minister for Finance in his budget speech; and if he will make a statement on the matter. [13408/04]

Minister for Defence (Mr. M. Smith): My Department has no plans to conduct a survey of the type described by the Deputy. However, I understand the central applications facility, which will be operated by the Civil Service Commission, will be launched tomorrow. This facility will give all staff an opportunity to apply for the decentralised locations of their choice.

Defence Forces Strength.

75. **Mr. Stanton** asked the Minister for Defence the numbers recruited in each of the brigade areas in the past 12 months; the numbers who have left the Defence Forces in each of the brigade areas in the same period; the number of persons he intends to recruit in respect of grades in the Defence Forces in the next 12 months in each of the brigade areas, the Naval Service and the Air Corps; and if he will make a statement on the matter. [13150/04]

Minister for Defence (Mr. M. Smith): The number of general service recruits recruited in each brigade, along with the number of general service recruits discharged from the Permanent Defence Force in the 12 months from 1 April 2003 to 31 March 2004, are as follows:

Brigade	Number allocated	Number discharged
Eastern	209	68
Western	73	4
Southern	106	15
Defence Forces Training Centre	33	6
Naval Service	91	21

[Mr. M. Smith.]

The deployment of military personnel, including recruits on completion of their recruit training, is a matter for the military authorities having regard to the operational requirements of the Permanent Defence Force generally.

It is envisaged that approximately 400 personnel will be recruited to the Permanent Defence Force over the next 12 months comprising general service recruits, cadets, Air Corps apprentices and direct entry personnel.

I intend to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment into the Permanent Defence Force will continue to maintain the strength at a level required to meet military needs and as set out in the White Paper, that is, 10,500 Permanent Defence Force all ranks.

Departmental Staff.

76. **Mr. Kehoe** asked the Taoiseach the number of staff who have been made permanent in his Department since 1994 to date; and if he will make a statement on the matter. [13146/04]

The Taoiseach: A total of 93 members of staff, in the grades of service officer, clerical officer, executive officer and administrative officer, all recruited through the Civil Service and Local Appointments Commission, and FÁS in the case of service officers, have been made permanent in my Department since 1994.

Irish Sign Language.

77. **Mr. Cuffe** asked the Taoiseach if he will consider recording the number of persons who use Irish sign language in the next census. [13147/04]

Minister of State at the Department of the Taoiseach (Ms Hanafin): The Central Statistics Office began a consultation process in November 2003 to consider topics to be included in the 2006 census. Notices were placed in the national press and on the CSO website which invited public submissions on the suggested content of the 2006 census questionnaire.

A broadly-based consultative group was set up in December 2003 to assist the CSO in assessing the merits of the submissions received. The group has agreed the content of the census questionnaire to be used in a pilot survey of approximately 8,000 households which is being conducted in selected areas throughout the country during April-May 2004. In addition to retaining some of the standard census questions, the survey form will test a number of new potential census questions and a number of format changes to existing questions.

A submission requesting the inclusion of a question on Irish sign language in the census was considered by the consultative group but it was not recommended for inclusion in the 2004 census pilot survey.

Equal Opportunities Employment.

78. **Mr. Stanton** asked the Taoiseach the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13237/04]

The Taoiseach: My Department and the bodies under its aegis are committed to a policy of equal opportunity for all staff.

Staff are recruited through the Civil Service and Local Appointments Commission on the grounds that they meet the requirements of the positions they are to fill. The issue of disability does not affect recruitment, no exception is made by my Department in this regard. Recruitment, promotion, training and other benefits or opportunities are decided on objective criteria, including the qualifications and suitability of the applicant. In line with other Departments, we follow the guidelines set out in the Department of Finance's Code of Practice for the Employment of People with Disabilities in the Civil Service.

Freedom of Information.

79. **Ms Burton** asked the Taoiseach the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13297/04]

80. **Ms Burton** asked the Taoiseach the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if he will make a statement on the matter. [13312/04]

The Taoiseach: I propose to take Questions Nos. 79 and 80 together.

A total of 15 freedom of information requests have been received this year, none of which have proceeded to internal appeal. The following table sets out the percentage of requests which proceeded to internal appeal since the introduction of the Act.

Year	%
2003	4
2002	7.5
2001	10
2000	7.5
1999	7
1998	20

The number of freedom of information requests received during the first quarter of 2004 is 11. Eighty were received for the same period last

year, 46 were received in 2002 and 91 were received in 2001.

All requests received in my Department are processed in accordance with both the 1997 Act and the 2003 Act, and their implementation is kept under constant review.

Ministerial Expenses.

81. **Mr. McCormack** asked the Taoiseach the

Minister of State Mary Hanafin.

Year	Description	Amount
01-Jan-03 to 31-Dec-03		€
	Travel & Subsistence Expenses	8,888.81
	Total expenses received in 2003	8,888.81

Minister of State Dick Roche.

Year	Description	Amount
01-Jan-03 to 31-Dec-03		€
	Mileage Expenses	17,195.83
	Travel & Subsistence Expenses	3,405.71
01-Jan-03 to 31-Dec-03	Total expenses received in 2003	20,601.54

The Minister of State, Deputy Roche, provides his own car for his official duties and is therefore entitled to motor mileage expenses in respect of official travel undertaken in regard to his work in this Department. This mileage allowance covers the costs of depreciation, insurance, maintenance and petrol.

In accordance with established practice, the Minister of State at the Department of the Taoiseach and Government Chief Whip, Deputy Mary Hanafin, is provided with official transport.

All expenses paid are calculated in accordance with guidelines set down by the Department of Finance for Ministers of State.

Departmental Contracts.

82. **Mr. Durkan** asked the Taoiseach the number of State contracts, projects or procurements in respect of which cost overruns have occurred in the past five years; and if he will make a statement on the matter. [13203/04]

The Taoiseach: Within the past five years, there have been no cost overruns in respect of contracts, projects or procurements funded by my Department.

Official Languages Act.

83. **Mr. O'Shea** asked the Taoiseach if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13560/04]

expenses each Minister of State has received between 1 January 2003 and 31 December 2003. [13373/04]

The Taoiseach: The total amount of expenses paid in 2003 to the Ministers of State at my Department, Deputies Mary Hanafin and Dick Roche, amounted to €29,490.35 in total. The following table outlines the expenses received by each Minister of State:

84. **Mr. O'Shea** asked the Taoiseach if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13575/04]

The Taoiseach: I propose to take Questions Nos. 83 and 84 together.

Even prior to the enactment of the Official Languages Act 2003, my Department was already meeting the required standards of bilingual practice in areas such as signage, stationery and in publications such as the Department's strategy statement, annual report and customer charter. Therefore, the Act in these areas involves no extra costs for this Department.

As the Deputy is aware, the Act provides for preparation in due course by my Department, and individually by each by the bodies under its aegis, of a scheme in regard to the delivery of our services to the general public in the Irish language. I am informed that the Department of Community, Gaeltacht and Rural Affairs is preparing guidelines to assist public bodies, including all Departments and bodies under their aegis, in preparing these schemes. It is anticipated that the guidelines will be finalised in the near future.

As my colleague, the Minister for Community, Rural and Gaeltacht Affairs, has already informed the House, it is anticipated then that the first tranche of public bodies will be asked to prepare draft schemes for approval by him once the draft guidelines have gone through the necessary statutory consultation procedure.

[The Taoiseach.]

When my Department and the bodies under its aegis have prepared their draft schemes, I will be in a position to say what, if any, additional costs may arise in their implementation.

Work Permits.

85. **Mr. Perry** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the work permit application of a person (details supplied) will be processed; and if she will make a statement on the matter. [13180/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): A work permit application was received on 22 April 2004. Assuming the application is complete and is otherwise in order, work permits are currently taking about seven weeks to process.

Equal Opportunities Employment.

86. **Mr. Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the way in which persons with disabilities can access employment in her Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if she will make a statement on the matter. [13238/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Recruitment to posts in the Department is undertaken by the Office of the Civil Service and Local Appointments Commissioners following approval from the Department of Finance. Persons with disabilities are eligible to compete in such competitions once they satisfy the qualifying criteria for the particular competition.

Competitions are advertised regularly on the Office of the Civil Service and Local Appointments Commissioners website at www.publicjobs.ie. Inquiries about employment opportunities in the Civil Service can be made in writing to the Office of the Civil Service and Local Appointments Commissioners, Chapter House, 26-30 Upper Abbey Street, Dublin 1 or by phoning 01 8584000.

On occasion, the Office of the Civil Service and Local Appointments Commissioners run specific competitions, on instruction from the Department of Finance, which are open only to persons with disabilities. Application procedures and qualifying criteria for such competitions are determined by the Department of Finance.

Freedom of Information.

87. **Ms Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the percentage of requests under the Freedom of Information Act which proceed to internal appeal in her Department; the way in which that percentage compares with the percentage in previous years; and if she will make a statement on the matter. [13298/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): In the first four months of 2004, my Department received two internal appeals to decisions made under the Freedom of Information Act. The figures for the equivalent periods in the years 1999 to 2003 were as follows:

Year	Number	as % of requests
1999	22	25.9
2000	7	7.9
2001	5	5.3
2002	7	10.9
2003	12	13.9

The number of appeals for 1999 is significantly greater than any other year because of the activities of one applicant who made a very large number of requests to the Department in that year. Subsequent years provide a more representative picture of internal review activity in my Department. The level of internal review requests to end April in 2004 represents a rate of 10.5% of initial request levels for the period. The internal review level for the first four months of 2004 is therefore broadly consistent with levels for previous years when measured as a percentage of overall requests received in the period.

88. **Ms Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of requests under the Freedom of Information Act received by her Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if she will make a statement on the matter. [13313/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The number of freedom of information requests received in my Department in the first quarter of 2004 was 14. The number of requests received in the equivalent periods of previous years was as follows:

Year	Requests
1999	68
2000	74
2001	76
2002	52
2003	73

My Department takes a pro-active approach to freedom of information. Much information is released outside of FOI and therefore is not reflected in the above statistics.

Ministerial Expenses.

89. **Mr. McCormack** asked the Tánaiste and

Minister for Enterprise, Trade and Employment the expenses each Minister of State has received between 1 January 2003 and 31 December 2003. [13374/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The total amount of expenses paid to each Minister of State for the period 1 January 2003 to 31 December 2003 was €43,811.45 to Deputy Frank Fahey, Minister of State with responsibility for labour affairs, and €28,152.81 to Deputy Michael Ahern, Minister of State with responsibility for trade and commerce.

Industrial Development.

90. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount of grant aid which has been given by State bodies to non-indigenous companies in each of the past five years. [13499/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland and, as such, it provides grant funding to foreign industries choosing to locate in Ireland.

The following table sets out IDA Ireland grant payments for the years 1998 to 2002 inclusive. Data in respect of IDA Ireland grant payments for the year 2003 will not be available until IDA Ireland's annual review for 2003 is published in June of this year.

IDA Ireland Grant Payments

Year	1998	1999	2000	2001	2002
Amount €'000	175,145	164,213	150,539	109,015	118,451

Source: Forfás Employment Survey

Community Employment Schemes.

91. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of community employment places lost in Dublin for each of the past five years; and the number of community employment schemes shut down in Dublin for each of the past five years. [13500/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The allocation of community employment places and renewal of schemes on a county by county basis is a matter for FÁS and I have no function in the matter.

In accordance with the Government's decision in 1999 to restructure community employment (CE), participation levels have gradually been reduced in line with reductions in long-term unemployment and a strategic shift in policy in favour of training and other more appropriate supports.

Year-end participation levels on CE for the past five years are as follows:

Year	Year-end places	Projects
1999	36,579	2,274
2000	33,549	2,041
2001	30,809	1,967
2002	24,991	1,694
2003	19,848	1,368

FÁS estimates that there has been a reduction of approximately 3,470 places in Dublin over the five-year period. No further reduction in overall participation levels is planned in 2004.

Redundancy Payments.

92. **Mr. Cregan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the situation regarding statutory redundancy for employees of 25 years standing; if redundancy is altered by the fact that an employee became a director for a few months before liquidation; if the employees rather than the recently appointed director are looked after first; if redundancy for the director is based on his period as an employee inclusive or exclusive of his few months of directorship; and if she will make a statement on the matter. [13534/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The position is that employees who have at least two years service and are between the age of 16 and 66 years are entitled to receive a statutory redundancy lump sum payment from their employer on being made redundant.

To be entitled to a statutory redundancy payment, an employee must be in employment which is insurable for all benefits under the Social Welfare Acts at any time within the four year period prior to the date of termination of employment.

In a case where an employee becomes a director, his or her case is referred to the Department of Social and Family Affairs for a decision regarding insurability before the entitlement to redundancy is established: this process generally takes a few extra weeks. If the employee is found to have met the insurability requirements of the Redundancy Acts, then he or she is entitled to be paid a statutory redundancy lump sum. If the employee fails to meet the insurability requirements, he or she is not entitled to receive any payment.

An employee-director who meets the criteria laid down in the Redundancy Acts is entitled to have all service treated as reckonable in the calculation of a lump sum.

Payment of statutory redundancy should be made by the employer to qualified persons on the date of termination of employment. If the employer fails to pay the statutory redundancy to the employees, payment is made by this Department direct to the employees within four

[Mr. Fahey.] weeks of the date of receipt of the claims, with the exception of referrals to the Department of Social and Family Affairs.

Official Languages Act.

93. **Mr. O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department has prepared an estimate of the cost to her Department of implementing the provisions of the Official Languages Act 2003; and if she will make a statement on the matter. [13561/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The implementation of the Official Languages Act, 2003 will have an impact on expenditure under a number of subheads of my Department's Vote. My Department has not prepared an estimate of the total cost of the implementation of the Act. However, the full implementation of the Act has the potential to double the 2004 provisions of expenditure for the advertising budget of €390k and the publishing budget of €580k. These figures do not include expenditure under translation costs, interpretation costs and Irish language training where estimates of expenditure have yet to be made.

94. **Mr. O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment if estimates have been prepared by the public bodies funded by her Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if she will make a statement on the matter. [13576/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Section 11 of the Official Languages Act 2003 provides that public bodies have a duty to prepare a statutory scheme detailing the services they will provide through the medium of Irish, English and bilingually, and the measures to be adopted to ensure that any service not currently provided by the body through the medium of the Irish language will be so provided.

Section 12 provides that guidelines will be prepared to assist public bodies in the preparation of those schemes.

Guidelines are currently being drafted by the Department of Community, Rural and Gaeltacht Affairs, and have not yet been finalised. Statutory schemes will be prepared by each public body funded by my Department only after the guidelines have been published, and the Minister for Community, Rural and Gaeltacht Affairs has been in direct communication with the heads of those public bodies in the matter.

Once the guidelines have been published and statutory schemes have been prepared, it will be possible to more accurately estimate the impact and cost implications of the Official Languages

Act 2003 on the public bodies funded by my Department.

Equal Opportunities Employment.

95. **Mr. Stanton** asked the Minister for Defence the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13240/04]

Minister for Defence (Mr. M. Smith): My Department is committed to a policy of equal opportunity for persons with disabilities and to the policies that apply across the civil service generally with regard to the code of practice for the employment of people with disabilities in the Civil Service.

The Office of the Civil Service and Local Appointments Commissioners is responsible for the recruitment of personnel into the civil service and assigns personnel to individual Departments and offices, including my Department. A limited number of appointments are filled directly by my Department, including those of services officer, services attendant, night watchman and cleaner. In addition, a number of civilians are employed with the Defence Forces at military barracks and are mainly engaged in building work and maintenance and on clerical, domestic and other duties. My Department strongly subscribes to the objective of employing persons with disabilities whenever possible. Offices which are open to the public are accessible to people with disabilities. Interpreters are provided at interviews if requested. Disability awareness training has been made available to staff throughout the Department. People with disabilities are entitled to apply for any post for which they are qualified and to have their applications considered on the basis of their abilities, qualifications and suitability for the work in question.

The Defence Forces have a derogation from the Employment Equality Act in respect of the criteria of physical ability and age. Therefore, the current age, medical and physical requirements for entry into the Defence Forces reflect the fact that only able bodied and fit recruits can satisfy the difficult and strenuous physical demands of the training and operational environment of the Defence Forces.

Freedom of Information.

96. **Ms Burton** asked the Minister for Defence the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13299/04]

Minister for Defence (Mr. M. Smith): The following is the percentage of requests under the Freedom of Information Act which have

proceeded to internal appeal in my Department and in the Defence Forces:

Department of Defence		Defence Forces	
Year	%	Year	%
1998	11	1998	17
1999	9	1999	9
2000	6	2000	10
2001	8	2001	7
2002	13	2002	5
2003	7	2003	4
2004 (to 30 April)	0	2004 (to 30 April)	

97. **Ms Burton** asked the Minister for Defence the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if he will make a statement on the matter. [13314/04]

Minister for Defence (Mr. M. Smith): The number of freedom of information requests received in my Department and in the Defence Forces during the first quarter of 2004 is as follows:

Department of Defence	Defence Forces
15	31

The number of freedom of information requests received in my Department and in the Defence Forces during the first quarter of previous years is as follows:

Department of Defence		Defence Forces	
Year	%	Year	%
1999	35	1999	36
2000	42	2000	37
2001	30	2001	48
2002	33	2002	60
2003	51	2003	82

Military Uniforms.

98. **Mr. Cregan** asked the Minister for Defence if he has plans to issue other ranks of the PDF with some form of dress uniform; if he has plans to alter or update the current No. 1 uniform for ceremonial purposes; and, if there are changes being considered, when they are likely to be implemented. [13370/04]

Minister for Defence (Mr. M. Smith): Defence Force regulations prescribe for the issue of uniforms to members of the Defence Forces.

There is no provision in the relevant regulations for the provision of dress uniforms for other ranks personnel of the Permanent Defence

Force. There are no plans or proposals to introduce such a uniform item.

Official Languages Act.

99. **Mr. O'Shea** asked the Minister for Defence if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13562/04]

100. **Mr. O'Shea** asked the Minister for Defence if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13577/04]

Minister for Defence (Mr. M. Smith): I propose to take Questions Nos. 99 and 100 together.

No estimates of the type described by the Deputy have been finalised to date. As the Deputy is aware, the Act provides for preparation in due course by my Department, and individually by each of the bodies under its aegis, of a scheme in regard to the delivery of service to the general public in the Irish language.

I understand the Department of Community, Gaeltacht and Rural Affairs is preparing guidelines to assist bodies in preparing these schemes. When the draft schemes have been prepared, I will be in a position to say what, if any, additional costs may arise in their implementation.

Army Escorts.

101. **Mr. P. McGrath** asked the Minister for Defence the payments received in 2003 by his Department from financial institutions by way of payment for providing Army escorts for cash in transit; if this money covered the actual costs of providing this service; and if he will make a statement on the matter. [13592/04]

Minister for Defence (Mr. M. Smith): To aid the civil power, meaning in practice to assist, when requested, the Garda Síochána which has the primary responsibility for law and order, including the protection of the internal security of the State, is among the roles assigned to the Defence Forces. In this regard, the Defence Forces assist the Garda as required in duties, which include escorting cash deliveries to banks, post offices and other institutions.

The final figures for cash escorts for 2003 are now available and the number of requests for such escorts received by the military authorities from the Garda Síochána for 2002 and 2003 were as follows: 2002, 2,516 and 2003, 2,335.

An annual contribution of €2.86 million is paid by the banks in respect of Army escorts. The contribution from the banks is designed to part cover the total costs to the State of providing cash escorts. An annual contribution is also made to the Department of Justice, Equality and Law

[Mr. M. Smith.]

Reform in respect of the Garda Síochána. In the case of the Defence Forces, taking one year with another, the contribution by the banks has generally covered the non-pay costs of providing such escorts.

The question of the level of contribution is currently under review in my Department having regard to the arrangements, which, I understand, were agreed between the Department of Justice, Equality and Law Reform and the financial institutions, to ensure that there is no significant variance in methodology or level of cost recovery. It should be noted that there has been a significant reduction in the demand on the Defence Forces for assistance in aid to the civil power following the reduced security threat arising from the Good Friday Agreement.

Defence Forces Recruitment.

102. **Mr. P. McGrath** asked the Minister for Defence the number of new recruits in 2003 to the permanent Defence Forces at Columb Barracks, Mullingar; and his plans for the future strengthening of the force at this barracks. [13594/04]

Minister for Defence (Mr. M. Smith): The day to day administration of recruitment in the Defence Forces is the responsibility of the Chief of Staff.

In 2003, the number of general service recruits enlisted in the Western Brigade was 32. There was no allocation to Columb Barracks. The allocation of recruits to Columb Barracks is a matter which is decided by the General Officer Commanding, Western Brigade, based on the operational commitments of his brigade at the time.

Army Barracks.

103. **Mr. P. McGrath** asked the Minister for Defence if negotiations have been completed with Westmeath County Council to facilitate the relocation of the boundary wall at Columb Barracks, Mullingar, adjacent to Leshe Road; the

money which he has allocated for this project; when this work is likely to be carried out; and if he will make a statement on the matter.

[13602/04]

Minister for Defence (Mr. M. Smith): As part of a deed of dedication dated July 1997, whereby State land comprising a half acre approximately was made available for use as a public roadway, Westmeath County Council undertook, on a shared cost basis, to rebuild part of Columb Barracks boundary wall at Ashe Road, Mullingar. To date, the council has not proceeded with the work and has recently indicated that the wall in question forms part of the boundary of a protected structure. It has also been indicated that following investigation of the matter the council will be in further communication with my Department as soon as possible.

Question No. 104 answered with Question No. 41.

Equal Opportunities Employment.

105. **Mr. Durkan** asked the Minister for Defence the extent to which women have been promoted to the higher ranks in the Army, Naval Service and Air Corps; and if he will make a statement on the matter. [13657/04]

Minister for Defence (Mr. M. Smith): The Government is committed to a policy of equal opportunity for all in the Defence Forces, including the Reserve Defence Force, and to the full participation by women in all aspects of Defence Forces activities.

Women are eligible for service in the Army, Air Corps, Naval Service and in the Reserve Defence Force and to compete for promotion on an equal basis and under the same general conditions as those which apply to men. Female personnel are generally being promoted at the same stage in their career as male personnel. All female personnel undergo the same training and receive the same military education as their male counterparts.

The following table shows the strength of female personnel, by rank, as on 31 March 2004.

Strength of Females in the Defence Forces

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	PTES	Cadets	Total
Army	0	0	0	0	1	13	30	31	75	0	0	3	1	10	89	103	214	14	406
Air Corps	0	0	0	0	0	0	1	2	3	0	0	1	0	0	7	8	9	1	21
Naval Service	0	0	0	0	0	0	2	14	16	0	0	0	0	0	1	1	44	5	66

Defence Forces Strength.

106. **Mr. Durkan** asked the Minister for Defence the number of women serving in the Army, Naval Service and Air Corps; the extent to which this number has increased or decreased

in the past five years; and if he will make a statement on the matter. [13658/04]

Minister for Defence (Mr. M. Smith): The strength of females in the Army, Naval Service and Air Corps, as advised by the military authorities, is set out in the following table:

Strength on 31 March 2004.

	Officers	NCOS	Privates	Cadets	Total
Army	75	103	214	14	406
Air Corps	3	8	9	1	21
Naval Service	16	1	44	5	66
Total PDF	94	112	267	20	493

In the six year period 1998-2003 inclusive, the strength of female personnel in the Permanent Defence Force grew from 244 on 31 December 1997 to 484 on 31 December 2003. This constitutes an increase of 100% in the number of females serving over this period.

Question No. 107 answered with Question No. 39.

Defence Forces Equipment.

108. **Mr. Durkan** asked the Minister for Defence the extent to which special breathing apparatus or other equipment required in the event of a terrorist attack is available throughout the Defence Forces; and if he will make a statement on the matter. [13660/04]

Minister for Defence (Mr. M. Smith): The Defence Forces have available to them equipment for monitoring and protecting its members in dealing with nuclear, biological or chemical, NBC, threats identified from time to time.

The requirement for additional NBC equipment is kept under continuous review by the director of operations and the director of ordnance. A programme for the purchase of NBC equipment is ongoing and whatever equipment deemed necessary is purchased expeditiously to meet the changing requirements.

The Defence Forces hold an extensive range of modern NBC equipment that meets their current requirements. In particular, a total of 8,000 new NBC suits have been acquired. In addition, the Defence Forces has sufficient stock of respirators for each individual soldier. They also have 98 of the most technologically up to date chemical agent monitors, and Defence Forces personnel are been trained on their operation. Other equipment on hands includes biological agent detector and screening kits, group decontamination equipment and personal decontamination equipment.

The Garda Síochána has the primary responsibility for law and order, including the protection of the internal security of the State. Among the roles assigned to the Defence Forces is the provision of aid to the civil power, meaning in practice to assist, when requested, the Garda Síochána, which duties include the protection and guarding of vital installations, the provision of certain security escorts etc.

The most important defence against any attack is of course external vigilance, detection and prevention by the security forces. All the necessary resources of the Garda Síochána and the Defence Forces are deployed to this end.

109. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself that the facilities and equipment available to the Army, Naval Service and Air Corps are in keeping with modern standards and requirements; and if he will make a statement on the matter. [13661/04]

Minister for Defence (Mr. M. Smith): The acquisition of new equipment and facilities for the Defence Forces has been a key focus for me since my appointment to the defence portfolio. Significant investment has taken place and I am satisfied that the Defence Forces are now well equipped for their day to day roles at home and overseas.

However, while much has been done and a great deal has been achieved with regard to both equipment and infrastructure, I am aware that more needs to be done. While expenditure programmes will now have to be more prioritised due to the changed financial situation I will ensure that a substantial re-equipment programme will still go ahead to enhance the efficiency, professionalism and safety of the Army, Air Corps and Naval Service.

This year sees the delivery of 25 additional armoured personnel carriers from Mowag of Switzerland, which will give the Defence Forces 65 Mowag APCs in total. The initial contract for 40 APCs saw deliveries completed by March 2002 and was valued at €51 million inclusive of VAT. The value of the additional contract is some €33 million inclusive of VAT with payments spread over the period 2002 to 2005, giving a total expenditure of €84 million on APCs. Eight of the 25 APCs have already been delivered to the Curragh Camp. The remaining seventeen will be delivered by October 2004.

Another significant contract relates to the acquisition of the Javelin missile system from Raytheon-Lockheed Martin in the USA at a cost of some €13 million inclusive of VAT. The purpose of this acquisition is to give Defence Forces personnel an effective, anti-armour capability while on peace support operations. The system will replace the Milan system. Some items under the contract have been delivered recently

[Mr. M. Smith.]

to allow for the training of personnel. The main delivery is scheduled for 2005.

There have been ongoing programmes of acquisitions of both nuclear biological chemical, NBC, equipment and night vision equipment, NVE, in recent years and these programmes will continue to meet the ongoing requirements of the Defence Forces. In addition, ten artillery ground surveillance radars have been purchased from Thales Defence in England at a cost of €3.8 million inclusive of VAT. The acquisition of light tactical vehicles, LTVs, for the Defence Forces will also be considered in the light of the ongoing budgetary situation.

The main priority for the Air Corps has been the purchase of fixed wing training aircraft. In that regard, I signed a contract on 16 January 2003 for the supply of eight turbo propeller aircraft to replace the Marchetti aircraft in the pilot training role. These aircraft will allow for the continued training of young cadets to the highest standard and are a very realistic response to the needs of the Air Corps at this time. The new aircraft is the Pilatus PC-9M, manufactured by Pilatus Aircraft Limited, Switzerland. The cost of the eight aircraft is approximately €60 million. The first three aircraft have already been delivered and the rest are expected during the summer. While these aircraft are being obtained primarily for pilot training, they will be capable of being armed and as such will have a limited defensive capability.

I have also announced the process to replace the ageing fleet of helicopters in the Air Corps. Following examination of the relevant issues, specifications have been prepared for light utility helicopters and tender competitions for the supply of up to six aircraft will be held shortly.

Partnership for Peace.

110. **Mr. Durkan** asked the Minister for Defence the extent to which PFP proposals have been advanced or abandoned; and if he will make a statement on the matter. [13662/04]

Minister for Defence (Mr. M. Smith): Ireland's participation in PFP to date is set out in our four individual partnership programmes, IPP, copies of which have been lodged in the Dáil Library. Activities consist of training courses, seminars, workshops, conferences, staff exercises and table top exercises.

Ireland's fourth IPP, covering the period 2004-05, has been completed in consultation with the Departments of Foreign Affairs, Environment, Heritage and Local Government, Justice, Equality and Law Reform, Health and Children and Communications, Marine and Natural Resources.

As provided for in the presentation document for PFP, Ireland also participates in the PFP planning and review process, known as PARP. In common with the other EU neutrals, Ireland is using the PARP process in connection with

planning for the Petersberg Tasks. The scope of our involvement in PARP is focused on enhancing interoperability and familiarity with operating procedures in a multi-national environment.

Participation in partnership for peace, PFP, activities is entirely voluntary and is based on the principle of self-differentiation, that is, a State selects for itself the nature and scope of its participation.

Questions Nos. 111 and 112 answered with Question No. 43.

Defence Forces Training.

113. **Mr. Durkan** asked the Minister for Defence the extent to which training available to the Army, Naval Service and Air Corps is in keeping with international standards and best practice; and if he will make a statement on the matter. [13665/04]

Minister for Defence (Mr. M. Smith): Defence Forces training plans are structured to provide the capabilities needed to execute the roles assigned to them under the White Paper on Defence of February 2000. Priority is given to meeting operational tasks in Ireland. The challenges of preparing military units for participation in international peace support operations constitute the major dimension of Defence Forces collective training. The primary focus of this training is the attainment of a capability for military inter-operability in order to conduct peace support operations to international standards. The Defence Forces keep abreast of developments at international level by regular attendance at training courses and seminars, at home and abroad.

Alternative Energy Projects.

114. **Mr. Gormley** asked the Minister for Agriculture and Food further to Parliamentary Question No. 75 of 15 April 2003 concerning the Derrybrien wind farm, the reason his Department subsequently issued a felling licence to Coillte on 20 May 2003, to fell 263 hectares of conifer type trees, with an obligation to replant 119 hectares at least in part in Christmas tree plots; and the further reason his Department accepted an environmental impact statement which was prepared up to six years earlier, in two separate stages, before many changes to the project had taken place which did not deal at all with the environmental impact of felling the trees and never mentioned the need for replanting. [13441/04]

115. **Mr. Gormley** asked the Minister for Agriculture and Food the public process which took place for the issuing of a tree felling licence (details supplied) at Derrybrien to complete the requirements of the environmental impact assessment; his views on whether, in cases in which such felling gives rise to a large amount of replanting above the 70 hectare limit, albeit

spread over several dispersed plots, this should form part of the environmental impact assessment; and if the licence has been re-assigned to the project developer who claims to be the current land owner. [13442/04]

Minister for Agriculture and Food (Mr. Walsh): I propose to take Questions Nos. 114 and 115 together.

The felling licence referred to was issued in accordance with section 37 of the Forestry Act 1946 following the lodging of a felling notice at the local Garda station. Its issue was in line with revised arrangements for the consideration of felling licence applications in respect of the proposed construction of wind farms on forestry sites, as outlined in Parliamentary Question No. 75 of 15 April 2003. Following a request for clarification as to ownership of the site, the licence was issued to Coillte Teoranta as landowners.

The environmental impact statement referred to was submitted in connection with the application for planning permission which was granted by An Bord Pleanála on the 12 October 1998. It was sent to the Forest Service for information purposes. Local authorities are the planning authorities in respect of deforestation. In line with normal consultation procedures for applications for felling licences, the felling notice was lodged at the local Garda station and the local authority was acquainted by the Forest Service as to the proposed felling.

Under section 41(7) of the Forestry Act 1946, replanting conditions attached to felling licences are binding on the licensee and on each of its successors in title to the land specified in such replanting condition. The felling licence has not been subsequently re-assigned.

Grant Payments.

116. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive the remaining 20% of suckler cow premium. [13151/04]

Minister for Agriculture and Food (Mr. Walsh): The person named applied for premium on 39 animals under the 2003 suckler cow premium scheme. An 80% advance instalment amounting to €6993.48 was issued on 17 October 2003 and the 20% balancing instalment for €1748.37 was issued on 22 April 2004. These represent payment in full for the 39 animals.

Departmental Staff.

117. **Mr. Timmins** asked the Minister for Agriculture and Food the number of supervisory agricultural officers in the potato group who were upgraded to district superintendent; and the headquarters of the upgraded officers; and if he will make a statement on the matter. [13183/04]

118. **Mr. Timmins** asked the Minister for Agriculture and Food the number of supervisory agricultural officers in the seed production group who were upgraded to district superintendent; and the headquarters of the upgraded officers; and if he will make a statement on the matter. [13184/04]

119. **Mr. Timmins** asked the Minister for Agriculture and Food the number of upgraded officers in the potato group and the seed production group who subsequently transferred to other duties in his Department; and if he will make a statement on the matter. [13185/04]

120. **Mr. Timmins** asked the Minister for Agriculture and Food the number of upgraded officers in the potato group and the seed production group who were eligible to transfer to other duties in his Department; and if he will make a statement on the matter. [13186/04]

121. **Mr. Timmins** asked the Minister for Agriculture and Food the number of officers in the potato group who had less than two years' experience at supervisory agricultural officer level before being upgraded; and if he will make a statement on the matter. [13187/04]

123. **Mr. Timmins** asked the Minister for Agriculture and Food the number of supervisory agricultural officers on potato duties who retired between 1 September 1996 and 1 May 1998; and if he will make a statement on the matter. [13190/04]

124. **Mr. Timmins** asked the Minister for Agriculture and Food if an audit was conducted by an independent source on the implementation of the provisions of clause 2 (iii) A of the 1/97 agreement for agricultural officer grades within his Department; and if he will make a statement on the matter. [13191/04]

Minister for Agriculture and Food (Mr. Walsh): I propose to take Questions Nos. 117 to 121, inclusive, and 123 and 124 together.

The position has been indicated in the reply to Parliamentary Question No. 94 on 11 March 2004. The number of supervisory agricultural officers in the potato group who were upgraded under the 1/97 agreement was eight. The headquarters of these officers were Donegal with five officers, Galway, Carlow and Meath, all with one officer. The number of supervisory agricultural officers in seed production group who were upgraded under the agreement was five. The headquarters of these officers were Meath, Wexford, Cork, Waterford and Dublin, all with one officer. The number of upgraded officers in both groups who subsequently transferred to other duties is three. All the upgraded officers in both groups were eligible to transfer to other duties. The number of officers in the potato group who had less than two years service at supervisory agricultural office level was three. There were no retirements at supervisory agricultural officer level in the potato group

[Mr. Walsh.] during 1 September 1996 and 1 May 1998. The agreement provided for a monitoring group comprising union and management representatives to oversee its implementation.

122. **Mr. Timmins** asked the Minister for Agriculture and Food the position in relation to the 1/97 agreement which provided for supervisory agricultural officers in potato, poultry and eggs and seed production to be upgraded to district superintendent; if there are other supervisory agricultural officers outside these groups upgraded to district superintendent level under the agreement; and if he will make a statement on the matter. [13188/04]

Minister for Agriculture and Food (Mr. Walsh): A group in ERAD, who were supervisory agricultural officers with an allowance, were upgraded to district superintendent under the 1/97 Agreement. No other supervisory agricultural officers, outside of the groups listed in the question, were upgraded to district superintendent level under the agreement.

Questions Nos. 123 and 124 answered with Question No. 117.

Milk Quota.

125. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo will receive extra milk quota which was applied for under the hardship scheme. [13192/04]

Minister for Agriculture and Food (Mr. Walsh): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system.

The person named submitted an application for additional quota on the grounds of hardship in the 2003-04 milk quota year. The tribunal examined her application in November but, unfortunately, it did not recommend making an allocation on that occasion. The tribunal reviewed the application in April, on foot of an appeal by the person, but it did not change its original recommendation. While every application to the tribunal is treated in a fair and sympathetic manner it has not been possible, within the constraints of the limited amount of quota available and the sizeable number of applications received, to meet the demands for quota from all applicants.

Departmental Staff.

126. **Mr. Stanton** asked the Minister for Agriculture and Food the way in which persons

with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13242/04]

Minister for Agriculture and Food (Mr. Walsh): The majority of personnel employed by my Department are recruited from competitions run by the Office of the Civil Service and Local Appointments Commissioners. My Department is committed to the employment of people with a disability and achieving the 3% target for the Civil Service. The Office of the Civil Service and Local Appointments Commissioners holds special competitions for people with a disability from which candidates are also assigned to my Department. From time to time, my Department conducts interviews for the employment of temporary staff. People with a disability who satisfy the eligibility criteria, which is based on the skills necessary to do the job, are eligible to compete in these.

Grant Payments.

127. **Mr. Murphy** asked the Minister for Agriculture and Food when all outstanding payments will be made for a herd number (details supplied). [13260/04]

Minister for Agriculture and Food (Mr. Walsh): The person involved submitted three applications under the 2003 special beef premium scheme, one on 13 January 2003, in respect of eight animals, one on 25 February 2003, in respect of three animals and one on 5 December 2003 in respect of 39 animals. The balancing payment in respect of all animals applied on was issued on 29 March 2004. During 2003, 53 animals eligible for the slaughter premium scheme were slaughtered under the herd number involved. The balancing payment in respect of all 53 animals was issued on 31 March 2004. The person involved applied to participate in 2003 extensification premium, payment of which is scheduled to commence next month. However, it is too early to confirm if he will qualify for payment.

128. **Mr. P. Breen** asked the Minister for Agriculture and Food when a person (details supplied) in County Clare can expect to receive forest payment; and if he will make a statement on the matter. [13290/04]

Minister for Agriculture and Food (Mr. Walsh): Payment of the 2004 forestry premium will shortly be made to the person in question.

129. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Cork is in receipt of payments such as headage, suckler cow, sheep subsidy or other such payment on lands. [13292/04]

Minister for Agriculture and Food (Mr. Walsh): The person named is in receipt of payments under some of the schemes mentioned. My Department is writing to him with the information involved.

Freedom of Information.

130. **Ms Burton** asked the Minister for Agriculture and Food the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13300/04]

Minister for Agriculture and Food (Mr. Walsh): The following table gives the percentage of freedom of information requests which proceeded to internal review in my Department from the commencement of the Freedom of Information Act on 21 April 1998 to the end of the first quarter of this year.

Year	% FOI requests which proceeded to internal review
	%
21 April 1998 to 31 December 1998	23
1999	11
2000	12
2001	11
2002	12
2003	11
1 January 2004 to 31 March 2004	6

131. **Ms Burton** asked the Minister for Agriculture and Food the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of freedom of information requests received in a similar period in previous years; and if he will make a statement on the matter. [13315/04]

Minister for Agriculture and Food (Mr. Walsh): Up to 79 freedom of information requests were received in my Department in the first quarter of 2004. The following table shows the figures for the number of requests received in the first quarter of previous years:

Year	Number of requests in first quarter
1999	97
2000	132
2001	102
2002	71
2003	128

Bovine Disease Controls.

132. **Mr. Crawford** asked the Minister for

Agriculture and Food the number of days it takes to obtain results of private blood tests from his Department; if he has considered the possibility of extending the blood test from a 30 day movement period to a 60 day period to allow pure bred breeders and others involved to show cattle at very valuable shows around the country, otherwise more agricultural shows will close down; and if he will make a statement on the matter. [13328/04]

Minister for Agriculture and Food (Mr. Walsh): Private blood tests are given priority in the brucellosis laboratory over round or herd tests. Negative results are normally issued in the afternoon of the day following receipt of the samples in the laboratory. In the case of positive results, an extra one or two days can be required to facilitate extra testing of the samples. Samples received on a Friday are normally issued on the following Monday.

Special arrangements have been in place since 1999 to allow eligible females and bulls over 12 months of age to move to any number of shows within the validity period of the 30 day pre-movement brucellosis blood test. A copy of the information sheet on these arrangements was issued in late 2003 from my Department to organisers and exhibitors of livestock at shows for 2004 will be forwarded to the Deputy for his information.

Good progress has been made in recent years in reducing the incidence of brucellosis. While I am confident this improvement will continue, there is still a significant reservoir of the disease in many counties and a small number of serious breakdowns continue to occur. Accordingly, we cannot become complacent about this highly contagious disease and all elements of the programme must be retained in their present form.

Grant Payments.

133. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive the payment due to them. [13356/04]

Minister for Agriculture and Food (Mr. Walsh): The late father of the person named submitted one application under the 2003 special beef premium on 14 March 2003 in respect of 11 animals and an application for 2003 suckler cow premium in respect of 23 animals on 25 April 2003. Both applications were processed for payment and an 80% advance instalment in respect of the suckler cow scheme amounting to €4,124.36 was issued to the applicant on 17 October 2003 while a special beef premium 80% advance instalment for €1,320.00 was issued on 20 October 2003.

My Department has since been informed of the death of the applicant and neither the 20% balancing suckler cow and special beef premia payments can be issued until grant of probate is

[Mr. Walsh.] available. The solicitors involved on behalf of the legal personal representatives were informed of this and requested to forward copy of probate or other appropriate legal documentation with instructions on who should receive the payments. There has been no reply to date.

134. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a rural environment protection scheme payment has not been made to a person (details supplied) in County Galway; and if he will make a statement on the matter. [13372/04]

Minister for Agriculture and Food (Mr. Walsh): There was an area discrepancy in an amended plan recently received in my Department that necessitated an examination. This examination is near its conclusion and my Department expects to be able to complete processing of the payment application in the near future.

Ministerial Expenses.

135. **Mr. McCormack** asked the Minister for Agriculture and Food the expenses each Minister of State has received between 1 January 2003 and 31 December 2003. [13375/04]

Minister for Agriculture and Food (Mr. Walsh): During 2003, the Minister of State with special responsibility for animal health and welfare and customer service, Deputy Aylward, received travelling and subsistence expenses amounting to €38,582.04. The Minister of State with special responsibility for food and horticulture, Deputy Treacy, received travelling and subsistence expenses amounting to €35,353.97.

Food Industry.

136. **Mr. Ferris** asked the Minister for Agriculture and Food if he will make a statement on a recent survey conducted by a newspaper (details supplied) that showed that farmers receive on average less than 50% of the retail value of a beef animal. [13537/04]

Minister for Agriculture and Food (Mr. Walsh): My function with cattle prices is to set policy parameters and support framework and to secure, by every political and diplomatic initiative, access to export markets for our beef. As regards retail prices, an independent group was appointed by the Tánaiste and Minister for Enterprise, Trade and Employment to establish why there was such a large differential between the producer price and the then prevailing consumer price.

This group reported in September 2000 that allegations about price gaps between the producer and consumer are based on simple comparisons between the level and movement of farmgate prices and retail prices. Such

comparisons were inadequate because weight losses involved in converting the live animal into saleable beef were not taken into account. The comparison also ignored cost developments in the post-farmgate sectors of the food chain which account for half the value of the total chain. When these issues were properly considered, the changes in retail prices were fully explained by the combined movement in farmgate prices and post-farmgate costs.

Grant Payments.

137. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a ewe premium grant for 2003 has not been awarded to a person (details supplied) in County Galway; and if he will make a statement on the matter. [13538/04]

Minister for Agriculture and Food (Mr. Walsh): The person named applied on 118 ewes under the 2003 ewe premium scheme, which he declared to be in his ownership and possession at the time of application on 6 January 2003 and which he undertook to keep on his holding up to 13 April 2003. At an inspection of his flock on 17 December 2003 only 84 ewes were presented. The person named was unable to account for the 34 missing ewes. He was given the opportunity to submit sales dockets to prove that he disposed of the 34 ewes after the retention period but he failed to do so. As the person named failed to satisfy my Department that he had 118 ewes when he applied in early 2003, he cannot be paid 2003 ewe premium according to the relevant EU regulations.

Official Languages Act.

138. **Mr. O'Shea** asked the Minister for Agriculture and Food if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13563/04]

Minister for Agriculture and Food (Mr. Walsh): The directly applicable provisions of the Official Languages Act 2003 have commenced. The remaining provisions will be given effect by means of regulations to be made by the Minister for Community, Rural and Gaeltacht Affairs and a scheme is to be prepared by my Department under sections 11 to 18, inclusive, of the Act. The scheme will set out how the Department will implement the Act over the next three years. The costs so far have been minimal and it is not possible to prepare an estimate of the full costs involved in any year until this Department's scheme has been finalised.

139. **Mr. O'Shea** asked the Minister for Agriculture and Food if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act

2003; and if he will make a statement on the matter. [13578/04]

Minister for Agriculture and Food (Mr. Walsh): This is a day-to-day operational matter for the bodies concerned who are directly responsible for compliance with the legislation.

Agenda 2000.

140. **Mr. P. McGrath** asked the Minister for Agriculture and Food the position concerning the decoupling proposals; and if he will make a statement on the matter. [13590/04]

Minister for Agriculture and Food (Mr. Walsh): Agreement on the mid-term review of Agenda 2000 was reached at the Council of Ministers meeting in Luxembourg on 26 June 2003. The regulation giving effect to the agreement was made on 29 September 2003. The draft Commission regulations setting out the detailed rules for implementing the direct support schemes have recently been agreed.

Following wide consultations with interested parties, I decided that the best interests of the agricultural industry lay in fully decoupling all direct support schemes from production. This will enable farmers to focus their attention on producing for real markets and meeting the high standards demanded by today's consumers.

The early decision to fully decouple payments from production has enabled my Department to begin the major task of establishing entitlements for all those farmers who received direct payments in the reference years of 2000, 2001 and 2002. Earlier this year my Department invited farmers whose production was adversely affected during the reference years because of *force majeure* or exceptional circumstances to make applications for special consideration. Approximately 15,000 applications were received and are being processed. It is hoped that notification of provisional entitlements can be issued to farmers later this year. Notification of definitive entitlements will be issued to all farmers early next year.

Computerisation Programme.

141. **Mr. R. Bruton** asked the Minister for Finance if his attention has been drawn to the criticism of his choice of open standards software instead of open source software for e-access to Government and that due to the fact that Ireland is out of line with other European member states, it will have less control over upgrades and less security and reliability. [13332/04]

Minister for Finance (Mr. McCreevy): I presume the Deputy is referring to a speech made by the Minister of State at the Department of the Taoiseach with special responsibility for the information society, Deputy Hanafin, at the recent ISA national software conference where she underlined the importance of open standards in interconnecting the public service's computer

systems and exchanging data and information across these systems.

This is in keeping with the pronounced policies of other EU member states where open standards are considered critical to the development and operation of effective and sustainable interoperability architectures. I understand the Minister of State has been congratulated for emphasising the importance of open standards for inter-operability.

The Minister of State did not, as the question states, suggest a choice between open standards software and open source software. She simply pointed out that they were not the same thing and reiterated that, in keeping with procurement law, the Government operates a procurement policy that facilitates open competition, best value for money and best fit to requirements. Within that approach, different products, such as proprietary and open source, are evaluated on their merits, including openness in terms of future procurement and where possible, avoidance of lock-in to a particular supplier. Accordingly, an open view is taken which in practice tends to follow standards emerging from the market. Consequently, with respect to the costs of software, public bodies consider the total cost of ownership which, in addition to the licensing element, should include the issues and costs associated with development and customisation, deployment, warranties and maintenance, performance, security and reliability, management and support, upgrades, training and skills development.

Disabled Drivers.

142. **Mr. O'Dowd** asked the Minister for Finance if the disabled driver's and disabled passenger's (tax concessions scheme) will be reviewed to take into consideration the number of persons with severe disabilities who cannot avail of the scheme due to the stringent regulations. [13371/04]

164. **Mr. Deasy** asked the Minister for Finance if he has considered the report of the interdepartmental group established to review the disabled driver's and disabled passenger's (tax concessions) scheme, in particular the qualifying medical criteria; the recommendations made by the group; and if he will make a statement on the matter. [13723/04]

Minister for Finance (Mr. McCreevy): I propose to take Questions Nos. 142 and 164 together.

As stated in replies to previous parliamentary questions, the interdepartmental report of the review group on the disabled driver's and disabled passenger's (tax concessions) scheme is under consideration in my Department. The report is substantive and needs to be studied carefully. Any recommendations contained in this report will receive full consideration. On completion of this process, I envisage that the

[Mr. McCreavy.]
report will be made available publicly. During the Dáil debate on the Finance Bill 2004, I stated that I intended that the report would go to Government and be published this year.

Tax Code.

143. **Mr. R. Bruton** asked the Minister for Finance if he will consider granting tax relief universally at a 42% rate to persons, even those on low incomes, in respect of orthodontic work, for which a certificate of need will have been issued by the health board, bearing in mind that this is work for which there is a statutory entitlement, and the need for private work is due to the inability of the State to deliver the service; and if he will consider allowing such a scheme to continue at least until the State has dealt with the chronic waiting list for such service. [13156/04]

Minister for Finance (Mr. McCreavy): Under section 469 of the Taxes Consolidation Act 1997, tax relief at the taxpayer's marginal rate of tax is available for expenses for non-routine dental treatment including orthodontic treatment. The relief, which is provided by way of repayment, may be claimed by an individual in respect of his or her own expenses, expenses met for a spouse, dependant and certain other relatives or a child who is not a relative but is in the custody of and is maintained by the individual.

However, *de minimus* limits apply. In a tax year, the first €125 of expenses incurred for a claim in respect of an individual and the first €250 of expenses incurred for a claim relating to two or more individuals are excluded from the scope of the relief. This relief is available on qualifying expenses incurred in or outside the State if the dentist is entitled under the laws of the country in which the care is provided to practise dentistry there. I have no plans to change the terms of medical expenses relief along the lines suggested by Deputy Richard Burton. The question of the provision of treatment services for those who require orthodontic work is a matter for the Minister for Health and Children, Deputy Martin.

Tax Clearance Certificates.

144. **Mr. Perry** asked the Minister for Finance when the necessary documentation for a community group (details supplied) will be supplied; the reason for the delay; and if he will make a statement on the matter. [13178/04]

Minister for Finance (Mr. McCreavy): I am advised by the Revenue Commissioners that a duplicate application for a tax clearance certificate was received by the relevant Revenue district on 22 April 2004. I understand the original application was sent to the wrong Revenue district office. On 22 April, a letter issued from the Revenue office advising the tax agent for the community group that there were a number of tax returns outstanding and that, as a

consequence, a tax clearance certificate could not be issued. When the outstanding returns have been filed and any outstanding liabilities paid the matter will be reviewed again.

Departmental Staff.

145. **Mr. Stanton** asked the Minister for Finance the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13243/04]

Minister for Finance (Mr. McCreavy): The Department of Finance uses the services of the Civil Service Commissioners to recruit people to all permanent, established Civil Service posts in the Department. Persons with disabilities are entitled to apply for all competitions held by the commissioners, subject to their meeting the eligibility requirements of the competition in question. Where applicants request special facilities the commissioners make every effort to accommodate them during the selection process. When a person is selected for appointment particular consideration is given to placement and the work environment, for example the provision of special equipment and facilities such as adaptive technology, specialised furniture, reorganisation of work and the provision of additional training which would assist the person in undertaking his or her duties.

Flood Relief.

146. **Mr. J. Bruton** asked the Minister for Finance if he has taken steps to ensure that additional funds have been allocated to Meath County Council to allow the flood alleviation works in Mornington to commence; if the Office of Public Works has plans to assist Meath County Council in carrying out works in Mornington; if reports have been compiled by his Department or by Meath County Council regarding the remedial works which are required; and if he will make a statement on the matter. [13254/04]

Minister of State at the Department of Finance (Mr. Parlon): Meath County Council commissioned an engineering report and environmental impact assessment for proposed flood relief works in the Mornington area. The engineering report is now complete and the environmental impact assessment is due for completion. These reports were funded by the Office of Public Works at a cost of €190,000. Preliminary discussions have taken place between officials from the Office of Public Works and Meath County Council to clarify the findings of the report and the implications of the works proposed therein. Further consideration of these issues must await completion of the environmental impact statement.

Funding for any scheme of flood relief works that may be proposed in Mornington would have

to be considered in the context of the Office of Public Work's existing commitments and any proposals that may emerge from consideration of the flood policy review by the Government.

Tax Code.

147. **Mr. O'Shea** asked the Minister for Finance the proposals he has to introduce the Tobin tax (details supplied); and if he will make a statement on the matter. [13331/04]

Minister for Finance (Mr. McCreevy): The issue of the Tobin tax has been considered at a number of fora, including the informal ECOFIN meeting at Liège on 22 September 2001. The then Belgian Presidency of the EU indicated that it wished to pursue the matter in the context of a general study to be carried out by the Commission on the issue of globalisation. However, most Finance Ministers, myself included, continue to have reservations about the Tobin tax proposal. It was not clear that a further examination of the issue by the Commission would ensure satisfactory answers to the questions concerning the tax. These include the difficulties relating to practical implementation of the tax, its doubtful effect on short-term speculative capital movements, its conflict with the basic tenet of free capital movement in the EU, its disproportionate effect on small business and consumers, the probability that the tax would simply drive participants into non-taxable alternatives and the negative impact on liquidity in the foreign exchange market.

Nevertheless, at a formal ECOFIN meeting on 16 October 2001, it was agreed that the Commission would carry out a study on globalisation and that this study would examine the arguments for and against the Tobin tax. The study, *Responses to the Challenges of Globalisation*, published on 14 February 2002 concluded that "while as a source of additional revenue a currency transaction tax may look appealing, its feasibility is, however, not demonstrated". There have been no further developments at EU level with regard to the possible introduction of the Tobin tax. I do not propose to introduce such a tax as I remain unconvinced of its feasibility.

Drainage Schemes.

148. **Mr. Penrose** asked the Minister for Finance if he will take steps to ensure that a culvert bridge leading into the lands of a person (details supplied) in County Westmeath is repaired; if his attention has been drawn to the fact that this person is prepared to give assistance to his Department to have such work carried out; and if he will make a statement on the matter. [13353/04]

Minister of State at the Department of Finance (Mr. Parlon): The bridge in question is on a channel of the Inny catchment drainage scheme for which the Commissioners of Public Works

have a maintenance responsibility under the provisions of the Arterial Drainage Act 1945. The bridge has been inspected by an engineer from the Office of Public Works and it is in good condition. It is understood that the person in question may wish to construct a more substantial bridge but the commissioners have not received any proposal in this regard. The commissioners will contact the person in question to clarify the matter with him.

Ministerial Expenses.

149. **Mr. McCormack** asked the Minister for Finance the expenses each Minister of State has received between 1 January 2003 and 31 December 2003. [13376/04]

Minister for Finance (Mr. McCreevy): The Minister of State at the Department of Finance with special responsibility for the Office of Public Works, Deputy Parlon, was paid €37,528.81.

Tax Code.

150. **Mr. O'Shea** asked the Minister for Finance his proposals to exempt the old age contributory pension, the widow's contributory pension and the invalidity pension (details supplied); and if he will make a statement on the matter. [13435/04]

Minister for Finance (Mr. McCreevy): I noted the terms of the motion passed by the Tramore and District Active Retirement Association: "that the contributory senior citizen's pension, the widow's contributory pension and the invalidity pension be granted in full, and that the moneys received from such pensions be not included when assessing income tax".

However, it is a general principle of taxation that income from all sources should be subject to taxation and this includes pension income from the Department of Social and Family Affairs. Social welfare payments, the old age contributory pension and the old age non-contributory pension are reckonable for tax purposes in line with the majority of social welfare payments such as the retirement, widow's contributory, widow's non-contributory and invalidity pensions, the one parent family payment and short-term benefits such as unemployment benefit and disability benefit. The treatment of pensions as income for tax purposes is essentially a matter of equity.

In my last three budgets, I have increased the age exemption limits for those aged 65 years and over by more than 40% which now stand at €15,500 per annum single and €31,000 per annum married. Elderly persons or couples with annual incomes at or below these limits are not liable to income tax. The extent, if any, to which taxation will arise for an income earner will depend on the level of income which that person has in a tax year. Pensioners aged 65 years and over continue to be treated more favourably under the income tax code than the generality of taxpayers. In addition to the basic personal credit of €1,520 per annum single and €3,040 per annum married and,

[Mr. McCreevy.]

where applicable, the employee credit, formally known as the PAYE allowance, of €1,040 per annum, income earners aged 65 years and over are entitled to a special age tax credit which is €205 per annum single and €410 per annum married.

Pensioners and those aged 65 years or over who are widowed persons without dependent children are entitled to a tax-free credit of €300 in addition to the normal personal credits of a single person. Pensioners and those aged 65 years or over who are widowed parents with dependent children have an even more favourable tax treatment. In the year of bereavement, a widowed parent may receive a personal tax credit which is the equivalent to the married tax credit. In the years following this, widowed persons with dependent children receive a one parent family credit in addition to the single personal credit. This ensures that their overall credits are equivalent to that of a married couple for as long as they continue to have dependent children. In the years directly following the year of bereavement, a widowed person with dependent children is also entitled to a bereavement credit. This credit is tapered over five years and amounts to €2,600 in year one, €2,100 in year two, €1,600 in year three, €1,100 in year four, €600 in year five with a reduction to nil thereafter.

Widowed parents are also entitled to an increased standard rate band at €32,000 per annum. This compares favourably with the single person's tax band of €28,000 per annum. The concessionary treatment is afforded to those aged 65 years or over in the administration of deposit interest retention tax, DIRT. Such persons are entitled to a refund of DIRT paid if their income is at, or below, the age exemption limits mentioned above. The claim for repayment of DIRT is made after the end of the year of assessment. Partial refunds may be due to persons whose income in any tax year did not greatly exceed the exemption limits.

Departmental Staff.

151. **Ms Enright** asked the Minister for Finance if the required quota of employment places for persons with disabilities in Departments has been achieved; if not, the numbers remaining; and if he will make a statement on the matter. [13510/04]

Minister for Finance (Mr. McCreevy): The Government has a 3% target for the employment of people with a disability in the Civil Service. The annual survey undertaken by my Department of the position on the employment of staff with a disability in the Civil Service shows that 931 people with a disability were employed at the end of December 2002, which is the equivalent to 2.8% of total numbers. This compares with 891 people, 2.78%, in 2001 and 758 people, 2.56%, in 2000. Figures for the end of December 2003 are being compiled.

In view of these figures, it is important to support and assist Departments in implementing the Government's policy. The policy makes a real contribution to the welfare of people with a disability by creating employment opportunities which might not otherwise be available. Every effort is made to ensure that an equal opportunity is given to all candidates applying for competitions for recruitment to the Civil Service. All candidates are requested to identify any special requirements they may have to sit the relevant examination.

My Department commissioned independent research into the operation of the 3% target and the career progression of people with a disability in the Civil Service. The report provides useful information about the position of people with a disability working in the Civil Service and makes recommendations for practical steps which can be taken to make certain that the Government's policy operates effectively for the benefit of people with a disability. In the light of the consultants' recommendations, proposals to improve the operation of the policy have been approved by the Government. Discussions will start in the near future between the equality unit in my Department and the Civil Service staff unions on the recommendations. The aim is to agree a new joint approach to the implementation of the target, to improve the existing policy for the benefit of people with disability throughout their careers in the Civil Service, to ensure that the importance of the policy is emphasised, and that Departments will be assisted in implementing the policy.

Benchmarking Awards.

152. **Mr. McGuinness** asked the Minister for Finance when benchmarking payments will be made to staff at Kilkenny Castle. [13540/04]

Minister of State at the Department of Finance (Mr. Parlon): Revised pay scales incorporating the first phase of benchmarking will be implemented for craft and general operative grades in Kilkenny Castle with effect from the 27 May 2004. The payment of associated retrospection is scheduled for the 1 July 2004. Benchmarking increases have already been implemented for other grades in Kilkenny Castle. The payment of further phases of benchmarking is subject to the verification process as provided for under Sustaining Progress.

Tax Code.

153. **Mr. Cregan** asked the Minister for Finance the situation on income tax exemption limits; if there is an addition to the €31,000 couples figure for old age pensioners for persons over 80 and any other tax allowance addition; and if not, if the couples figure stays at €31,000 irrespective of extras. [13553/04]

Minister for Finance (Mr. McCreevy): Any person or married couple whose total income

from all sources is less than or equal to the exemption limit for a tax year will not be liable to tax on that income for that year. For persons

aged 65 years or over, the age exemption limits for 2004 are as follows:

Status	Exemption Limit
Single / Widowed Person	€15,500 plus €575 for each of the first two qualifying children and €830 for the third and each subsequent qualifying child.
Married couple	€31,000 plus €575 for each of the first two qualifying children and €830 for the third and each subsequent qualifying child.

A qualifying child is a child who is under 18 years at the start of the year of assessment or, if over 18 years, is in full-time education or is permanently incapacitated either mentally or physically from maintaining himself or herself. Other than the increase in respect of children, there are no further additions to the age exemption limits.

However, any individual whose total income from all sources is over the exemption limit, but does not exceed twice that limit, may qualify for marginal relief taxation which is applied at a rate of 40%. In simple terms, an individual whose total income falls within the marginal exemption limits pays the lesser of tax due having regard to the marginal exemption formula and tax due having regard to normal tax credits and rates bands.

Public Service Contracts.

154. **Mr. Cregan** asked the Minister for Finance on the criteria of Departments and State agencies to deal with newly set up private sector service companies; if companies are supposed to be in existence for a particular period of time; the terms they should meet; if they must be tax compliant; the documentation which substitutes for this when companies are only recently legally established; if the operation of these criteria is universally adopted; and if individual Departments or agencies are open to set their own more stringent rules. [13554/04]

Minister for Finance (Mr. McCreavy): There is no explicit requirement that companies must be in existence for a minimum period of time, or that recently established firms or firms with no previous experience of public contracts should be excluded from the tendering process. However, candidates expressing an interest in significant public contracts are generally required to satisfy the contracting authority that they possess the necessary capacity to perform the contract. For instance, to prove economic or financial capacity, a company may be requested to furnish appropriate statements from banks, evidence of professional risk indemnity insurance, balance sheets or relevant extracts from annual accounts or statements of turnover.

This list of examples is not exhaustive and the relevant proof may be provided by any other means which the contracting authority considers appropriate or acceptable. Evidence of technical capacity may be required by production of certificates of relevant technical or professional

qualifications, statements of technical and human resources available or a company's past record of performance on other projects. Companies being awarded public contracts must be tax compliant. Proof of compliance must be furnished by means of a tax clearance certificate issued by the Revenue Commissioners.

Tax Code.

155. **Mr. Cregan** asked the Minister for Finance the levels of capital acquisitions tax which apply between unmarried siblings living together all their lives; when these levels were introduced or last revised; if there is a concession when an estate is passed onto a next generation, for example, nieces or nephews; if there is a backdated concession for siblings when capital acquisitions tax was paid ten years ago on the death of one, before the most recent revision, and when capital acquisitions tax must now be paid again on the death of the last of three siblings; and if he will make a statement on the matter. [13555/04]

Minister for Finance (Mr. McCreavy): Capital acquisitions tax is charged at a flat rate of 20% on the excess of the tax free threshold, known as the group threshold, applicable to a gift or inheritance taken by a person. In arriving at the group threshold for a gift or inheritance received by a person on or after 1 December 1999 from a brother or sister, all gifts and inheritances received by that person since 5 December 1991 from persons in the same group must be taken into account. This is an aggregation of gifts and inheritances from persons in the same group. A beneficiary's brothers, sisters, aunts, uncles, lineal ancestors and lineal descendants other than a child, or a minor child of a deceased child, such as grandparents and grandchildren, are all in the same group. This group has a tax-free threshold of €45,644 for gifts and inheritances taken in 2004 having been increased by an indexation factor each year since the year 2000.

Where a dwelling house is taken by way of a gift or inheritance from a brother or sister, a capital acquisitions tax exemption applies if that dwelling-house was occupied continuously by the beneficiary as his or her only or main residence for a period of three years prior to the date of the gift or inheritance. The beneficiary must not have an interest in any other residential property. It is also a condition of the exemption that the beneficiary must own and reside in the dwelling

[Mr. McCreedy.]

house for six years after the date of the gift or inheritance. This condition does not apply where the beneficiary is over 55 years or where the beneficiary is unable to comply with the residence requirements for reasons outside his or her control, for example, due to work obligations or hospitalisation.

A relief from capital acquisitions tax applies where a gift or inheritance of business assets is taken by a nephew or niece who worked substantially on a full-time basis in that business for his or her aunt or uncle for a period of five years prior to the date of the gift or inheritance. A nephew or niece who qualifies for this relief is entitled to the same tax-free threshold as if he or she were a son or daughter of the donor. This threshold is €456,438 for gifts and inheritances taken in the year 2004.

I am advised by the Revenue Commissioners that the capital acquisitions tax code does not allow a credit for tax paid in respect of an event against the capital acquisitions tax liability arising on any subsequent event. In a situation where three siblings are living together, on the death of one of them, a capital acquisitions tax liability can arise in respect of the resulting inheritance. The tax paid is not allowed as a credit against any capital acquisitions tax liability arising on a subsequent death.

Capital acquisitions tax becomes due and payable on the valuation date in respect of the inheritances taken on the death of each of the three siblings. The valuation date in the case of an inheritance is the date when the executor or administrator of an estate is entitled to distribute the property to a beneficiary. If Deputy Cregan has a particular case or set of circumstances in mind, he may wish to contact the Revenue Commissioners for further clarification.

156. **Mr. Cregan** asked the Minister for Finance the concessions, tax relief and grants which are made available throughout the taxation system to persons or companies for the provision of child care for themselves or for their employees; if, in view of the less favourable increase in child benefit over the past two years, providing tax relief on child care payments is under consideration; and if he will make a statement on the matter. [13556/04]

Minister for Finance (Mr. McCreedy): Over the past number of years the Government has considered carefully the whole area of child care. The core objective of Government policy in the area of child support is to provide assistance which will offer real choice to parents and which will benefit all children. It has been decided that child benefit will be the main fiscal instrument through which support will be provided to parents with dependent children. Child benefit provides assistance to all parents in whatever caring choices are most appropriate for them and their children. Unlike tax relief, it provides

support to parents irrespective of their income status.

In line with this policy approach, the Government commenced a major initiative to increase substantially the rates of child benefit. In 2001, the rate for the first and second child was increased by almost €32 per month and by €38 per month for the third and subsequent children. This represented an increase of more than 50% on the rates prevailing in 2000. Similar monetary increases were provided in 2002. Further increases were implemented in 2003. In the 2004 Budget Statement, I announced additional increases of €6 and €8 per month respectively which came into effect from last month. These increases are around double the projected inflation rate for this year. Since 1997, child benefit rates have increased by more than 230% compared to a projected increase of inflation of only 28% over the period 1997 to 2004.

There is an exemption to the usual benefit-in-kind provisions for employees who enjoy free or subsidised child care facilities provided by their employers. The exemption also applies if an employer provides child care facilities jointly with others. In such circumstances, the employer must be wholly or partly responsible for both financing and managing the child care facility. However, the employer may opt not to be involved in the management of the child care service. In such circumstances, the benefit-in-kind exemption will be restricted to cases where the employer provides financial support for items of capital expenditure and equipment but not other costs incurred by the employer. This provision was introduced to make the scheme more attractive to employers who did not want the job of managing the facility.

Child care services are generally exempt from VAT, so no VAT should be chargeable on fees levied by crèches. The Minister for Justice, Equality and Law Reform, Deputy McDowell, has overall responsibility for the formulation of policy on child care. The supply of formal child care places is being stimulated through a programme of investment under the national development plan equal opportunities child care programme with the funding of almost €437 million provided by his Department and the EU. The purpose of this capital and staffing support funding is to provide almost 27,000 new child care places and to support existing places. This funding and the recent increases in child benefit are a significant financial commitment and clearly show the Government's continuing support for the child care sector.

I am satisfied that the Government is providing sufficient support to parents to assist them in meeting the caring costs of their children and to increase the overall supply of child care places which will also help moderate the costs of child care.

Departmental Staff.

157. **Mr. Cregan** asked the Minister for Finance the policy for recruiting persons with disabilities in the public service; if a special competition is held for persons with disabilities; if the same competition is held for all applicants; when the last competition was held and if there are plans to hold one in the near future; if a separate panel is set up for persons with disabilities; the percentage of persons with disabilities currently employed in the public service; and if any exceptions are made. [13557/04]

Minister for Finance (Mr. McCreevy): I do not have information on recruitment practice in the wider public service as this is a matter for relevant Ministers. As Minister for Finance, my responsibility for the Civil Service lies with the Civil Service Commissioners who are responsible for recruitment. Competitions advertised by the commissioners are open to all, including people with disabilities, subject to their meeting the eligibility requirements of the competition in question. Application forms invite applicants to indicate if they have special requirements when undergoing the selection process and the commissioners make every effort to facilitate these requests.

The Government has a 3% target for the employment of people with a disability in the Civil Service. The annual survey undertaken by my Department of the position on the employment of staff with a disability in the Civil Service shows that 931 people with a disability were employed at the end of December 2002, which is equivalent to 2.8% of total numbers. This compares with 891 people, 2.78% in 2001 and 758 people, 2.56% in 2000. Figures for end December 2003 are being compiled. From time to time general service recruitment competitions have been held specifically for those with disabilities. The last clerical officer competition advertised for people with disabilities was in 1999.

My Department commissioned independent research into the operation of the 3% target and the career progression of people with a disability in the Civil Service. The report provides useful information about the position of people with a disability working in the Civil Service and makes recommendations for practical steps which can be taken to make certain that the Government's policy operates effectively for the benefit of people with a disability. In the light of the consultants' recommendations, proposals to improve the operation of the policy have been approved by the Government. Discussions are under way between the equality unit in my Department and the Civil Service staff unions on the recommendations. The aim is to agree a new joint approach to the implementation of the target to improve the existing policy for the benefit of people with disability throughout their careers in the Civil Service, to ensure that the importance of the policy is emphasised and that Departments are given assistance in meeting the

aims of the policy. Consideration will be given to holding special competitions for people with a disability in the light of these discussions.

Official Languages Act.

158. **Mr. O'Shea** asked the Minister for Finance if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13564/04]

159. **Mr. O'Shea** asked the Minister for Finance if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13579/04]

Minister for Finance (Mr. McCreevy): I propose to take Questions Nos. 158 and 159 together.

My Department, as stated in its quality customer service action plan 2001-2004, is committed to providing a high quality service to customers who wish to conduct their business in Irish. It actively supports the development of bilingualism across the Civil Service through Gaeleagras, by means of Irish classes and providing advice and assistance for developing and implementing bilingual services to the public.

The provisions of the Official Languages Act 2003 are being introduced on a phased basis. The Act provides for the preparation in due course by my Department, and by each of the bodies under its aegis, of schemes for the delivery of their services to the public in the Irish language. I am informed that the Department of Community, Gaeltacht and Rural Affairs is preparing guidelines to assist public bodies in preparing these schemes. When the guidelines are finalised, it is anticipated that the first tranche of public bodies will be asked to prepare draft schemes for approval by the Minister for Community, Rural and Gaeltacht Affairs.

When my Department has prepared its draft scheme, it will be in a position to estimate the additional cost to the Department of implementing the provisions of the Official Languages Act. A similar situation pertains to the public bodies funded by the Department.

Disabled Drivers.

160. **Mr. P. McGrath** asked the Minister for Finance the number of applications for primary medical certificates received in his Department in 2003; the numbers approved; and the situation concerning the review of the disabled drivers' and passengers' regulations. [13591/04]

Minister for Finance (Mr. McCreevy): Application for a primary medical certificate for the disabled drivers' and disabled passengers' (tax concessions) scheme should be made in the first instance to the appropriate health authority.

[Mr. McCreevy.]

However, I am informed by the Minister for Health and Children that the total number of applicants in 2003 was 2,220, of which a total of 1,207 were approved.

As stated in a reply to a previous parliamentary question, the interdepartmental report of the review group on the disabled drivers' and disabled passengers' (tax concessions) scheme is under consideration in my Department. The report is substantive and needs to be studied carefully. On completion of this process, I envisage that the report will be made available publicly. During the Dáil debate on the Finance Act 2004, I stated that I intended that the report would go to Government and be published this year.

Decentralisation Programme.

161. **Mr. P. McGrath** asked the Minister for Finance if the Office of Public Works is in negotiations to procure a property in Mullingar, County Westmeath, to facilitate the decentralisation of the Department of Education and Science headquarters; when these negotiations are likely to conclude; and the timeframe for this decentralisation process. [13601/04]

Minister of State at the Department of Finance (Mr. Parlon): A number of property decentralisation proposals have been received by the Office of Public Works in respect of Mullingar and these proposals are being assessed. The indicative timescale, subject to no unforeseen delays, for site acquisition, planning, tendering and construction phases will be of the order of 26 to 37 months.

Tax Credits.

162. **Mr. Carey** asked the Minister for Finance if an application has been received from a person (details supplied) in County Meath for dependent relatives allowance; if so, if the application will be processed; and if he will make a statement on the matter. [13603/04]

Minister for Finance (Mr. McCreevy): I am advised by the Revenue Commissioners that an application for the dependent relative tax credit, formerly an allowance, has been received and processed. A revised certificate of tax credits, which included the dependent relative tax credit, was issued to the taxpayer on 29 April 2004.

Decentralisation Programme.

163. **Mr. Costello** asked the Minister for Finance when he will respond to Collooney Community Enterprise Limited, County Sligo, and its proposal to be considered under the decentralisation program under his Department's guidelines; and if he received other proposals from Sligo. [13604/04]

Minister of State at the Department of Finance

(Mr. Parlon): A number of property decentralisation proposals have been received by the Office of Public Works in respect of County Sligo and these proposals are being assessed. The Office of Public Works will be in correspondence with all proposers in due course.

Question No. 164 answered with Question No. 142.

Middle East Peace Process.

165. **Mr. Carey** asked the Minister for Foreign Affairs if he intends to request the Council of the EU and the Council of Ministers to exert pressure on Israel to carry out UN Assembly Resolution A/RES-I/L.15 of 21 October 2003; and if he will make a statement on the matter. [13742/04]

166. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will urge the Council of the EU and the Council of Ministers to exert strong pressure on Israel to carry out UN General Assembly Resolution A/RES-I/L.15 of 21 October 2003; and if he will make a statement on the matter. [13174/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 165 and 166 together.

The resolution of 21 October 2003 with which the Deputies are concerned requested the Secretary General of the United Nations to report on Israeli compliance one month after its adoption. The Secretary General reported on 24 November 2003 that Israel had not complied with the terms of the resolution and, as a consequence, the General Assembly decided in Resolution A/RES-ES/10-14 of 8 December 2003 to seek an advisory opinion of the International Court of Justice on the question of the legal consequences of the construction in question.

The EU agreed a common submission to the International Court of Justice, which was presented by Ireland as holder of the Presidency. In addition, Ireland submitted a national statement to the court, as did many EU member states, which stressed the illegality of the construction of the separation barrier. The advisory opinion of the court is expected soon and will be considered carefully by the Department in consultation with our EU partners. The EU remains firmly opposed to the construction of the separation barrier and will continue to make this known to the Israeli Government. The matter of this construction was addressed in the statement issued by the international quartet after its meeting in New York on 4 May, of which the House has been made aware.

Departmental Staff.

167. **Mr. Stanton** asked the Minister for Foreign Affairs the way in which persons with disabilities can access employment in his

Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13244/04]

Minister for Foreign Affairs (Mr. Cowen): In its human resources strategy 2002-2004, the Department of Foreign Affairs committed itself to full participation in the Government's programme of positive action aimed at enhancing employment opportunities for persons with disabilities. The Department has met the recommended target of 3% for the employment of persons with disabilities and will continue to do so. Most vacancies arising in the Department of Foreign Affairs are filled from competition panels established by the Office of the Civil Service and Local Appointments Commissioners, the central recruiting body for the whole of the Civil Service. Persons with disabilities are assigned to this Department by the Office of the Civil Service and Local Appointments

Commissioners as part of the aforementioned Government programme of positive action.

The Department also occasionally recruits services officers and cleaners through FÁS. In doing so, it invites applications from persons with disabilities and has been successful in recruiting a number of officers with disabilities in this way. The Department's disability liaison officer provides support to staff with disabilities and ensures that any specific needs they may have are being met.

Freedom of Information.

168. **Ms Burton** asked the Minister for Foreign Affairs the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13301/04]

Minister for Foreign Affairs (Mr. Cowen): The information requested by the Deputy is set out in the following table.

Year	No. of Requests	No. of Internal Reviews	%
January to March 2004	15	Nil	N/A
2003	95	8	8.42
2002	131	15	11.45
2001	128	9	7.03
2000	153	21	13.72
1999	157	24	15.28
1998	70	17	24.28

169. **Ms Burton** asked the Minister for Foreign Affairs the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of freedom of information requests received in a similar period in previous years; and if he will make a statement on the matter. [13316/04]

Minister for Foreign Affairs (Mr. Cowen): The information requested by the Deputy is set out in the following table.

First Quarter	No. of Requests Received
2004	15
2003	50
2002	23
2001	26
2000	53
1999	28

Ministerial Expenses.

170. **Mr. McCormack** asked the Minister for Foreign Affairs the expenses each Minister of State has received between 1 January 2003 and 31 December 2003. [13377/04]

Minister for Foreign Affairs (Mr. Cowen): There are two Ministers of State in the Department of Foreign Affairs. Deputy Kitt is Minister of State with special responsibility for overseas development assistance and human rights and Deputy Roche is Minister of State with special responsibility for European affairs. He is also a Minister of State at the Department of the Taoiseach.

Between 1 January 2003 and 31 December 2003, the Minister of State, Deputy Kitt, received expenses of €30,461. This includes a mileage allowance of €22,132 and subsistence allowance amounting to €8,329. The Minister of State, Deputy Roche, received subsistence allowances of €11,276.76 for the same period while his mileage expenses are paid by the Department of the Taoiseach.

Common Foreign and Security Policy.

171. **Mr. Boyle** asked the Minister for Foreign Affairs the reason additional Kurdish representative organisations have been placed on the EU list of terrorist organisations. [13444/04]

Minister for Foreign Affairs (Mr. Cowen): The European Council took a unanimous decision to include KADEK and KONGRA-GEL on the EU list of terrorist organisations, as aliases of the Kurdistan Workers' Party, the PKK, on 2 April

[Mr. Cowen.]
2004. The PKK had previously been designated by the EU as a terrorist organisation on 2 May 2002.

Inclusion on the list is based on the criteria set out in Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, which was adopted on 27 December 2001. These criteria include, *inter alia*, acts such as attacks on a person's life which may cause death, attacks upon the physical integrity of a person, kidnapping or hostage taking, causing extensive damage to a government or public facility, directing a terrorist group or participating in the activities of a terrorist group or funding its activities where committed with the aim of seriously intimidating a population, or unduly compelling a government or an international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation. The relevant bodies within the Council considered the status of KADEK and KONGRA-GEL carefully, and were satisfied that there was a sufficient basis to conclude that they meet the criteria for designation.

Official Languages Act.

172. **Mr. O'Shea** asked the Minister for Foreign Affairs if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13565/04]

173. **Mr. O'Shea** asked the Minister for Foreign Affairs if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13580/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 172 and 173 together.

My Department is assessing how the provisions of the Official Languages Act 2003 will impact on the Department's work both at home and abroad. The Department's strategy statement is published in both Irish and English. However, it is not possible to say what the cost of implementing the provisions of the Act will be for the Department or for any body under its aegis.

Pension Provisions.

174. **Ms Enright** asked the Minister for Education and Science his involvement in an adjustment to the superannuation regulations in an educational institution (details supplied); the recommendation he received from the Minister for Education and Science in relation to this matter; the effect this will have on the superannuation scheme for all other staff

members; and if he will make a statement on the matter. [13520/04]

210. **Ms Enright** asked the Minister for Education and Science his involvement in an adjustment to the superannuation regulations in an educational institution (details supplied); the reports he received for the Higher Education Authority in relation to this matter; the outcome of those reports; the effect this will have on the superannuation scheme for all other staff members; and if he will make a statement on the matter. [13519/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 174 and 210 together.

The governing body of the National University of Ireland Cork, UCC, has sought approval to amend the superannuation scheme at UCC. The Universities Act 1997 provides for a mechanism for the amendment of statutes relating to superannuation schemes. That process involves a proposal for amendment from the governing body which, before it can be effective, the Higher Education Authority, HEA, must approve with my consent and the consent of the Minister

for Finance. A resolution on the proposed amendment of the scheme was passed by the HEA at its meeting of 20 April 2004 on foot of a proposal from the governing body of UCC. The HEA has now sought the consent of both Ministers to this decision. This is currently under consideration in the context of the policy issues involved.

School Transport.

175. **Cecilia Keaveney** asked the Minister for Education and Science further to correspondence of 20 February and 18 March 2004, the outcome of this school transport matter for a person (details supplied) in County Donegal; and if he will make a statement on the matter. [13159/04]

Minister for Education and Science (Mr. N. Dempsey): Under the terms of the primary school transport scheme, only eligible children qualify for free transport. To be eligible, children must live at least two miles from and be attending their nearest national school. As the child of the family referred to by the Deputy in the details supplied has been enrolled in a school other than its nearest school, the child is basically not eligible for free transport. Concessionary fare-paying transport is all that can be offered to the family involved.

Special Educational Needs.

176. **Mr. Hogan** asked the Minister for Education and Science if he will sanction a resource teacher for a school (details supplied) in County Kilkenny; and if he will make a statement on the matter. [13160/04]

Minister for Education and Science (Mr. N. Dempsey): My Department received applications

for special educational resources, SER, for the school referred to by the Deputy. SER applications received between 15 February and 31 August 2003 are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all these cases were responded to 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. 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: 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 give 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.

Residential Institutions Redress Scheme.

177. **Ms O'Sullivan** asked the Minister for Education and Science if he plans to amend the

Residential Institutions Redress Act 2002 in order to address issues raised by a person (details supplied) who is on hunger strike; and if he will make a statement on the matter. [13194/04]

Minister for Education and Science (Mr. N. Dempsey): The case to which the Deputy refers proceeded through all stages of the redress process. The person's High Court case has been reactivated and will proceed solely on the basis of assessment of damages. I have no plans to amend the legislation and I am satisfied that the redress process is operating satisfactorily.

Special Educational Needs.

178. **Ms O'Sullivan** asked the Minister for Education and Science if schools taking on special needs assistants are obliged to give preference to persons with appropriate qualifications; if his Department has drawn up guidelines or regulations in this regard; and if he will make a statement on the matter. [13195/04]

Minister for Education and Science (Mr. N. Dempsey): The conditions of service for special needs assistants, SNAs, state that the educational requirements are that a candidate must have been awarded at least a pass or grade D in Irish, English and mathematics in the junior certificate examination, the former day vocational certificate examination or an examination of equivalent standard.

The responsibility for the recruitment and employment of SNAs rests with the board of management of the individual school. This responsibility extends to ensuring that all recruitment conditions, including those relating to education and health, are being complied with. The Deputy may be interested to know that my Department, in consultation with the education partners, is examining the conditions of service generally of SNAs.

School Staffing.

179. **Ms O'Sullivan** asked the Minister for Education and Science when a person (details supplied) in County Kildare can expect to receive an offer of a teaching post with County Kildare VEC in view of the fact that they have been on the county panel since 1997; and if he will make a statement on the matter. [13196/04]

Minister for Education and Science (Mr. N. Dempsey): The appointment of teachers by vocational education committees is a matter for the relevant VEC, subject to agreed procedures. As my Department has no role in the appointment of individual teachers in the VEC, it would not be appropriate for me or my Department to intervene in any such case.

Teaching Qualifications.

180. **Mr. Perry** asked the Minister for Education and Science if he will make a decision for a person (details supplied) in view of the

[Mr. Perry.]
circumstances outlined; and if he will make a statement on the matter. [13197/04]

Minister for Education and Science (Mr. N. Dempsey): Specific arrangements for the granting of extensions to the five year period of provisional recognition granted to teachers who have obtained their primary teaching qualifications in other jurisdictions are currently being considered by my Department. It is hoped that these new arrangements relating to provisional recognition and other aspects of the scrúdú le haghaidh cáilíochta sa Ghaeilge will shortly be finalised and published on my Department's website.

Special Educational Needs.

181. **Mr. Perry** asked the Minister for Education and Science if he will address the concerns raised by a person (details supplied); and if he will make a statement on the matter. [13198/04]

Minister for Education and Science (Mr. N. Dempsey): I have received a submission from the IPPN about the Education for Persons with Disabilities Bill and have considered it in the context of the preparation of amendments for Committee Stage. I note the contents of the letter submitted to the Deputy by the person in question and feel the issues raised by that letter coincide with those I have already considered.

During Committee Stage of the Bill I introduced a number of proposals intended to better reflect in the legislation the proper role of principals. The Bill now reiterates the right of principals to delegate their functions to members of their staff. Principals will also have a right to the assistance of SENOs in carrying out their duties if they feel that is required. In addition, where a principal considers that the assessment of a child believed to have special needs is not practicable or that an education plan prepared by the school will not meet a child's needs, he or she can request the council to arrange the assessment or plan. The voice of principals in the new National Council for Special Education will also be ensured as the Bill now provides for the membership of the consultative forum to include principals' representative organisations.

I am conscious that this Bill will increase the overall workload within schools and, for the needs of schools to be met, the Bill provides for a five year implementation period and plan. I draw the Deputy's attention to section 12 of the Bill which provides that the resources necessary for the preparation and implementation of education plans will be made available to schools.

The Bill has completed Committee Stage in Dáil Éireann and will go to Report Stage very shortly, at which time there will be a further opportunity to discuss the issues raised as a result of the Deputy's question.

Departmental Staff.

182. **Mr. Stanton** asked the Minister for Education and Science the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13245/04]

Minister for Education and Science (Mr. N. Dempsey): The Civil Service Commission recruits the majority of staff for the Department of Education and Science. For certain posts, such as service support staff, temporary and contract posts, my Department conducts its own recruitment. The Civil Service is an equal opportunities employer. Recruitment to posts within my Department is on the basis of qualifications, where applicable, and the ability to carry out the responsibilities of the grade or post.

Persons with disabilities are entitled to apply for all competitions for which they are eligible and no special application procedures are required. During the selection process and in any subsequent placement in a post, any special needs requirements of an individual will be provided where possible.

Schools Refurbishment.

183. **Mr. Murphy** asked the Minister for Education and Science the financial assistance that is available to a primary school that needs refurbishment; and if appropriate application forms can be sent out to make application for funding. [13262/04]

Minister for Education and Science (Mr. N. Dempsey): The management authority of the school in question must submit a written application for grant aid to the school planning section of my Department. In the case of large-scale works, application form FLE must be completed. This is available on my Department's website, www.education.ie. For small-scale works that could be undertaken over the summer months, it will be open to the school to apply for funding under the summer works scheme 2005. I will be announcing details of this scheme later this year.

School Accommodation.

184. **Mr. Crowe** asked the Minister for Education and Science if his attention has been drawn to the very poor conditions in Scoil Chaitríona, Artane, Dublin 5, in which the current second class is in prefab and chalet buildings which are in very poor repair and with very little heating; and if his attention has further been drawn to proposals to have funding for new classrooms allocated to the school. [13283/04]

Minister for Education and Science (Mr. N. Dempsey): The authorities of Scoil Chaitríona made an application to my Department for the replacement of existing prefabricated classrooms.

All applications for temporary accommodation have now been considered by my Department and a list of successful applicants is published on my Department's website at www.education.ie. In the context of the available funding and the number of applications for that funding, it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved. Scoil Chaitríona's application was not successful. The need for replacement accommodation at the school will be considered in the context of a review all projects that did not proceed 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 onwards. I expect to be in a position to make a further announcement in this matter later this year.

Freedom of Information.

185. **Ms Burton** asked the Minister for Education and Science the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13302/04]

Minister for Education and Science (Mr. N. Dempsey): The information requested by the Deputy is not immediately available in my Department. However, the information is being compiled from the records maintained in my Department and a reply will be issued directly to the Deputy within the next week.

186. **Ms Burton** asked the Minister for Education and Science the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of freedom of information requests received in a similar period in previous years; and if he will make a statement on the matter. [13317/04]

Minister for Education and Science (Mr. N. Dempsey): The information requested by the Deputy is not immediately available in my Department. However, the information is being compiled from the records maintained in my Department and a reply will be issued directly to the Deputy within the next week.

School Placement.

187. **Mr. Durkan** asked the Minister for Education and Science when a person (details supplied) in County Kildare will receive a school placement at St. Mark's junior national school, Springfield, Tallaght, Dublin 24; and if he will make a statement on the matter. [13345/04]

Minister for Education and Science (Mr. N. Dempsey): The compulsory school starting age in a national school is six and rule 64(1) of the rules

for national schools provides that a child must be at least four years of age before he or she may be enrolled in a national school. Children of compulsory schoolgoing age must have a place in a national school and, overall, there are more than enough places available.

Enrolment in individual schools is the responsibility of the managerial authority of those schools and my Department does not seek to intervene in decisions made by schools in such matters. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools that are not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act. In this regard a board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion.

Where a board of management refuses to enrol a student in a school, the parent of the student or the student, if he or she has reached 18 years of age, following the conclusion of any appeal procedures at school level, has a statutory entitlement under section 29 of the Education Act 1998 to appeal that decision to the Secretary General of the Department of Education and Science. Under the appeal process, a committee is established to hear the appeal. Oral hearings are conducted with a minimum of formality. In most cases appeals must be dealt with in 30 days. Where appropriate, the Secretary General may give whatever directions to the board of management that are considered necessary to remedy the matter complained of.

188. **Mr. Curran** asked the Minister for Education and Science the number of children from Traveller families who were enrolled in primary schools in Dublin city and county as at 30 September 2003; the number who were enrolled in gaelscoileanna, Educate Together schools and schools in areas designated as disadvantaged; and if he will make a statement on the matter. [13346/04]

Minister for Education and Science (Mr. N. Dempsey): Completed data are not yet available to my Department for the current academic year because a number of outstanding queries on returns from a small number of schools must be resolved before the current primary census is finalised. The information requested is available in respect of the previous academic year, 2002-03. This information is currently being compiled within my Department. I have made arrangements for my officials to forward this information directly to the Deputy.

School Staffing.

189. **Mr. Cregan** asked the Minister for Education and Science the reason a person (details supplied) in County Kilkenny appointed to a permanent position in September 2003 is only being paid as a part-time employee; if this person will be paid for bank holidays, school holidays and so on; and if he will make a statement on the matter. [13347/04]

Minister for Education and Science (Mr. N. Dempsey): My Department allocates special needs assistant support to vocational education committees to cater for students with special educational needs. The employment of special needs assistants is a matter for the vocational educational committee concerned.

The person referred to by the Deputy is employed by County Kilkenny Vocational Educational Committee. Queries regarding the employment and payment of the person referred to should therefore be addressed to that VEC.

Schools Building Projects.

190. **Mr. Ring** asked the Minister for Education and Science when funding will be approved for works on a school (details supplied) in County Mayo; the stage this application is at; and the works which will be sanctioned. [13348/04]

Minister for Education and Science (Mr. N. Dempsey): An application for grant aid towards improved accommodation has been received from the management authority of the school to which the Deputy refers.

When publishing the 2004 school building programme I explained 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 as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year. The application from the school referred to will be considered in this regard.

191. **Mr. Penrose** asked the Minister for Education and Science when the additional extension which was approved for a school (details supplied) in County Offaly will be provided; and if he will make a statement on the matter. [13349/04]

Minister for Education and Science (Mr. N. Dempsey): The large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme, which is published on my Department's website at www.education.ie. This project is at stage 3, developed sketch scheme, of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published

criteria for prioritising large-scale projects. It is planned to progress this project to advanced architectural planning during 2004.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme which, in turn, will give greater clarity regarding projects that are not progressing to tender in this year's programme, including the school in question. I will make a further announcement in that regard during the year.

School Transport.

192. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science if he will consult with the Minister for Transport with a view to improving the school transport system, taking into consideration, in particular, the need to relax the rule whereby all pupils living inside a two mile radius of a school must pay a fare; the poor condition of many buses, the need for new vehicles and better maintenance of vehicles; the need to ensure that all pupils are catered for, especially in primary schools which have classes with different finishing times; the need for better service for pupils with special needs and the requirements of rural communities; and if he will make a statement on the matter. [13362/04]

Minister for Education and Science (Mr. N. Dempsey): Under the terms of the primary school transport scheme, only eligible children qualify for free transport. To be eligible, children must live at least two miles from and be attending their nearest national school. If a child is not eligible for free transport on distance grounds, he or she may avail of concessionary fare-paying transport subject to there being room available on the service to that school.

All vehicles operating under the school transport scheme are required to meet the statutory regulations as laid down by the Department of Transport. Where vehicles have more than eight adult seats and are more than one year old, they are required to pass that Department's annual roadworthiness test.

Bus Éireann, which operates the school transport service on behalf of my Department, places special emphasis on safety and has a wide range of checking procedures in place to ensure a safe and reliable service. These are reviewed on an ongoing basis to ensure that standards are maintained. Approximately 2,900 vehicles are used in the school transport fleet. About 2,300 of these are provided by private contractors and the balance by Bus Éireann. Since January 2002, Bus Éireann has replaced more than 200 older school buses, thereby improving the quality of buses in service.

Every effort is made by my Department and Bus Éireann to provide an efficient and effective transport service for children with special needs. Approximately 30% of my Department's annual

allocation for school transport is expended on transport costs for children with special needs, who represent about 6% of the total number of children carried under the school transport scheme.

The Deputy will appreciate that transport services for both primary and post-primary children must be co-ordinated and bus routes planned in such a way as to provide the most efficient and cost-effective transport service, bearing in mind that the cost of school transport has more than doubled since 1997 to a current cost of €110.471 million.

School Closures.

193. **Mr. G. Mitchell** asked the Minister for Education and Science the future plans for CBS, Captain's Road, Dublin 12; and if he will make a statement on the matter. [13368/04]

Minister for Education and Science (Mr. N. Dempsey): My Department was recently informed by the trustees of the CBS, Captain's Road, Crumlin, Dublin 12, that the school will close on a phased basis with final closure in June 2006. The trustees have arranged for pupils who would normally have attended this school to attend the Rosary College, which is also in Crumlin. The Deputy will appreciate that voluntary secondary schools are privately owned and managed institutions and a decision to close such schools is a matter for the trustees.

My main concern in a school closure is to ensure that the best interests of the pupils are looked after in the period up to the closure and that there will be sufficient pupil places in existing schools in the general area for pupils who would have normally enrolled in the closing school.

Schools Building Projects.

194. **Mr. P. Breen** asked the Minister for Education and Science when the refurbishment of the science facilities in Rice College, Ennis, County Clare, will be sanctioned in order that the school can introduce the new science curriculum in September 2004, as a result of the lack of adequate safe science rooms; and if he will make a statement on the matter. [13369/04]

Minister for Education and Science (Mr. N. Dempsey): School authorities at post-primary level were invited to participate in the revised syllabus for the junior certificate examination, as detailed in circular M7/03. Resource grants were made available from my Department's school building section in 2004 to facilitate schools opting into the revised syllabus. It is noted that Rice College made no application for grant aid under this scheme. However, a large-scale building project proposed for Rice College, Ennis, County Clare, is listed in section 8 of the 2004 school building programme, which is published on my Department's website at www.education.ie. This proposed project is at stage 5 of architectural planning. It has been

assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

When a proposed building project is being assessed in the first instance for consideration of major capital works, the typical procedure is to assess the whole school in respect of an educational, economical and architectural requirement. The assessment conducted by my Department's senior inspector and technical personnel in the matter of the school's current major building programme clearly indicated that the science facilities in the school referred to by the Deputy were in a satisfactory condition, with a requirement to examine the services in the ground floor science laboratory only.

A schedule of accommodation was subsequently drawn up in relation to the school and the school was advised of the determined overall schedule of accommodation, the schedule of suggested future use of the existing accommodation and the schedule of residual accommodation. The proposed building project did not proceed without the written agreement of the school authority of the Department's findings and acceptance of the schedules.

Ministerial Expenses.

195. **Mr. McCormack** asked the Minister for Education and Science the expenses each Minister of State received between 1 January 2003 and 31 December 2003. [13378/04]

Minister for Education and Science (Mr. N. Dempsey): The information sought by the Deputy is currently being compiled in my Department. I will forward the information directly to the Deputy.

School Transport.

196. **Ms Enright** asked the Minister for Education and Science if he will reconsider the provision of a bus to a school (details supplied) in a Gaeltacht area from its nearest village; if his attention has been drawn to the fact that without the provision of this bus this Gaeltacht school may no longer be viable even though there are eight children whose parents want them to attend the school but cannot send them to same due to a lack of public transport; and if he will make a statement on the matter. [13385/04]

Minister for Education and Science (Mr. N. Dempsey): A school transport service to a primary school may be established where there are seven or more eligible pupils offering for transport from a distinct locality to their appropriate school.

In order to be eligible for free transport, children must live at least two miles from their nearest school and be attending that school. Children who live in a closed school area — where the closed school would have been their nearest school had it remained open — may be deemed eligible for transport to the school of

[Mr. N. Dempsey.]
amalgamation only. As the minimum number of eligible children required has not been met in this case, I regret that it is not open to my Department to establish a school transport service.

Schools Building Projects.

197. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the fact that building work for new science laboratories at a school (details supplied) in County Clare has not been sanctioned even though the new junior certificate science curriculum cannot be implemented in September 2004 unless this work is done; if he intends to sanction this work in view of his stated commitment to implementing this curriculum in every school; and if he will make a statement on the matter. [13386/04]

Minister for Education and Science (Mr. N. Dempsey): School authorities at post-primary level were invited to participate in the revised syllabus for the junior certificate examination, as detailed in circular M7/03. Resource grants were made available from my Department's school building section in 2004 to facilitate schools opting into the revised syllabus. It is noted that that the school referred to by the Deputy made no application for grant aid under this scheme. However, a large-scale building project proposed for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website, www.education.ie. This proposed project is at stage 5 of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

When a proposed building project is being assessed in the first instance for consideration of major capital works, the typical procedure is to assess the whole school in respect of an educational, economical and architectural requirement. The assessment conducted by my Department's senior inspector and technical personnel in relation to the school's current major building programme clearly indicated that the science facilities in the school referred to by the Deputy were in a satisfactory condition, with a requirement to examine the services in the ground floor science laboratory only. A schedule of accommodation was subsequently drawn up for the school and the school was advised of the determined overall schedule of accommodation, the schedule of suggested future use of the existing accommodation and finally the schedule of residual accommodation. The proposed building project did not proceed without the written agreement of the school authority of the Department's findings and acceptance of the schedules.

198. **Ms Enright** asked the Minister for Education and Science when he expects to see progress on the application for an extension to a school (details supplied) in County Clare; and if he will make a statement on the matter. [13387/04]

Minister for Education and Science (Mr. N. Dempsey): The proposed large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website, www.education.ie. This proposed project is at stage 5 of architectural planning. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multiannual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing in this year's programme. I will make a further announcement in that regard during the year.

Special Educational Needs.

199. **Mr. P. McGrath** asked the Minister for Education and Science the number of applications received in his Department for the school year from September 2003 for special needs assistants for children who were then commencing school; the number of these applications which had recommendations from professional assessors supporting such appointments; and the number of successful applications in this category. [13415/04]

Minister for Education and Science (Mr. N. Dempsey): My Department received about 910 applications for special educational needs assistance in respect of new entrants commencing school in September 2003. Of these, 656 were in respect of some level of special needs assistant support. SNAs were not approved in 100 cases and access to SNA support was sanctioned in the case of 556 applicants.

Freedom of Information.

200. **Mr. P. McGrath** asked the Minister for Education and Science the number of Freedom of Information requests received in his Department in 2003; the number that were responded to positively; the number of these requests which related to children with special needs; the number of positive responses to these requests; and if he will make a statement on the matter. [13416/04]

Minister for Education and Science (Mr. N. Dempsey): The information requested by the Deputy is not immediately available in my Department. However, the information is being compiled from the records maintained in my

Department and a reply will be issued directly to the Deputy within the next week.

Higher Education Grants.

201. **Ms O'Sullivan** asked the Minister for Education and Science if he will address the anomaly in third level grant assessment for mature students whereby if they marry during the period of their course of study, their economic circumstances continue to be assessed on the basis of their parents' income if they lived at home when their course commenced, despite the fact that the tax and social welfare codes treat them as married persons; and if he will make a statement on the matter. [13484/04]

Minister for Education and Science (Mr. N. Dempsey): The higher education grant schemes operate under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992. These Acts define a mature student to mean a person "of not less than 23 years of age, or such other age as may stand specified for the time being in regulations made by the Minister with the consent of the Minister for Finance, who have secured places in approved institutions and have reached that age on the 1st day of January, or such other date as may be prescribed from time to time by the Minister with the consent of the Minister for Finance, in the year of entry to such institutions." The Acts further provide, *inter alia*, for the making of grants to mature students whose means and those of their parents, where the mature students are dependent on their parents, and the means of their spouses, if any, do not exceed prescribed limits.

Under the terms of the higher education grants schemes, mature students are categorised as either independent mature students or mature students dependent on parents. An independent mature student is defined to mean a mature student who was not ordinarily resident at home with his or her parents from the October preceding their entry to an approved course. Independent mature students are assessed without reference to either their parents' income or address. When assessing the means of students other than independent mature students, the Acts specify that the students' means and those of their parents or guardians must be below a prescribed limit. This provision requires that parental income be taken into account irrespective of the individual circumstances in any case where the student is not an independent mature student.

There is, however, provision under the terms of the scheme for candidates who are re-entering as mature students, following a break in study of at least one year, to pursue or complete an approved course for the first time. Such candidates may be assessed under the terms of the scheme appropriate to the year in which they re-enter. Under this provision, candidates who were not independent mature students at the time of entry to an approved course may be re-classified as independent mature students for the

purpose of completing a course or commencing a subsequent course such as a postgraduate course. Similar provisions apply under the terms of the other student maintenance grant schemes.

School Planning.

202. **Ms O'Sullivan** asked the Minister for Education and Science the timescale in which he will address the totally inadequate provision of primary school places in east Meath in view of the growth of population in Laytown, Bettystown and surrounding areas; if a new school will be built in the area; if so, when; and if he will make a statement on the matter. [13485/04]

Minister for Education and Science (Mr. N. Dempsey): As I recently announced, over the remainder of this school year a new school planning model involving published draft area development plans will be piloted in five areas. Included in the pilot scheme is the south Louth and mid-Meath region, which covers the area referred to by the Deputy.

The purpose of this new approach to school planning is to ensure that in future, the provision of school infrastructure will be decided only after a transparent consultation process. In this regard, parents, trustees, sponsors of prospective new schools and all interested parties in the locality will have the opportunity to have their voices heard in the process. Following the consultation process, individual plans will set out the blueprint for schools development in an area covering a period of up to ten years. Pending delivery of the draft area development plan, the school planning section of my Department is examining the accommodation situation in primary schools in a number of areas in east Meath with a view to alleviating any short-term needs the schools might have.

Juvenile Offenders.

203. **Ms O'Sullivan** asked the Minister for Education and Science the situation with regard to the juvenile detention centre at Finglas, Dublin; if he received the final Laxton report on the operation of the centre; if he has satisfied himself that problems identified have been addressed; and if he will make a statement on the matter. [13486/04]

Minister for Education and Science (Mr. N. Dempsey): As the Deputy is aware, my Department commissioned an independent inspector, Mr. Mike Laxton, to carry out an inspection of Finglas Child and Adolescent Centre. Mr. Laxton reported in July 2002 and his report is available on my Department's website. The inspection report contains a range of detailed requirements and recommendations and Mr. Laxton was retained by my Department to monitor progress in the centre. Between November 2002 and March 2003 Mr. Laxton visited the centre and completed four progress reviews. The fifth and final review was deferred

[Mr. N. Dempsey.]

by my Department to afford the management at the centre an opportunity to progress the implementation of the various recommendations. It was expected that this final review would be completed by mid-2004.

However, in the light of further concerns raised about the operation of the centre by key stakeholders, both internal and external, my Department commissioned a review of the operation of the centre in March 2004. The review was undertaken by Mr. Michael Donnellan, director of Trinity House school, and its purpose was to identify the issues and problems affecting the efficient and effective operation of the centre and adversely affecting the task of caring for troubled children and to make recommendations to address the shortcomings identified. Mr. Donnellan has recently completed his report and it is currently being considered by my Department.

School Staffing.

204. **Mr. Gregory** asked the Minister for Education and Science if consideration will be given to the large amount of social, affordable and private housing being built adjacent to St. Joseph's national school, East Wall Road, Dublin 3, in order to allow the school to retain its current staff levels and ensure that the high standard of education at same is maintained; and if he will make a statement on the matter. [13488/04]

Minister for Education and Science (Mr. N. Dempsey): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous year. The number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners.

The mainstream staffing of the school referred to by the Deputy for the current school year is a principal and eight mainstream class teachers based on the enrolment of 220 pupils on 30 September 2002. The school also has the services of a learning support teacher, a resource teacher, two posts to cater for educational disadvantage and a shared home school liaison teacher.

Based on an enrolment of 172 pupils on 30 September 2003, the mainstream staffing for the school year 2004-05 will be a principal and five mainstream class teachers. The school also fulfils the criterion for appointment of an administrative principal based on staffing of a principal plus nine teachers when all posts are counted. In such instances a permanent teacher may be appointed to replace the principal. This will facilitate a staffing of principal and six mainstream class teachers and the net loss of posts as a consequence of applying the staffing schedule is two mainstream posts. There are no plans to adjust the additional posts allocated to the school under various support schemes.

Schools Building Projects.

205. **Mr. Morgan** asked the Minister for Education and Science the number of primary and secondary schools in Dublin on the waiting list for the schools building programme; and the percentage that were given approval to go ahead to construction in 2004. [13489/04]

Minister for Education and Science (Mr. N. Dempsey): When publishing the 2004 school building programme I explained that my strategy going forward will be grounded in capital investment based on multiannual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme with a view to including them as part of a multiannual school building programme from 2005. I expect to be in a position to make further announcements on this matter in the course of the year. This multiannual building programme, when published, will provide a comprehensive picture detailing all planned building projects in the Dublin area.

School Planning.

206. **Mr. Morgan** asked the Minister for Education and Science the rate at which he expects demand for places in primary schools in Dublin to increase over the next five years; and the plans he has to meet this demand. [13490/04]

Minister for Education and Science (Mr. N. Dempsey): When assessing the need for additional pupil places my Department examines the needs of individual areas rather than regions due to the huge disparities that occur in a large urban area such as Dublin, where individual areas such as Lucan and Dublin 15 are experiencing increased demand for additional primary school places while other areas are experiencing a sharp decline in enrolments.

The process of assessing the need for new or additional educational facilities at primary or post-primary level in any given area entails consideration by my

Department of all relevant factors, including enrolment and demographic trends, housing developments and the capacity of existing schools to meet the demand for places. My Department is at present concentrating on the areas of major development and population growth with a view to identifying where the most urgent need for new or additional facilities exists or is likely to arise in the future. As part of this process, officials of the school planning section consult regularly with local authorities regarding development proposals and their implications.

In addition, standing arrangements are in place for officials of my Department's planning and building unit to meet on a regular basis with officials of the four Dublin local authorities to discuss development proposals and consequent site requirements for new schools. Liaison with existing schools is also an important part of the process as the school authorities would usually

alert my Department where in their view the need for additional accommodation is anticipated.

In the event that the level of development and population growth in an area indicates a likely long-term need for primary or post-primary educational provision, a decision is made on the means by which that need should be met. Generally, this involves the provision of permanent accommodation in the form of a new school or an extension to existing facilities. High-quality temporary or prefabricated accommodation is normally provided to alleviate short-term accommodation needs. Where appropriate, the local authority may be requested to reserve a site for educational purposes. In this way, every effort is made to ensure that there is adequate existing provision, or that timely arrangements are made to extend capacity where necessary.

Special Educational Needs.

207. **Ms Enright** asked the Minister for Education and Science the reason, despite the fact that there are two wheelchair-bound students and that it has been requested for over five years, wheelchair access to a school (details supplied) in County Kildare in the form of a lift was not included in the summer works scheme although appropriate application was made; and if he will make a statement on the matter. [13491/04]

Minister for Education and Science (Mr. N. Dempsey): My Department received an application from Athy community college under the summer works scheme for alterations to existing access ramp and a new vertical platform lift. This school also has an application for a new school with my Department. This project is in the early stages of architectural planning, pre-planning permission. It is included in section 9 of the 2004 school building programme. The scope of the summer works scheme did not permit the inclusion of schools that already have projects on the capital programme because the works required will be carried out as part of the larger project.

School Transport.

208. **Ms Enright** asked the Minister for Education and Science if he will consider allowing the school bus to re-route to pick up a person (details supplied) in County Offaly to enable them to attend St. Cronan's Church of Ireland national school, Roscrea, County Tipperary; if the fact that there will be two more persons on this route in September 2004 will have a bearing on the decision; and if he will make a statement on the matter. [13492/04]

Minister for Education and Science (Mr. N. Dempsey): The family to which the Deputy refers lives within 1.3 miles of the route of service to St. Cronan's national school, its nearest school. As a rule primary school transport routes are planned

so that as far as possible no eligible child will have more than 1.5 miles to travel to a pick-up point. Pupils living off the main route of a service are generally expected to make their own way or to be brought to convenient pick-up points along the main route. Home pick-ups were never envisaged as being part of the school transport scheme.

The family appealed my Department's decision to the school transport appeals board, which found that the terms of the school transport scheme have been properly and appropriately applied in this case. As the family has a level of service within guidelines, the present arrangement is the most that can be offered by my Department.

School Curriculum.

209. **Ms Enright** asked the Minister for Education and Science if he intends to provide an examination syllabus for the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge, proper; the details on where courses to assist in preparation for the exam are held, low-cost or free classes, a textbook or handbook containing all tests to be examined; and if he will make a statement on the matter. [13518/04]

Minister for Education and Science (Mr. N. Dempsey): I established a working group to review all aspects of the syllabus and examination for the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge in 2001. A copy of its report has been published on my Department's website. An updated language syllabus for the SCG has also been published on my Department's website, together with an examination handbook with sample questions and answers, and will shortly appear in book form. A literature textbook is in preparation and will be produced in 2004.

It has also been decided that Coláiste Mhuire, Marino, will act as a central co-ordinating and managing authority for the SCG. The college will provide a much greater range of courses and the courses are to be delivered at two levels, for those close to the required standard and those at a less advanced level. My Department is currently engaged in finalising new arrangements relating to the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge and details of these new arrangements will shortly be published on my Department's website.

Question No. 210 answered with Question No. 174.

Residential Institutions Redress Board.

211. **Mr. G. Mitchell** asked the Minister for Education and Science when the redress board will make a determination in the case of a person (details supplied) whose case was heard on 1 April 2004. [13521/04]

Minister for Education and Science (Mr. N. Dempsey): The Residential Institutions Redress Board is independent in the performance of its functions in accordance with the terms of the

[Mr. N. Dempsey.]

Residential Institutions Redress Act 2002. In the circumstances I do not have access to the details of an individual's application. However, all applicants are entitled to contact the board directly or through their legal representative to enquire about their applications.

Educational Endowments.

212. **Mr. Cregan** asked the Minister for Education and Science about education and arts trusts which have run into difficulty in the past few years due to low interest rates, and in view of the fact that the normal payment and bursaries paid by these trusts are declining and in some cases cannot be met in recent years; if he will make suggestions, ideas or funds available so that the normal bursaries paid by these trusts could be continued; and if they have a record of the number of such trusts in their overall Ministerial area, if same could be quantified in relation to their capital value and in relation to their normal annual spend. [13530/04]

Minister for Education and Science (Mr. N. Dempsey): My Department holds 28 educational endowments which have a capital value of €1.6 million. The endowments were set up for very specific educational purposes. Thirteen of the endowments were set up under the terms of the Education Endowments (Ireland) Act 1885 and 15 other endowments relate to bequests made to the State where the endower generally had an interest in a particular aspect of education or education in a specific area in Ireland. The payments to the beneficiaries are determined by the terms of the relevant endowment. Seventy seven other endowments are monitored or controlled by trustees and dividends are paid to them, where appropriate, by the commissioners for charitable donations and bequests. My Department has no role in the disbursement of funds from these endowments.

The funds for the endowments held by my Department are mostly invested in Government stocks which provide a reasonable rate of return. The disbursements for endowments held in my name are determined by the terms of the original bequests. Most of the endowments were made in the late 1800s and in the first half of the 20th century and the value of many of the bequests is now only nominal. As the bequests range in value the disbursements are determined by the capital sums held in trust. During 2003, €299,400 was paid out from the endowments.

School Security.

213. **Mr. Cregan** asked the Minister for Education and Science the position regarding a grant which was approved in 2002 for the provision of security fencing for a school (details supplied) in Dublin 11; if funding is now available; if planning permission has been sought

for this work; and when work will be carried out. [13558/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has approved a grant for the provision of a new security fence at the school in question. It is the responsibility of the school's management authorities to ensure that the works are completed in compliance with all statutory, planning and building requirements. It is my understanding that works are already under way in respect of this project.

Special Educational Needs.

214. **Mr. Cregan** asked the Minister for Education and Science if he will respond to a school (details supplied) in Dublin 11 and to its recent request for classroom assistants in order that children can be kept within the educational system; and when these children will be psychologically assessed to determine the nature and level of support required in their case. [13559/04]

Minister for Education and Science (Mr. N. Dempsey): My Department allocates resource teaching support and special needs assistants support to second level schools and vocational educational committees to cater for students with special educational needs. Applications for such support are made to my Department by the relevant school authority or VEC. Each application is considered on the basis of the assessed needs of the pupils involved and the nature and level of support provided is determined on the advice of the psychological service. My Department has sought additional information, including psychological reports, from the school authority in respect of the pupils to whom the Deputy refers. As soon as this information has been received and examined, my Department will be in further contact with the school authority.

Official Languages Act.

215. **Mr. O'Shea** asked the Minister for Education and Science if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13566/04]

Minister for Education and Science (Mr. N. Dempsey): My Department actively supports the Irish language and most publications, circulars, application forms and specialised stationery such as cheque stationery is available in both Irish and English. From 1 May last, any document setting out public policy proposals or considered to be of major public importance must be published simultaneously in both Irish and English. The cost impact is minimal as my Department is already compliant with this statutory requirement.

The Department of Community, Rural and Gaeltacht affairs will be writing to each public body to ask them to set out a three-year scheme identifying the services that will be provided through Irish. When my Department is given notice under the terms of the legislation, the scheme setting out the services and the estimated cost of providing these services through Irish will be drawn up.

216. **Mr. O'Shea** asked the Minister for Education and Science if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13581/04]

Minister for Education and Science (Mr. N. Dempsey): Implementing the provisions of the Official Languages Act 2003 will affect all public bodies under the aegis of my Department. Some agencies, such as the State Examinations Commission, provide services in both Irish and English as a matter of course and implementing the Act will not incur significant overheads. For other agencies, there will be increased cost in complying with the Act but estimates are not available as yet.

School Transport.

217. **Ms Enright** asked the Minister for Education and Science the reason 11 children from an area (details supplied) all requiring and eligible for school transport to a school were refused transport to a Gaeltacht school; if this decision will be reviewed; and if he will make a statement on the matter. [13595/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has sought a report from Bus Éireann regarding the transport position of the pupils referred to in the details supplied. My Department will review the case as soon as possible.

Special Educational Needs.

218. **Ms Enright** asked the Minister for Education and Science if his attention has been drawn to the urgent need to upgrade and improve the special needs facilities in Knocklong national school, Knocklong, County Limerick; when he expects this work to be approved and carried out; and if he will make a statement on the matter. [13596/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has approved temporary accommodation for Knocklong national school, Knocklong, County Limerick as part of the update of the school building programme that was published on my Department's website on Wednesday, 5 May 2004.

219. **Mr. R. Bruton** asked the Minister for Education and Science when his Department will be in a position to grant a special needs assistant to a person (details supplied) in Dublin 24 in view of the fact that this person has been assessed by his Department and is currently in need of a special needs assistant; and if he will make a statement on the matter. [13597/04]

Minister for Education and Science (Mr. N. Dempsey): 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, including one for the pupil in question, are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all 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: 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 give 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.

[Mr. N. Dempsey.]

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 also intended that schools due to receive the additional posts will be notified within this timeframe.

Schools Building Projects.

220. **Mr. Howlin** asked the Minister for Education and Science the position regarding the development of additional resources for Loreto secondary school, Wexford; when the sports complex required by the school will be provided; and if he will make a statement on the matter. [13598/04]

Minister for Education and Science (Mr. N. Dempsey): A large-scale building project for Loreto secondary school, Wexford, is listed in section 9 of the 2004 school building programme which is published on my Department's website, www.education.ie. This project is at stage 2, sketch scheme stage, of architectural planning. The project includes the provision of a PE hall with appropriate ancillary accommodation together with a number of specialist rooms. It has been assigned a band 2 rating by my Department in accordance with the published criteria for prioritising large-scale projects.

The budget announcement regarding multiannual capital envelopes will enable me to adopt a multiannual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme, including Loreto secondary school. I will make a further announcement in that regard during the year.

School Placement.

221. **Mr. F. McGrath** asked the Minister for Education and Science if persons (details supplied) will receive a place in second level education; and if he will make this case a priority issue. [13599/04]

Minister for Education and Science (Mr. N. Dempsey): The selection and enrolment of pupils in second-level schools is the responsibility of the school management authorities. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking second level places in an area. This may result, however, in some pupils not obtaining a place in the school of their first choice. As schools may not have a place for every applicant, a selection process may be necessary. However, where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under section 29 of the Education Act 1998 to appeal that decision to the Secretary General of my Department.

Section 29 of the Education Act 1998 provides parents with an appeal process whereby a board of management of a school or a person acting on behalf of the board refuses enrolment of a student. An appeal will generally not be admitted unless it is made within 42 calendar days from the date the decision of the board of management was notified to the parent or student concerned. However, a longer period for making appeals may be allowed as an exception where it is accepted that circumstances did not permit the making of an appeal within the 42-day limit. Where an appeal under section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil. My Department will contact the parents of the child referred to by the Deputy to advise them on the section 29 appeals procedures.

In addition, under the Education (Welfare) Act 2000, the primary function of the education welfare board is to ensure that each child in the State attends a recognised school or otherwise receives an appropriate education. Through its educational welfare officers the board provides a welfare-focused service that is accessible to parents, school and others concerned with the educational welfare of young people.

Schools Building Projects.

222. **Mr. Sargent** asked the Minister for Education and Science *cén méid bunscoileanna a tógadh le cúig bliana anuas*, and if he will give the breakdown on the basis of denominational or other management structures along with gender or age range profiles for the pupils in each case. [13639/04]

Minister for Education and Science (Mr. N. Dempsey): Officials in my Department will contact the Deputy's office directly with a view to providing the information requested.

School Curriculum.

223. **Ms Harkin** asked the Minister for Education and Science when the primary school teachers who were taken on as trainers with the primary curriculum music programme will receive notification of their secondment for September 2004. [13645/04]

Minister for Education and Science (Mr. N. Dempsey): This matter is being dealt with at present. I hope to be in a position to decide on the details of the 2004-05 primary curriculum programme in the near future.

224. **Ms Harkin** asked the Minister for Education and Science if he will fulfil his commitment to deliver in full the revised primary curriculum by the end of 2005. [13646/04]

Minister for Education and Science (Mr. N. Dempsey): Following a request from teachers' representatives, I announced that the school year 2003-04 would be a consolidation and review year

in the context of the ongoing implementation of the primary school curriculum 1999. As a consequence of this initiative, the schedule for in-career development support organised at national level by the primary curriculum support programme has been adjusted accordingly. In line with this, it is intended that the training programme for the curriculum will resume in September next.

Special Educational Needs.

225. **Mr. Crawford** asked the Minister for Education and Science if a resource teacher will be provided for a school (details supplied) in County Cavan in which five children were assessed in 2003 as needing resource teaching; if this school will have a teacher by September 2004; and if he will make a statement on the matter. [13649/04]

Minister for Education and Science (Mr. N. Dempsey): I can confirm that my Department received applications for special education resources, SER, from the school in question, including one for the pupil referred to by the Deputy. SER applications received between 15 February and 31 August 2003, including one for the pupil in question, are being considered at present. In all, more than 5,000 such applications were received. Priority was given to cases involving children starting school last September and all 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: 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 give 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 also intended that schools due to receive the additional posts will be notified within this timeframe.

Fostaíocht Scoileanna.

226. D'fhiafraigh **Mr. O'Shea** den Aire Oideachais agus Eolaíochta an bhfuair sé iarratas ón gComhairle um Oideachas Gaeltachta agus Gaelscolaíochta go dtabharfaí an coibhneas céanna ceapachán múinteoirí atá ag Gaelscoileanna, do na Scoileanna Gaeltachta, cad é an freagra a thug an tAire ar an iarratas, an bhfuil sé sásta an coibhneas seo a thabhairt anois do na Scoileanna Gaeltachta agus an ndéanfaidh sé ráiteas ina leith. [13671/04]

Minister for Education and Science (Mr. N. Dempsey): Ní bhfuarthais iarratas ón gComhairle um Oideachas Gaeltachta agus Gaelscolaíochta faoin coibhneas ceapachan múinteoirí. Níl aon phlean na rialacháin a rialaíonn ceapachán agus coinneáil múinteoirí i mBunscoileanna don scoilbhliain 2004-05 a athrú.

Social Inclusion Programme.

227. **Ms O'Sullivan** asked the Minister for Education and Science if the part-funding of education co-ordinators who work with area partnership boards by his Department, channelled through VECs, will continue after August 2004; and if he will make a statement on the matter. [13673/04]

Minister for Education and Science (Mr. N. Dempsey): This matter is under consideration in my Department at present. A decision will be conveyed shortly to Area Development Management Limited, which administers the local development social inclusion programme.

School Staffing.

228. **Ms O'Sullivan** asked the Minister for Education and Science if he will allow some flexibility in the system so that the Salesians' primary school, Fernbank, Limerick, can retain its teacher numbers in view of the fact that it lost a teacher in 2003 and is likely to lose a teacher

[Ms O'Sullivan.]
again in 2004 despite the fact that pupil numbers are very near the cut-off point; and if he will make a statement on the matter. [13674/04]

Minister for Education and Science (Mr. N. Dempsey): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous year. The number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners.

The mainstream staffing of the school referred to by the Deputy, roll No. 17671S, for the current school year is a principal and nine mainstream class teachers based on the enrolment of 256 pupils on 30 September 2002. Based on enrolment on 30 September 2003 of 236 pupils the mainstream staffing for the coming school year, 2004-05, will be a principal and eight mainstream class teachers. There is no basis under which I can allow the retention of a mainstream teaching post for the next school year.

It is open to the board of management of a primary school to submit an appeal under certain criteria to an independent appeals board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application date for appeal were issued recently to all primary schools.

Social Inclusion Programme.

229. **Ms O'Sullivan** asked the Minister for Education and Science if teachers seconded to work as education co-ordinators with area partnership boards will be secured in their positions after August 2004 until the end of the NDP; and if he will make a statement on the matter. [13675/04]

Minister for Education and Science (Mr. N. Dempsey): The continued secondment of teachers currently employed in area-based partnerships as education co-ordinators is under consideration at present. A decision in the matter will be conveyed shortly to Area Development Management Limited, which administers the local development social inclusion programme.

Insurance Costs.

230. **Mr. Deasy** asked the Minister for Education and Science the plans he has to assist post-primary schools with the huge increase they are experiencing with insurance costs; if he has had discussions with the Tánaiste in this regard and with insurance providers; and if he will make a statement on the matter. [13722/04]

Minister for Education and Science (Mr. N. Dempsey): Responsibility for arranging insurance cover on school property and against public liability is a matter for the managerial authorities

of secondary schools, which are privately owned. It would not be reasonable to expect the state to meet the full insurance costs of privately owned buildings.

Funding is provided to secondary schools by way of *per capita* grants, which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils. This is in general a preferable approach to putting in place grants for specific cost items such as insurance. I also hold the view that moving to a position where the Government covers the insurance costs of secondary schools may encourage the insurance sector to keep increasing premiums on the basis that the State would meet the cost. Such an approach would also reduce the incentive for school management to reduce risks.

I am committed to improving the funding position of secondary schools in the light of available resources. At a time of increased financial constraints, the recent announcement of further significant increases in the funding of primary and secondary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

In the case of primary schools the standard rate of capitation grant has been increased from €57 in 1997 to €121.58 per pupil from 1 January last, an increase of almost 113%. In the case of secondary schools, the standard per capita grant now amounts to €274 from 1 January last as against the rate of €224.74 that applied in 1997. In addition, the support grant, which was introduced under the school services support initiative, was also increased from 1 January last and now stands at €131 per pupil. This increase is in addition to the range of equalisation grants of up to €15,554 per school per annum that was approved in December 2001. A measure of the increase in overall funding for secondary schools is that by comparison with 1997, a secondary school with 500 pupils now receives extra annual funding of up to €108,000 per annum.

Officials of my Department met with representatives of Allianz, the main insurance provider in this sector, in November 2003 and explained that in the period 1998 to 2002 total premiums increased by 70%, of which 50% was attributable to indexation and the remaining 20% to rating increases. It was estimated that the increase for 2003 was 10%. It was anticipated that there would be no increase in 2004, with the possible exception of very large schools where reinsurance factors would be outside the norm.

Tackling the difficulties that are being caused by high insurance premiums is a clear priority for the Government and for my colleague, the Minister for Enterprise, Trade and Employment. A key concern to which the Tánaiste is giving priority is the cost and availability of liability insurance. In this context, the Tánaiste has announced a comprehensive set of inter-related measures designed to improve the functioning of

the Irish insurance market. Key initiatives in the reform programme include the establishment of the personal injuries assessment board, the undertaking of a joint study into insurance in conjunction with the Competition Authority and other initiatives in association with the Department of Justice, Equality and Law Reform.

ESB Share Schemes.

231. **Mr. R. Bruton** asked the Minister for Communications, Marine and Natural Resources the reasons retired members of the staff of the ESB have not been allowed to participate in share schemes; and if arrangements will be made to allow former employees to participate in share schemes in order to acknowledge the contribution which these workers have made to creating the successful organisation that is now in place. [13504/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The matter to which the Deputy refers is a matter for the ESB management and the employees' share option trust and not one in which I have a function.

Departmental Staff.

232. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13246/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): My Department is committed to maintaining and enhancing the employment, retention and career progression of staff with disabilities. Departmental staff are recruited through the Office of the Civil Service and Local Appointments Commissioners. People with disabilities are entitled to apply for any post advertised by the Office of Civil Service and Local Appointments Commissioners for which they hold the basic entry requirements and to have their applications considered on the basis of

their abilities, qualifications and suitability for the work in question. Special panels are established from time to time arising out of competitions from which candidates who are registered or are entitled to be registered with the National Rehabilitation Board are assigned to Departments.

It is the strict policy of the commissioners that no unnecessary obstacle is placed in the way of people with disabilities applying for positions. At present the commissioners make all reasonable efforts to provide such special facilities and equipment as are necessary to enable people with disabilities to take part in their recruitment processes. These include Braille test material and enlarged scripts for visually impaired candidates; interpreters made available for deaf candidates attending for tests or interviews; audio-taped test material coupled with HAL screen reader, where feasible; extra large desks where required; wheelchair access and toilet facilities in test and interview locations and one-to-one testing where considered necessary.

Freedom of Information.

233. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13303/04]

234. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if he will make a statement on the matter. [13318/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I propose to take Questions Nos. 233 and 234 together. The information sought by the Deputy relating to data requested under the Freedom of Information Acts is set out in the following table.

Year	FOI Requests		Internal Reviews	
	1st Quarter	Year	Number	Percentage of total
				%
2004	30	34 (to 30 April)	2	6
2003	83	234	18	8
2002	50	289	31	11
2001	63	212	34	16
2000	64	187	26	14

Ministerial Expenses.

235. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources the expenses each Minister of State has received between 1 January 2003 and 31 December 2003. [13379/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Deputy Browne, the Minister of State at my Department, received a total of €45,838.50 in respect of travel and subsistence for the period 1 January to 31 December 2003.

Official Languages Act.

236. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13567/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): My Department is working to progress the implementation of the Official Languages Act 2003 within existing resources. The Department is committed to providing a high quality service to customers who wish to conduct their business with us in Irish. Correspondence received in Irish is answered in Irish and every effort is made to accommodate customers who telephone or visit the Department and wish to conduct their business in Irish. My Department's internal telephone list clearly identifies staff who are proficient in Irish, and can readily be called upon to answer telephone calls and translate documents as required. If in-house staff are not available to translate documents, the Department employs the services of a translation service.

The Department has not prepared a specific estimate on the cost of implementing the requirements of the Official Languages Act 2003. The annual cost of meeting all translation requirements will be quantified in light of experience over the coming months. Line managers have devolved allocations for the budget areas affected, such as printing and advertising. Line managers are responsible for meeting statutory obligations and administrative requirements, within budget.

237. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13582/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): The preparation of estimates by the bodies funded by my Department on the cost of implementing the

provisions of the Official Languages Act 2003 is a matter for the bodies themselves and is one in which I have no function. I would expect the bodies to meet the costs of implementation from within existing resources.

Coastal Erosion.

238. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources if he will grant additional funding to Waterford County Council to carry out urgently needed coastal erosion works at Knockyoolihan, Clonea, Dungarvan, County Waterford. [13721/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): Responsibility for coast protection rests with the property owner whether it be a local authority or a private individual. In July 2002 my Department requested all coastal local authorities to submit proposals, in order of priority, for consideration in the context of the 2003-2006 national coast protection programmes. Waterford County Council submitted two proposals for coast protection works at Ballyvoile, which includes Knockyoolihan, estimated at €1.1 million for phase 1 and €930,000 for phase 2. There was no Exchequer funding for these projects in 2003. My Department has an Exchequer funding allocation of €780,000 for the entire country for 2004.

The question of funding these proposals in the post 2004 period will be considered in the context of the Exchequer funding available for coast protection works going forward and overall national priorities.

Departmental Staff.

239. **Mr. Stanton** asked the Minister for Arts, Sport and Tourism the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13247/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Staff in my Department are, in general, recruited through the Civil Service commission. However, a number of staff in the technical, professional and attendant or services grades are recruited directly by my Department. Persons with disabilities are entitled to apply for these positions subject to their meeting the eligibility requirements in question which are determined by my Department in light of the qualifications and competencies required in each case.

While there are no special procedures for persons with disabilities, where candidates request special facilities every effort is made to accommodate them during the selection process and particular consideration is given to the needs of such candidates if they are being appointed. My Department is fully committed to the appointment of persons with disabilities and I am

happy to say that it has exceeded its quota in this regard.

Freedom of Information.

240. **Ms Burton** asked the Minister for Arts, Sport and Tourism the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13304/04]

Month	FOI Requests Received — 2002	FOI Requests Received — 2003	FOI Requests Received — 2004
January		21	2
February		20	7
March		14	4
April		8	10
May		3	
June*	5	10	
July	13	9	
August	11	4	
September	8	2	
October	22	7	
November	17	2	
December	15	1	
Total Received	91	101	23**
Internal Review	6 (6.6% of total requests received)	8 (7.9% of total requests received)	0**

*From 19 June 2002 (the date of formation of the Department of Arts, Sport and Tourism)

** January-April 2004

Official Languages Act.

242. **Mr. O'Shea** asked the Minister for Arts, Sport and Tourism if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13568/04]

243. **Mr. O'Shea** asked the Minister for Arts, Sport and Tourism if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13583/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 242 and 243 together.

At the outset I should make the point that, even prior to the enactment of the Official Languages Act 2003, my Department was already meeting the required standards of bilingual practice in areas, for example, such as signage, stationery and in publications such as the Department's statement of strategy, annual report and customer charter. The Act in these areas therefore involves no extra costs for the Department.

241. **Ms Burton** asked the Minister for Arts, Sport and Tourism the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if he will make a statement on the matter. [13319/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 240 and 241 together. The information sought by the Deputy is set out in the following table:

As the Deputy is aware, the Act provides for preparation in due course by my Department, and individually by each of the public bodies under its aegis listed in the first schedule to the Act, of a scheme for the delivery of our services in the Irish language to the general public. I am informed that the Department of Community, Rural and Gaeltacht Affairs is preparing guidelines to assist public bodies in preparing these schemes. It is anticipated that the guidelines will finalised in the near future. As my colleague, the Minister for Community, Rural and Gaeltacht Affairs, has already informed the House, it is anticipated then that the first tranche of public bodies will be asked to prepare draft schemes for approval by him once the draft guidelines have gone through the necessary statutory consultation procedure. When my Department has prepared its draft scheme, I will be in a position to say what, if any, additional costs may arise in its implementation.

In so far as the public bodies funded by my Department are concerned, the preparation of schemes in accordance with the Act and guidelines referred to above, including an assessment of any additional costs arising, is a day to day matter for each of the public bodies concerned.

Ambulance Service.

244. **Mr. Cuffe** asked the Minister for Health and Children the plans he has to introduce a helicopter emergency medical service. [13231/04]

271. **Mr. B. Smith** asked the Minister for Health and Children the position regarding the proposal to provide an air ambulance service throughout Ireland; and if he will make a statement on the matter. [13357/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 244 and 271 together.

My Department and the Department of Health, Social Services and Public Safety in Belfast, DHSSPS, commissioned a feasibility study and report on the costs and benefits associated with the introduction of a dedicated helicopter emergency medical service, HEMS, for the island of Ireland.

The report of the consultants appointed to undertake the study was published on 30 April 2004 and is available on my Department's website. The study identifies possible roles for a helicopter emergency medical service, HEMS. These include a primary response; travelling directly to the scene of an incident to take the patient to hospital, and an inter-hospital response; the planned rapid transfer between hospital of patients requiring specialist care, escorted by skilled professionals.

The study concludes that an inter-hospital transfer service would be the most appropriate in an all-island context. The study indicates that this would involve significant capital investment and annual operating costs. The estimated cost is €12m capital and €4m annual operating costs for a single helicopter. Additional helicopters could be added with an additional annual cost for each aircraft of over €3 million.

A three year programme of work would be needed to establish HEMS including procurement of aircraft, identifying and constructing landing sites, developing cross-Border communications and control systems, producing service protocols and cross-Border management agreements, including funding and payment, staff recruitment and training and arrangements for integration with existing hospital and ambulance services.

My Department is exploring options in relation to HEMS development in the light of the study. As part of this exercise, it has initiated discussions with the Department of Defence and the Department of Communications, Marine and Natural Resources, which manages the Irish Coast Guard.

Services for People with Disabilities.

245. **Mr. Carey** asked the Minister for Health and Children the reason resources which are required to assist a person (details supplied) in Dublin 11 have not been made available; if

appropriate supports will be put in place to ameliorate the effects of the rare condition of this person; and if he will make a statement on the matter. [13152/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of funding for services to persons with an intellectual disability and those with autism in the Dublin region lies, in the first instance, with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the ERHA to investigate the matter raised by the Deputy and reply directly to him.

Care of the Elderly.

246. **Mr. M. Higgins** asked the Minister for Health and Children if he will reply to a submission made to him on residential care for the elderly in April 2004 raising such issues as the ratio of carers to patients, qualifications and training for non-professional staff, facilities for the occupational recreation of persons, freedom of choice, respect for rights and privacy; and if he will make a statement on the matter. [13153/04]

Minister of State at the Department of Health and Children (Mr. Callely): In Ireland there is no established ratio of nurse to patient. This ratio varies in different healthcare settings and is related to the changing phenomenon of patient acuity. Patient dependency measures do exist and various methods have been utilised but this is decided at a local level rather than at a national level. The commission on nursing recommended the examination and development of appropriate systems to determine staffing levels and to this end a group was established in the Department of Health and Children and is currently undertaking this work.

Furthermore, the CEO of each health board has responsibility for the management of the workforce in public nursing homes, including the appropriate staffing mix, precise grades of staff employed in line with service priorities. It is a matter for each employer to ensure that staff in their employment have adequate training and skills to perform the duties expected of them.

Direct care of patients is undertaken by either professional nurses or health care assistants. It is Government policy that carers are referred to as health care assistants and that their education and training is standardised. All health care assistants should be educated to NCVA level 2 of FETAC. The national programme to implement this throughout the public health service is in its infancy. A module specifically for care of the older person has been developed and is currently undergoing validation by FETAC and should be available in the autumn. This training programme is available to private nursing homes and can be purchased through the nursing and midwifery planning and development unit in each health board area. Alternatively, nursing homes can

establish their own programme. It is a matter for each employer to manage the ratio of staff to patient in the services they provide in light of their duty of care to patients.

The responsibility for the provision of occupational and recreational facilities rests with the nursing homes in the first instance. Age and Opportunity's Bealtine Festival is open to all older people regardless of their location and provides older people with the opportunity to be involved in creative activities. In public health institutions, some activity nurses have been appointed and are involved in supplying such therapies as reminiscence therapy, cognitive therapy and acupuncture.

Privacy to undertake personal activities should be facilitated wherever possible. However, leaving residents unsupervised may result in an increase in falls. Of older people living in the community, 20% fall each year sustaining serious injury. This figure is thought to be higher for hospitalised elderly and up to two thirds of older women living in nursing homes fall at least once per year. Many of these falls result in serious injury. Ultimately, the level of competency of the individual should be assessed and patients should be afforded privacy where possible, however, this must be balanced against overall concerns for the persons' safety.

Health Board Services.

247. **Mr. R. Bruton** asked the Minister for Health and Children if he will consider changing the laws on entitlement to orthodontic care in order that children who have been waiting a certain number of years and have not been assigned treatment under the State scheme, can at least qualify for a subvention towards the cost of private work; and if he will make a statement on the past efforts he has made to introduce such a scheme. [13154/04]

Minister for Health and Children (Mr. Martin): The Northern Area Health Board of the ERHA previously proposed a grant-in-aid scheme for orthodontic treatment similar to that referred to by the Deputy; however, the board received legal advice to the effect that such a grant-in-aid scheme would conflict with the statutory provisions of the Health Act 1970.

As part of the implementation process for the national health strategy, a review of all existing eligibility legislation is being undertaken in my Department. Arising from this review, legislation will be drafted to clarify and simplify eligibility and entitlements to health services in line with the goals and objectives set out in the strategy.

248. **Mr. R. Bruton** asked the Minister for Health and Children if he has developed a national strategy for the treatment of diabetes; if his attention has been drawn to the fact that a community service whereby a diabetes nurse was available in the community to assist in the treatment of diabetes has been withdrawn from

the catchment of Beaumont Hospital; and if this is in accord with his national strategy. [13155/04]

Minister for Health and Children (Mr. Martin):

The Minister has asked the chief medical officer to chair a working group consisting of the Department, service providers and the Diabetes Federation of Ireland. The first meeting of the group took place on 30 January.

The working group will examine the current and predicted epidemiology of diabetes; health promotion and preventive initiatives, including screening; current service provision, including the need to achieve better integration of care using current resources and facilities and the expansion of shared care programmes and future needs in terms of service provision and staffing. The group hopes to have its analysis and recommendations with the Minister later this year for consideration.

Responsibility for the provision of diabetic services in the Beaumont area is a matter for the Eastern Regional Health Authority, ERHA, and the Northern Area Health Board. In regard to your question on the withdrawal of the diabetic nurse in that area, my Department has asked the regional chief executive of the ERHA to investigate this matter and reply directly to you.

Cancer Screening Programme.

249. **Mr. Naughten** asked the Minister for Health and Children the reason some counties are without breast screening services; the counties in question; the action he is taking to address this situation; when he intends to have this service operating in each county; and if he will make a statement on the matter. [13165/04]

Minister for Health and Children (Mr. Martin):

The national breast screening programme commenced in March 2000 with phase one of the programme covering the Eastern Regional Health Authority, the Midland Health Board and the North Eastern Health Board region. Last year I announced the extension of the BreastCheck programme to Counties Carlow, Kilkenny and Wexford and also the national roll-out to the southern and western counties. Screening commenced in Wexford in March of this year.

The BreastCheck clinical unit in the western area will be at University College Hospital, Galway, with two associated mobile units. The area of coverage is counties Galway, Sligo, Roscommon, Donegal, Mayo, Leitrim, Clare and Tipperary NR. The BreastCheck clinical unit in the southern area will be located at South Infirmary-Victoria Hospital, with three associated mobile units. Counties covered include Cork, Kerry, Limerick, Waterford and Tipperary SR. When these units are in place a BreastCheck service will be available to the target population in every county in Ireland. The national roll-out of BreastCheck requires detailed planning to include essential infrastructure.

Two project teams, one in each region, have been established to develop briefs for the capital

[Mr. Martin.] infrastructure needed for the static units in the south and west. In relation to the southern region, the South Infirmary considered it necessary to commission a site strategy study to ensure the integration of the breast screening service into the present and future development of the hospital. My Department made available a capital grant of €230,000 for the study to be undertaken by professional architectural, engineering and quantity surveying experts. This study is now complete and was submitted to my Department at the end of March and a detailed brief is now being prepared by BreastCheck and the hospital. As regards the west, BreastCheck submitted a number of options for the construction of a static unit on the grounds of University College Hospital, Galway. Both projects are being considered by my Department in the context of the framework for capital investment 2004-8 which is being discussed with the Department of Finance at present.

An essential element of the roll out of the programme is investment in education and training of radiographers. BreastCheck employs qualified and experienced radiographers who have specialised postgraduate training and qualifications related to mammography. BreastCheck and the symptomatic breast cancer services combined have a significant ongoing recruitment and training requirement in this area. Last year I announced the development of a training centre for radiographers and mammography at Eccles Street which will become the National Training Centre in Breast Imaging. Resources are being made available to BreastCheck to support this initiative which will cost in excess of €750,000. Design specification work has been undertaken, the core elements of the training programme are being addressed and the recruitment process for a course leader has been initiated.

Hospital Waiting Lists.

250. **Mr. Naughten** asked the Minister for Health and Children when a person (details supplied) in County Roscommon will be called for a hip replacement operation at Merlin Park Regional Hospital, Galway; and if he will make a statement on the matter. [13166/04]

Minister for Health and Children (Mr. Martin): The provision of hospital services for people living in County Roscommon is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to reply directly to the Deputy in relation to the matter raised.

251. **Ms McManus** asked the Minister for Health and Children the position regarding a person (details supplied) in Dublin 13 who is on a waiting list for the removal of a cyst from their throat; when they can expect to be called; and if

he will make a statement on the matter. [13167/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of health services to persons living in Counties Dublin, Kildare and Wicklow rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to her directly.

Hospital Services.

252. **Mr. F. McGrath** asked the Minister for Health and Children the reason a person (details supplied) was left on a chair for 12 hours in St. James's Hospital on 26 April 2004; and the further reason 15 other patients were waiting on trolleys and chairs. [13175/04]

Minister for Health and Children (Mr. Martin): Services at St. James's Hospital are provided under an arrangement with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

Hospital Funding.

253. **Mr. P. McGrath** asked the Minister for Health and Children the 2004 budget for Mullingar General Hospital, Tullamore General Hospital and Portlaoise General Hospital; and if he will compare these figures to the comparable allocations for each of the past five years. [13182/04]

Minister for Health and Children (Mr. Martin): Responsibility for the funding of services at the midland regional hospitals at Mullingar, Tullamore and Portlaoise rests with the Midland Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the position in relation to this matter and to reply to the Deputy directly.

Community Care.

254. **Mr. Durkan** asked the Minister for Health and Children when a community nurse can visit or offer assistance to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13213/04]

Minister of State at the Department of Health and Children (Mr. Callely): As the Deputy will be aware, the provision of health services in the Kildare area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Services for People with Disabilities.

255. **Mr. Durkan** asked the Minister for Health and Children when an occupational therapist can assess the application under the disabled person's grant submitted to Kildare County Council in the name of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13214/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health related services, including occupational therapy, for people with physical and/or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the regional chief executive of the Eastern Regional Health Authority with a request to examine the matter and reply directly to the Deputy, as a matter of urgency.

Hospital Staff.

256. **Mr. Naughten** asked the Minister for Health and Children if the Western Health Board has sought or received the approval of comhairle to appoint a third physician consultant to the County Hospital, Roscommon; if the board has sought or received similar approval from the Department; if the board has or intends to advertise such a position; if he will supply the relevant dates in each case; and if he will make a statement on the matter. [13215/04]

Minister for Health and Children (Mr. Martin): The Western Health Board has made an application for financial clearance for a third consultant physician at the County Hospital, Roscommon, and has identified a requirement for additional funding. The issue is being considered by my Department in conjunction with the Western Health Board.

Maternity Services.

257. **Ms O. Mitchell** asked the Minister for Health and Children if he will urgently release funding for the relocation of the national maternity hospital and for short-term emergency interim measures to make conditions safe for mothers, babies and staff. [13216/04]

Minister for Health and Children (Mr. Martin): My Department is advised by the Eastern Regional Health Authority that the National Maternity Hospital is currently finalising plans for an interim development on the existing site and that proposals in this regard will shortly be submitted through the authority to the Department for consideration. The question of the relocation of the hospital to another site is the subject of ongoing consultation between the hospital, the ERHA and my Department.

Hospital Services.

258. **Mr. Cuffe** asked the Minister for Health and Children if he intends to ensure that St.

Columcille's Hospital, Loughlinstown, County Dublin continues as a 24-hour consultant-led accident and emergency hospital. [13217/04]

259. **Mr. Cuffe** asked the Minister for Health and Children if the €50 million promised to St. Columcille's Hospital, Loughlinstown, County Dublin, prior to the general election of 2002 is being spent to ensure that the hospital is brought up to date within three years. [13218/04]

260. **Mr. Cuffe** asked the Minister for Health and Children if he will take steps to ensure that the scanning facility in St. Columcille's Hospital, Loughlinstown, County Dublin, will be fully operational seven days a week; if a full paediatric and geriatric service is provided; and if the situation whereby patients are been held on trollies will be ended shortly. [13219/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 258 to 260, inclusive, together.

Responsibility for the provision of services at St. Columcille's Hospital, Loughlinstown, rests with the Eastern Regional Health Authority. My Department has, therefore, asked the regional chief executive of the authority to investigate the detailed operational issues raised by the Deputy and to reply to him directly.

The report of the national task force on medical staffing — Hanly — envisages St. Columcille's Hospital being developed as a local hospital. The report recommends investment in local hospitals such as St. Columcille's so that they are in a position to provide most of the local population's needs for hospital care. Improvements proposed include a greatly expanded proportion of elective day surgery and elective medical procedures for the region in a range of specialties — this will involve an increasing volume of elective procedures that are often currently performed in the larger hospitals; a strong focus for locally accessible multi-specialist day and out-patient, OPD, care; pre and post-natal maternity services; a point of access for general practitioners to services and diagnostic facilities and rehabilitation and long-stay care.

Implementation of the report in the East Coast Area Health Board will ultimately involve the appointment of an additional 129 consultants to the region, many of whom will provide services in local hospitals, including St Columcille's. A group is being established to prepare a detailed action plan for the implementation of the Hanly recommendations in the east coast area, including assessing the staffing and capital requirements.

Finally, with regard to the Deputy's statement concerning €50 million promised to St. Columcille's Hospital prior to the general election in 2002, neither I nor any of my colleagues in Government made any such commitment.

Drug Treatment Services.

261. **Mr. Cuffe** asked the Minister for Health

[Mr. Cuffe.] and Children if the Shankill Community Association will be granted similar representation on the proposed implementation body as it currently holds on the monitoring committee of the methadone clinic at St. Columcille's Hospital, Loughlinstown, County Dublin. [13221/04]

Minister for Health and Children (Mr. Martin): The provision of drug treatment services is the statutory responsibility of the health boards in the first instance. In this case, the responsibility rests with the East Coast Area Health Board of the Eastern Regional Health Authority. My Department has requested the regional chief executive of the Eastern Regional Health Authority to look into the matter and to reply direct to the Deputy.

Hospital Sites.

262. **Mr. O'Dowd** asked the Minister for Health and Children the position on the site feasibility study at Our Lady of Lourdes Hospital, Drogheda. [13222/04]

Minister for Health and Children (Mr. Martin): It is a matter for the North Eastern Health Board to clarify detailed matters arising in respect of this site feasibility study for Our Lady of Lourdes Hospital in Drogheda.

I can confirm, however, that my Department has recently conveyed approval to the board to appoint the design team selected to prepare this feasibility study, which is to be based on briefing documents as agreed by the hospital, the North Eastern Health Board and my Department. The study will examine, in particular, the capacity of the existing hospital site in Drogheda to accommodate new and enhanced clinical services and support facilities, and it will identify the broad implications of such future development. It is expected that this study will be complete within six months of formal design team appointment.

Genetic Testing.

263. **Ms McManus** asked the Minister for Health and Children the action the Government has taken to ensure that Irish patients are sufficiently represented at the Genetic Testing Conference in Brussels in May 2004; and if he will make a statement on the matter. [13223/04]

Minister for Health and Children (Mr. Martin): I am advised that representatives of two Irish organisations, the Breast Cancer Coalition and the Genetic Inherited Disorder Organisation, attended this conference on 6 and 7 May.

Departmental Staff.

264. **Mr. Stanton** asked the Minister for Health and Children the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that

persons qualify; and if he will make a statement on the matter. [13248/04]

Minister for Health and Children (Mr. Martin): Recruitment of all administrative grades to the Department of Health and Children is organised by the Civil Service and Local Appointments Commission. This Department has already welcomed and will continue to welcome staff with disabilities, as assigned by the Civil Service and Local Appointments Commission.

Psychological Service.

265. **Mr. Penrose** asked the Minister for Health and Children if a person (details supplied) in County Westmeath will be given an appointment with the psychological service as a matter of urgency; and if he will make a statement on the matter. [13263/04]

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 Midland Health Board. My Department has, therefore, asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

Hospital Waiting Lists.

266. **Mr. Penrose** asked the Minister for Health and Children if he will take steps to ensure that a person (details supplied) is immediately admitted to hospital for a hip replacement operation; and if he will make a statement on the matter. [13264/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of hospital services to residents of County Westmeath rests with the Midland Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the position in relation to this case and to reply to the Deputy directly.

Health Board Services.

267. **Mr. McGuinness** asked the Minister for Health and Children if further orthodontic treatment will be provided for a person (details supplied) in County Kilkenny; if a decision will be expedited in this urgent case; the reason follow on treatment is not completed fully on this person; and the further reason for a delay in reaching a decision in the case. [13278/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in County Kilkenny rests with the South Eastern Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Benchmarking Awards.

268. **Mr. McGuinness** asked the Minister for Health and Children if a person (details supplied)

in County Kilkenny is entitled to benchmarking payments from the SEHB; and if so, when the payments will be made. [13279/04]

Minister for Health and Children (Mr. Martin): Responsibility for the payment of benchmarking pay awards rests in this instance 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.

Freedom of Information.

269. **Ms Burton** asked the Minister for Health and Children the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13305/04]

	Freedom of Information Requests Received	Applications for Internal Reviews	Percentage	Requests logged for 1st Quarter of each Year
			%	
2000	452	27	6	127
2001	575	85	14.8	137
2002	1,013	196	19.35	133
2003	834	152	18.22	340
2004	183*	6	3.28	128

*to date

Question No. 271 answered with Question No. 244.

Hospital Waiting Lists.

272. **Mr. Penrose** asked the Minister for Health and Children if he will take steps to ensure that an angiogram for a person (details supplied) in County Westmeath takes place as soon as possible; and if he will make a statement on the matter. [13358/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of hospital services to residents of County Westmeath rests with the Midland Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the position in relation to this case and to reply to the Deputy directly.

Mental Health Funding.

273. **Mr. Gormley** asked the Minister for Health and Children the percentage of the overall health budget that is allocated to the area of mental health; the percentage that is used for research into conditions such as bipolar depression and schizophrenia; and the reason mental health charities such as Aware do not receive State funding. [13360/04]

270. **Ms Burton** asked the Minister for Health and Children the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if he will make a statement on the matter. [13320/04]

Minister for Health and Children (Mr. Martin): I propose to take Questions Nos. 269 and 270 together.

The information requested by the Deputy is set out in the following table. It will be noted that there has been a slight reduction in the percentage of applications for internal reviews made to my Department under the Freedom of Information Act in 2003 as against 2002. The number of requests received under the Act by my Department in the first quarter of 2004 is similar to the number received in the years 2000, 2001 and 2002 but is significantly lower than the figure for 2003.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Estimate for mental health expenditure in 2004 is €661.35 million or 6.69% of the total health budget as stated in the Revised Estimates for Public Services 2004.

In 2003 the health research board expended approximately €1.6 million on mental health research. This year it will spend the same amount. I have requested the board to provide the Deputy with a detailed list of research projects.

The Mental Health Commission has indicated that it intends to develop and publish a research strategy. It also intends to create a database and web links for individuals and organisations interested in mental health research. The aims of the network will be to promote and facilitate mental health research, to obtain information on current and past research and to disseminate information and research on service innovations and best practice models.

At present the department of psychiatry, Trinity College, Dublin, is researching possible genetic influences on the development of schizophrenic illness. More information regarding the study is available from the college.

Support for the work of voluntary agencies such as Aware is a key element of the mental health funding provided by my Department. This year more than €3.8 million is available to the

[Mr. T. O'Malley.]
voluntary agencies for their work in the field of mental health.

Ministerial Expenses.

274. **Mr. McCormack** asked the Minister for Health and Children the expenses each Minister of State has received between 1 January and 31 December 2003. [13380/04]

Minister for Health and Children (Mr. Martin): The expenses received by each Minister of State are as follows: Deputy Callely €37,279.47; Deputy Brian Lenihan €28,600.32 and Deputy Tim O'Malley €37,655.27.

Health Board Services.

275. **Mr. Ring** asked the Minister for Health and Children the outcome of a meeting of an assessment committee regarding a person (details supplied) in County Mayo. [13447/04]

Minister of State at the Department of Health and Children (Mr. Callely): As the Deputy will be aware, the provision of health services in the Mayo area is, in the first instance, the responsibility of the Western Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

276. **Mr. Ring** asked the Minister for Health and Children about an assessment of a person (details supplied) in County Mayo. [13448/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services in the Mayo area is the responsibility of the Western Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

Health Board Funding.

277. **Dr. Upton** asked the Minister for Health and Children if he will allocate additional resources to a service (details supplied). [13460/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services in the Inchicore and Ballyfermot areas is the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. The organisations and the board are discussing a realistic budget for 2004.

Hospital Services.

278. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the extent that the general medical services scheme covers stays in hospital by qualifying patients after procedures or operations when they are unable to go home for

any reason such as the need to await alterations to cater for disability; the hospital charges for such periods; if there are GMSS guidelines; and the details of same. [13493/04]

Minister for Health and Children (Mr. Martin):

Public hospital services were introduced in June 1991. As a result everyone, regardless of income, is entitled to public hospital and public consultant services subject only to modest statutory charges, from which medical card holders are exempt. At present these charges are set at €45 per night, subject to a maximum of €450 in any 12 consecutive months, in respect of inpatient public hospital services.

Alternatively, one can opt to be the private patient of both the consultant and the hospital. Any patient, whether a medical card holder or not, who opts for treatment in a private hospital or as a private patient in a public hospital is liable for the costs relating to such treatment

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 Inpatient Services) (Amendment) Regulations 1987. These regulations enable charges to be made towards the cost of providing hospital inpatient 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 in the previous year. 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 a patient receives shelter and maintenance rather than treatment. These charges apply from the date of admission. They are payable by all patients who are in receipt of incomes, including medical card holders and persons with dependants.

In deciding the amount to be contributed, health boards have regard to the person's circumstances. Allowance is made for any financial commitments the person may have and a reasonable amount is left to meet the person's personal needs. Charges may be waived if, in the opinion of a CEO of the relevant health board, payment would cause undue hardship.

Hospital Waiting Lists.

279. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if there is an estimated figure for the number of patients waiting for an appointment with a hospital consultant; if so, how the figures were compiled; and if the national treatment purchase fund will assume responsibility for the collation of the data. [13494/04]

Minister for Health and Children (Mr. Martin):

My Department does not collect or collate information on patients waiting for such appointments. It is focused on reducing waiting times for patients requiring a procedure or treatment. Recently I announced the transfer of responsibility for the recording and publishing of waiting lists to the fund. It is envisaged that it will record waiting lists on this basis.

Social Welfare Payments.

280. **Mr. Ring** asked the Minister for Health and Children the reason a person (details supplied) in County Mayo has not received arrears of blind welfare allowance. [13495/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The assessment of entitlement to and payment of the allowance is a matter for the relevant health board. My Department has asked the CEO of the Western Health Board to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

Foster Care.

281. **Ms M. Wallace** asked the Minister for Health and Children if he will clarify what happens when foster parents and guardians cannot obtain permission from natural parents to go on holiday and obtain passports. [13496/04]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Health boards, under the provisions of the Child Care Act 1991, are responsible for the provision of child welfare and protection services, including foster care. Foster care is the main form of alternative care for children who cannot, for a number of reasons, be looked after in their home and are taken into the care of a health board.

Where consent is unobtainable from the parents of children in care, for the purposes outlined by the Deputy, a health board may consent or bring the matter to the attention of a district court.

Under the Child Care Act 1991, section 18(3)(b)(iii), where a care order is in force a health board shall have the authority to "give consent to the issue of a passport to the child or to the provision of passport facilities for him, to enable him to travel abroad for a limited period".

The health board, in exercising these responsibilities, must do what is reasonable for the purpose of safeguarding or promoting a child's health, development or welfare. It would be normal practice for the board to seek consent from parents where appropriate and possible.

Hospital Services.

282. **Mr. McHugh** asked the Minister for Health and Children if he will investigate the circumstances whereby a person with scoliosis (details supplied) must travel to Dublin for

treatment; and if the Western Health Board will acquire the necessary equipment to provide treatment in Galway. [13511/04]

Minister for Health and Children (Mr. Martin):

The provision of hospital services for people living in County Galway is a matter for the board. My Department has asked its CEO to reply directly to the Deputy.

Death Certificates.

283. **Ms O. Mitchell** asked the Minister for Health and Children the steps he will take to ensure the timely issue of death certificates following post mortem examination as delays at the State laboratory are causing distress and often financial difficulties for families who, in many cases, must wait more than a year for a certificate. [13522/04]

Minister for Health and Children (Mr. Martin):

The administration of the registration system is statutorily a matter for an tArd-Chláraitheoir or Registrar General of Births, Deaths and Marriages and for registrars who operate under his general direction.

I presume the Deputy is referring to deaths that were referred to a coroner. The Registrar General has informed me that he must await a coroner's decision on the cause of death before it can be registered. Following the referral of a case of sudden death a coroner may refer a sample or samples from the autopsy to the State Laboratory for detailed analysis to assist in determining the cause of death. He must wait for the results before issuing his decision.

The State Laboratory operates under the aegis of the Department of Finance. It knows how important its service is to the coroners and the impact it inevitably has on relatives of people whose deaths are the subject of inquests at a time of great distress. The laboratory constantly monitors its service by reviewing available resources, the possibilities for outsourcing and the complexity of analyses. There is a general increase in the complexity of the analyses required by coroners, resulting in approximately three analyses per sample received. Reports are made on the vast majority of samples within six months of receipt in the State Laboratory.

Additional resources were allocated to the State Laboratory's toxicology section resulting in a substantial increase in the number of analyses completed. A backlog of cases still exists due to a 50% increase in the past two years in the number of cases referred and a general increase in the complexity of the analyses required.

At present a range of measures are being taken to reduce the turnaround time of samples sent to the laboratory and processed by its toxicology section. The laboratory will give additional priority to the coroners' cases. Its management is also reviewing the procedures and processes in the toxicology area with a view to automating as much as possible.

[Mr. Martin.]

The possibilities of reducing the complexity of testing were discussed between the State Laboratory and the coroners and their representatives. Such a measure would have an immediate impact on turnaround times. It was not considered possible to reduce the complexity of tests performed by the laboratory due to the constant demand by families for comprehensive analysis, the increasing complexity of the cocktail of drugs potentially taken by victims that requires sequential analyses and coroners' requirement for quality analytical data that will withstand scrutiny in court.

Medical Aids and Appliances.

284. **Mr. McGuinness** asked the Minister for Health and Children if a hearing aid will be provided for a person (details supplied) in County Tipperary. [13523/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services, including aids and appliances, for medical card holders is, by legislation, a matter for the CEO of the relevant health board or authority. My Department has asked the CEO of the Mid-Western Health Board to investigate the matter and to reply directly to him.

Hospital Waiting Lists.

285. **Mr. McGuinness** asked the Minister for Health and Children the reasons for the delay in arranging an appointment with a hospital consultant for a person (details supplied) in County Kilkenny in view of the fact that it is an urgent case and their general practitioner is anxious that they receive treatment as soon as possible; and if they can avail of the national treatment purchase fund. [13524/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services for residents of County Kilkenny is a matter for the South Eastern Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

The NTPF was established to arrange treatment for patients who have been waited the longest to be admitted to hospital for an elective procedure. A patient must be seen by a hospital consultant as an outpatient before being put on a waiting list. The fund does not arrange treatment for patients that have not been seen by a consultant.

Medical Aids and Appliances.

286. **Mr. Cregan** asked the Minister for Health and Children if he will examine a case where a person suffering from advanced Alzheimer's is cared for by an 80 year old spouse; if appliances or aids are can be prescribed to assist patients

with Alzheimer's who qualify for same. [13525/04]

Minister of State at the Department of Health and Children (Mr. Callely): The provision of health services in the Dublin 9 area is the responsibility of the Northern Area Health Board, acting under the aegis of the Eastern Regional Health Authority. My Department has asked the authority's CEO to investigate the matter and to reply directly to the Deputy, as a matter of urgency.

General Medical Services Scheme.

287. **Mr. Cregan** asked the Minister for Health and Children to include patients aged below and over 70 years in the scheme whereby payments are made to general practitioners for services provided to medical card holders; if he agrees that general practitioners must visit patients in their homes when required; the number of complaints made about general practitioners not visiting homes; and the disciplinary action that can be taken against them; and if their association supports them. [13527/04]

Minister for Health and Children (Mr. Martin): In 2002 capitation fees totalling €263 million was paid to GPs holding contracts under the general medical services scheme. A sum of €49.23 million was paid for services provided to people aged 70 years and over who gained automatic medical card eligibility since 1 July 2001.

Under the GMSS general practitioner contract, participants are obliged to provide surgery and domiciliary visits, where appropriate, to their medical card patients for 40 hours per week, as agreed with their local health board. They must also make arrangements to enable them, a locum or deputy for emergencies to be contactable outside of these hours.

General practitioners make a clinical decision on whether a domiciliary visit is appropriate based on the symptoms described. If the Deputy give me the names of doctors refusing to make domiciliary visits to medical card patients I will investigate the matter. I have asked all health boards about complaints of general practitioners not visiting homes. I shall pass the information to the Deputy as soon as I receive the information.

The GMSS contract provides a procedure for the handling of complaints by patients. Complaints are a matter for the contract holder, the relevant health board, to initiate a complaints procedure.

It is not within my Department's remit to discuss policies adopted by GP representative organisations. The Deputy may raise the matter with them.

Health Board Services.

288. **Mr. McHugh** asked the Minister for

Health and Children when orthodontic treatment will be made available to a person (details supplied) in County Galway; and if he will make a statement on the matter. [13528/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in County Galway rests with the 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.

Official Languages Act.

289. **Mr. O'Shea** asked the Minister for Health and Children if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13569/04]

Minister for Health and Children (Mr. Martin): The Department of Health and Children will meet its statutory obligations in relation to the Official Languages Act 2003. In so far as the provision of services through Irish is concerned, this Department intends to prepare a scheme in accordance with the relevant provisions of the Act. The process for preparing such schemes will, I understand, be initiated by the Minister for Community, Rural and Gaeltacht Affairs.

While costings have not as yet been estimated, the Department of Health and Children will be assessing costs as part of the process of preparing its scheme for the delivery of services through Irish.

290. **Mr. O'Shea** asked the Minister for Health and Children if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13584/04]

Minister for Health and Children (Mr. Martin): As the Deputy is aware, the Official Languages Act 2003 provides for the preparation in due course by each of the bodies under the aegis of my Department, of a scheme for the delivery of services to the general public through the Irish language. The Act places a statutory obligation on each public body to make specific provision for the integrated delivery of services through a statutory planning framework, known as a "scheme", which will be agreed on a three year renewable basis between the head of the body concerned and the Minister for Community, Rural and Gaeltacht Affairs. Until such time as the schemes have been finalised it is not possible to prepare meaningful estimates of the costs which may arise from the implementation of the Act.

Health Board Services.

291. **Mr. McGuinness** asked the Minister for Health and Children if a person (details supplied) in County Kilkenny will be awarded home birth grant. [13605/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of home birth grants to eligible persons in County Kilkenny rests with the South Eastern Health Board. My Department has asked the chief executive officer to investigate the matter raised by the Deputy and to reply to him directly.

Nursing Home Subventions.

292. **Mr. Kehoe** asked the Minister for Health and Children the reason the subvention for a person (details supplied) to stay in the present nursing home was reduced; if it can be increased again; and if he will make a statement on the matter. [13607/04]

Minister of State at the Department of Health and Children (Mr. Callely): As the Deputy will be aware, the provision of health services in the Wexford area is, in the first instance, the responsibility of the Southern Eastern Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

Hospital Procedures.

293. **Mr. Morgan** asked the Minister for Health and Children when progress will be made in the cases of survivors of symphysiotomy; if an independent obstetrician has been identified to review cases; when this person will be appointed; and if he will make a statement on the matter. [13618/04]

Minister for Health and Children (Mr. Martin): At a meeting which I had with the survivors of symphysiotomy, the SOS group late last year, I agreed that a range of measures would be put in place by the Eastern Regional Health Authority, ERHA, and the health boards to support the group. The current position is as follows. The health boards and the relevant voluntary hospitals in the eastern region have appointed liaison officers, who are meeting patients who have undergone symphysiotomy to discuss their healthcare needs. The chief executive officers of the health boards and the ERHA have agreed to grant GMS eligibility, based on medical grounds, to SOS patients who do not have such eligibility. A special patient identifier card will be issued which will facilitate the health care system to fast-track patients for appointments and treatments. The CEOs' group is finalising arrangements for the establishment of care pathways and for a

[Mr. Martin.]

multi-disciplinary medical team to be made available in respect of the patients.

The ERHA and the health boards are proceeding to ascertain the number of symphysiotomies carried out in hospitals throughout the country. It may take some time to complete this process as procedures may have been carried out in maternity units or in hospitals that no longer exist. An exercise is ongoing, in conjunction with the SOS group, to profile patients in order to assist in formulating a needs assessment for each individual. Independent counselling services are available to all patients where requested. An information leaflet has been prepared in consultation with the SOS group and is expected to issue from the ERHA and health boards to general practitioners and patients shortly.

Independent clinical advice is available, on request, to patients who have undergone symphysiotomy. This has already been availed of by a number of members of the SOS group. Discussions are ongoing with the SOS group regarding the setting up of an information line which would be staffed by appropriate healthcare personnel.

The chief medical officer of my Department has contacted an international expert with a view to undertaking an external review of the practice of symphysiotomy in Ireland and discussions are continuing in this regard.

National Treatment Purchase Fund.

294. **Mr. McGuinness** asked the Minister for Health and Children if an appointment and treatment will be expedited for a person (details supplied) in County Kilkenny at Ardkeen Hospital, Waterford; if this person qualifies for and can be treated under the national treatment purchase fund; and if he will make a statement on the matter. [13643/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of services for residents of County Kilkenny is, in the first instance, a matter for the South Eastern Health Board. My Department has, therefore, asked the chief executive officer of the South Eastern Health Board to investigate this case and to establish whether the patient qualifies for treatment by the national treatment purchase fund and to reply directly to the Deputy.

Hospital Waiting Lists.

295. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo was placed on an out-patient list; and when this person will be called for surgery. [13667/04]

Minister for Health and Children (Mr. Martin):

The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to reply directly to the Deputy on the matter raised.

Health Board Services.

296. **Mr. Neville** asked the Minister for Health and Children the new services to be provided by the Western Health Board in view of increased spending of €983,000 in the area of suicide prevention and research. [13666/04]

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 Western Health Board. My Department has therefore asked the chief executive officer to investigate the matter raised by the Deputy and reply to him directly.

National Treatment Purchase Fund.

297. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if his attention has been drawn to reports that private health care providers in Britain have surcharged the national health service for procedures carried out on public patients and that this has resulted in significant extra costs to the NHS, over and above the cost of such procedures which would have accrued under direct provision by the NHS; if this overcharging also applies to services provided through the national treatment purchase fund; if he will investigate the matter; and if he will make a statement on the matter. [13724/04]

Minister for Health and Children (Mr. Martin): Where it is not possible to treat patients within a reasonable period in Ireland, either in public or private hospitals, the national treatment purchase fund may refer public patients for treatment abroad, having regard to quality, availability and cost. My Department understands that the national treatment purchase fund negotiates prices directly with four private hospitals in the United Kingdom. My Department has been assured by the fund that the prices negotiated by the national treatment purchase fund compare favourably with the comparative benchmarks available for the costs of the vast majority of procedures.

Driving Tests.

298. **Mr. P. McGrath** asked the Minister for Transport the total number of driver tests, in each category, carried out in 2003; and the success rate for those categories. [13172/04]

Minister for Transport (Mr. Brennan): The information sought by the Deputy is set out in the following table:

Driving Test Results by Representative Vehicle Category — 2003.

Category Description	Category	Total Number of Candidates	% Pass
Motorcycle (exceeding 125cc)	A	2,616	71.5
Motorcycle (51 — 125cc)	A1	825	46.7
Motorcycle (not exceeding 50cc and/or 45km/h)	M	49	38.8
Car	B	143,772	53.4
Truck (G.V.W. exceeding 9,500 kg)	C	5,449	66.9
Truck (G.V.W. 3,501 — 7,500 kg)	C1	158	68.4
Bus	D	1,020	67.5
Minibus (9-16 passenger Seats)	D1	758	62.5
Car & Trailer	EB	48	79.2
Truck & Trailer	EC	1,678	76.6
C1 Truck & Trailer	EC1	5	0.0
Bus & Trailer	ED	0	0.0
Minibus & Trailer	ED1	1	0.0
Work vehicle/Tractor	W	36	88.9
Total	—	156,415	54.5

299. **Mr. P. McGrath** asked the Minister for Transport the number on the waiting list for driver testing in each category. [13173/04]

Minister for Transport (Mr. Brennan): The information sought by the Deputy is set out in the following table.

Number Awaiting a Driving Test at 26 April 2004 by Test Representative Vehicle Category.

Category	Category Description	Number on Waiting List
A	Motorcycle (exceeding 125cc)	2,775
A1	Motorcycle (51 — 125cc)	831
B	Car	113,737
C	Truck (G.V.W. exceeding 9,500kg)	1,725
C1	Truck (G.V.W. 3,501 — 7,500kg)	88
D	Bus	329
D1	Minibus (9 — 16 passenger seats)	228
EB	Car & Trailer	130
EC	Truck & Trailer	552
EC1	C1 Truck & Trailer	4
ED	Bus & Trailer	0
ED1	Minibus & Trailer	0
W	Work Vehicle / Tractor	142
Total	All Categories	120,541

Public Transport.

300. **Mr. Andrews** asked the Minister for Transport if he will make a statement on funding for Dublin Bus in regard to the provision of wheelchair accessible buses. [13163/04]

Minister for Transport (Mr. Brennan): In keeping with my policy that all bus and rail public transport operators should provide the highest possible degree of accessibility to the mobility

and sensory impaired, all buses purchased by Bus Átha Cliath since the year 2000 are low floor wheelchair accessible buses. The company currently has some 450 low floor buses operating in Dublin. This represents almost 41% of the fleet and some 37 bus routes now have fully accessible services.

Future of Aer Lingus.

301. **Mr. Naughten** asked the Minister for Transport his plans to bring proposals to Cabinet concerning the sale of Aer Lingus; when he will publish his policy statement for the White Paper on the sale of the company; and if he will make a statement on the matter. [13164/04]

Minister for Transport (Mr. Brennan): As I previously stated in the House, I recently advised my Cabinet colleagues of the current state of my deliberations concerning the future of Aer Lingus and, in particular, my concerns relating to maintaining the *status quo*. I also advised that I will be reverting to Government on specific options for the company in the near future.

My deliberations, which are ongoing, involve detailed consideration of the reports from the chairman of Aer Lingus and an independent corporate finance consultant whom I commissioned to look at the sale options for the company.

During the debates on the Aer Lingus Bill which has recently been enacted, I listened carefully to the concerns raised by Deputies about specific issues in the event of the State exiting from ownership of Aer Lingus. Having taken those concerns on board, I moved an amendment which was accepted to provide that the Minister for Finance may not dispose of any shares in the company without the general principles of the disposal being laid before and approved by Dáil Éireann.

[Mr. Brennan.]

I assured the House that if the Government decides to embark on a sale of all or part of Aer Lingus, I will set out for the House, in accordance with the provisions of the Act, the general principles of the proposed sale as well as the basis for the Government's decision and the arguments for and against such a sale. I will also set out how the Government proposes to deal with important strategic issues such as slots at Heathrow.

Light Rail Project.

302. **Dr. Upton** asked the Minister for Transport further to Parliamentary Question No. 108 of 29 April 2004, if he will make available the five designs proposed for a structure (details supplied) in Dublin 8; if he will make available all the documentation relating to safety concerns at this junction; and if his attention has been drawn to the fact that the current structure is totally unacceptable as a permanent fixture on the Luas line. [13230/04]

Minister for Transport (Mr. Brennan): The design of Rialto Bridge is a matter for the Railway Procurement Agency, RPA, in association with other relevant bodies, as set out in my response to the parliamentary question referred to. However, I have asked the RPA to respond directly to the Deputy in regard to the documentation being sought.

Traffic Management.

303. **Mr. G. Mitchell** asked the Minister for Transport if he will introduce regulations to allow motorcyclists use bus lanes; and if he will make a statement on the matter. [13233/04]

Minister for Transport (Mr. Brennan): I refer the Deputy to my reply to Question No. 70 of 4 May 2004. The position remains unchanged.

Departmental Staff.

304. **Mr. Stanton** asked the Minister for Transport the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13249/04]

Minister for Transport (Mr. Brennan): Apart from the recruitment of services officers, recruitment to this Department and the Civil Service is carried out centrally by the Office of the Civil Service and Local Appointments Commissioners. With regard to the recruitment of services officers, when a competition is being held, this Department requests a list from FÁS of interested applicants, including those who have a disability. Applicants are then called for interview and if successful are placed on a panel. Prior to all appointments to the services officer grade, all

candidates on the panel must pass a medical examination and be deemed fit to carry out the full duties of the grade by the chief medical officer.

Driving Tests.

305. **Mr. Penrose** asked the Minister for Transport if an application for a drivers test by a person (details supplied) in County Westmeath will be expedited in view of the urgency, details of which have been furnished to his Department; and if he will make a statement on the matter. [13271/04]

Minister for Transport (Mr. Brennan): A driving test will be arranged as soon as possible for the person concerned.

Freedom of Information.

306. **Ms Burton** asked the Minister for Transport the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13306/04]

Minister for Transport (Mr. Brennan): My Department received four requests for internal reviews to be conducted on decisions taken under the Freedom of Information Acts during the period 1 January 2004 to 31 March 2004. This represents 40% of requests received during this period. During the same period of 2003 there were no requests for internal reviews of decisions taken. For the calendar year 2003, requests for reviews represented 7% of requests received. It is not possible to make comparisons with years prior to 2003, as my Department was established in June 2002.

307. **Ms Burton** asked the Minister for Transport the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of freedom of information requests received in a similar period in previous years; and if he will make a statement on the matter. [13321/04]

Minister for Transport (Mr. Brennan): My Department received ten requests under the Freedom of Information Acts in the period 1 January 2004 to 31 March 2004. There were 70 requests received by my Department during the same period in 2003. It is not possible to make comparisons with years prior to 2003, as my Department was established in June 2002.

Ministerial Expenses.

308. **Mr. McCormack** asked the Minister for Transport the expenses each Minister of State has

received between 1 January 2003 and 31 December 2003. [13381/04]

Minister for Transport (Mr. Brennan): The Department of Transport paid out €24,821 in mileage expenses to the Minister of State between 1 January 2003 and 31 December 2003. Other expenses for foreign travel amounted to €2,028. Monthly fixed payments of €1,014, which are paid to every Minister of State, were also made.

Irish Aviation Authority.

309. **Mr. Ring** asked the Minister for Transport if the Aviation Authority will investigate the reason a helicopter is being permitted to take off and land in County Mayo (details supplied) without planning permission for a helipad, which has been deemed necessary by An Bord Pleanála; and the regulations that must be adhered to in situations such as this. [13425/04]

Minister for Transport (Mr. Brennan): Contraventions of the planning laws are matters for An Bord Pleanála and not the Irish Aviation Authority (IAA) or the Department of Transport.

With regard to aviation safety, I am advised by the IAA that Article 5(1)(d) and (e) of the Irish Aviation Authority (Aerodrome and Visual Ground Aids) Order 2000, (SI 334 of 2000) provides that rotorcraft may take-off and land at any place where the aircraft may take-off or land without undue hazard to persons or property and in respect of which the owner or occupier shall have given permission.

Airport Runways.

310. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question No. 480 of 16 December 2003, if he has been able in the interim period to ascertain the precise date that red safety areas were formally established at either end of runways 17/35 and 07/25 at Cork Airport; and if he will make a statement on the matter. [13436/04]

Minister for Transport (Mr. Brennan): Following further investigation, my Department has been unable to establish the precise date.

European Union Airports.

311. **Mr. P. Breen** asked the Minister for Transport if the introduction of public safety zones at European Union airports is one of the principal priorities of the Irish EU Presidency with regard to that part of the transport sector for which he is responsible; and if he will make a statement on the matter. [13437/04]

Minister for Transport (Mr. Brennan): Neither the Irish Presidency nor the European Commission has any proposals for the

introduction of public safety zones at airports on a European-wide basis.

Airport Runways.

312. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question No. 635 of 27 April 2004, the date that the line and location of south runway 10/28 was eventually decided by the committee in question; the length of the runway proposal so decided by the said committee; and if he will make a statement on the matter. [13438/04]

Minister for Transport (Mr. Brennan): As advised in response to Question No. 635 of 27 April 2004, a committee comprising representatives of Aer Rianta, Aer Lingus and the Department of Transport was tasked in 1980 with recommending a plan for runways to meet the long term needs of Dublin Airport. In April 1981, that committee recommended that the southern parallel runway be constructed first and also suggested a length of the order of 9,000 feet. Subsequently, at contract design stage, the runway length was finalised at 8,650 feet having regard to the operational needs of the airlines.

Provision of Bus Shelters.

313. **Mr. Durkan** asked the Minister for Transport if adequate steps have been taken to ensure that bus shelters are provided at all city and provincial bus stops in order to assist in meeting health and safety requirements; and if he will make a statement on the matter. [13513/04]

314. **Mr. Durkan** asked the Minister for Transport if he will direct a review of all bus stops in the greater Dublin area with a view to providing bus shelters, thereby enhancing commuter health and safety criteria; and if he will make a statement on the matter. [13514/04]

315. **Mr. Durkan** asked the Minister for Transport if he has satisfied himself that all bus stops and bus shelters are located in accordance with best practise with particular reference to health and safety requirements; and if he will make a statement on the matter. [13515/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 313, 314 and 315 together.

I wish to advise the Deputy that the provision of bus shelters is an operational matter for the companies concerned. The location of bus stops is a matter for the Garda Commissioner, under section 85 of the Road Traffic Act 1961, in consultation with both the local authority and the bus service provider. I have recently asked both Bus Átha Cliath and Bus Éireann to undertake a review of all bus stops from a safety perspective.

Rail Network.

316. **Mr. Stanton** asked the Minister for Transport further to Parliamentary Question No. 50 of 4 May 2004 regarding the proposed reopening of the rail link to Midleton in East Cork, the further enhancements involved to cost €25.3 million mentioned in his reply; and if he will make a statement on the matter. [13535/04]

Minister for Transport (Mr. Brennan): The proposals relating to the development of commuter rail services in Cork, including the reopening of the line to Midleton, involve a two-phased approach. The second phase, which it is suggested should proceed when the land use developments are well advanced, includes the construction of a new station at Monard, the expansion of some park and ride facilities and the provision of additional rolling stock. The cost of this phase has been estimated at €25.3 million.

Official Languages Act.

317. **Mr. O'Shea** asked the Minister for Transport if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13570/04]

Minister for Transport (Mr. Brennan): In accordance with the commitments in our recently published customer charter, the Department of Transport already provides a good standard of service through the Irish language.

We plan to fully meet our commitments under the Official Languages Act 2003. The Department, and all other public bodies covered by the Act, will be preparing a scheme in accordance with the relevant provisions of the Act. The process for preparing such schemes will be initiated by the Minister for Community, Rural and Gaeltacht Affairs when his Department's scheme, which will serve as a model, has been finalised. The Department will be assessing costs as part of the process of preparing its scheme for the delivery of services through Irish.

Official Languages Act.

318. **Mr. O'Shea** asked the Minister for Transport if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13585/04]

Minister for Transport (Mr. Brennan): The Official Languages Act 2003 applies to all public bodies named in the Act. All of the public bodies funded by this Department are named in the Act and it is their responsibility to ensure that they meet the requirements of the Act.

All public bodies covered by the Act, will be preparing a scheme in accordance with the relevant provisions of the Act. The process for preparing such schemes will be initiated by the Minister for Community Rural and Gaeltacht Affairs when his Department's scheme, which will serve as a model, has been finalised. All bodies will be assessing costs as part of the process of preparing their scheme for the delivery of services through Irish.

Pensions Provision.

319. **Mr. Gregory** asked the Minister for Transport the status of the guarantee of the CIE pension schemes; if he will allay the fears of workers in that regard; and if he will make a statement on the matter. [13615/04]

Minister for Transport (Mr. Brennan): Future pension arrangements are being considered as part of the detailed preparatory work on the restructuring of CIE. The objective of that work is that the current position in relation to pension entitlements and pension security should continue to obtain for the future.

Legislative Programme.

320. **Mr. Deasy** asked the Minister for Transport the progress that has been made regarding the preparation of legislation to establish the driver testing and standards authority; and when he expects that this legislation will come before Dáil Éireann. [13725/04]

Minister for Transport (Mr. Brennan): Preparation of legislation to establish the driver testing and standards authority is at an advanced stage and I expect to be in a position to submit the text of the Bill to Government shortly.

Road Network.

321. **Mr. Naughten** asked the Minister for Transport the progress to date on the delivery of the inter-urban motorways; and if he will make a statement on the matter. [13794/04]

Minister for Transport (Mr. Brennan): The current position in relation to the upgrading of the five major inter-urban routes to motorway-high quality dual carriageway standard is that the M1 is expected to be fully complete by end 2006. Work is underway on major projects on the N7-Monasterevin bypass and Limerick southern ring road phase 1 — on the N8-Cashel bypass — and on the N4-N6 — Kilcock-Kinnegad. Work is expected to start this year on the Dundalk western bypass and Dundalk to Newry on the M1, on Fermoy bypass — N8-Waterford city bypass — N9-N25 — and Naas Road widening — N7.

Completion of these projects will eliminate many of the major bottlenecks on these routes. In addition it is expected that compulsory purchase orders and environmental impact statements for the remaining projects in planning on these routes will either be approved by or be before An Bord Pleanála by end 2004.

On the national roads programme overall it should be noted that since 2000, 37 projects — over 250 kilometres — have been completed. Work is in progress on 17 projects — 150 kilometres — and another 17 projects — 160 kilometres — are at tender stage.

Asylum Support Services.

322. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the criteria used when housing asylum seekers in small towns in the west. [13508/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Reception and Integration Agency, RIA, which operates under the aegis of my Department, is responsible for meeting the accommodation and related ancillary needs of asylum seekers under the system of direct provision. In this regard, the RIA is currently providing accommodation for approximately 6, 400 asylum seekers in 71 accommodation centres located across 24 of the Twenty-six counties.

The RIA continues to operate against a backdrop of a severe shortage of accommodation of all tenures throughout the State as it seeks to meet the needs of asylum seekers, of whom approximately 400 arrive each month. In effect, the RIA is to a very significant extent reliant on the accommodation and related facilities offered to it on a contractual basis by private sector operators.

Notwithstanding these difficulties, the RIA's policy in relation to accommodation procurement and placements is to ensure, in as much as possible, the maintenance of a sensitive, balanced and proportionate approach nationwide.

In procuring direct provision accommodation and ancillary facilities, specific regard is had to the following: type of accommodation being offered — hotel, guest house hostel etc.; location; local population and numbers of asylum seekers, if any, already residing in the area; local infrastructure — transport, schools, hospitals, shops etc.; facility being offered by proprietor — recreation, communal rooms, en suites etc.; facilities for other agencies — health boards, refugee legal services etc.

Finally, the RIA does not place asylum seekers in the private rented sector. Any such accommodation arrangements are made by asylum applicants themselves on foot of rent supplement payments made by the health boards. The RIA has no role in this regard nor in regard to where individual asylum seekers who are in

receipt of any such payments take up accommodation.

Maternity Leave.

323. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in Dublin 11 will be deprived of four days' holidays if they extend their maternity leave by eight weeks, and by two days if they extend it by four weeks; and if he will make a statement on the matter. [13600/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I assume the Deputy is referring to the optional period of eight weeks additional maternity leave provided for in section 14 of the Maternity Protection Act 1994 which may be taken immediately after maternity leave. Section 22(2) of the 1994 Act provides that during additional maternity leave the employee is still in an employment relationship with the employer and retains rights in relation to that employment. However, the period of additional maternity leave is not counted as reckonable service and, therefore, there is no entitlement to any right based on reckonable service during the additional maternity leave period. Consequently, some employees may have their annual leave entitlement reduced on a *pro rata* basis in respect of an absence on additional maternity leave.

As the Deputy knows, the Maternity Protection (Amendment) Bill 2003 is currently progressing through the Oireachtas. Section 14 of the Bill addresses this issue by providing that an employee's absence from work on additional maternity leave will count for all employment rights associated with the employment, except remuneration and superannuation benefits such as annual leave. I am hopeful that the Bill will be enacted during the current session.

324. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the position regarding entitlement to maternity leave for workers on contract employment. [13650/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Maternity Protection (Amendment) Act 1994 applies to all female employees regardless of the nature of their employment contract who have notified their employer of their condition and to male employees on the death of the mother following the recent birth of the child. The Act, as amended by SI. No. 29 of 2001, entitles a pregnant employee to 18 consecutive weeks maternity leave and eight weeks unpaid additional maternity leave.

Furthermore, the Protection of Employees (Fixed-Term Work) Act 2003 provides that an employee on a fixed-term contract cannot be treated less favourably in relation to conditions of employment including pay and pensions and

[Mr. McDowell.]

maternity protection than a permanent comparator employed by the same or associated employer or an employer in the same industry or sector and doing the same or similar work or work of equal value as that permanent comparator.

Child Care Services.

325. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform when a decision will be made to provide funding for child care facilities at Cherry Orchard, the Ballyfermot Resource Centre and the Ballyfermot Youth Centre in view of the fact that these proposed facilities are vital to turn the tide against the very high level of early school drop-out in the Dublin 10 area; and if he will make a statement on the matter. [13162/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that an application from the first group for a substantial capital grant of over €2.6 million and an associated staffing grant was submitted some time ago. An application from the second group for a substantial capital grant of almost €1.5 million and an associated staffing grant was also submitted some time ago. This was a revised application and my Department had previously made a feasibility grant available to the group to enable it to develop the project. My Department cannot trace the third group named as no reference number was supplied but I will be happy to give the Deputy an update if the full name of the third project can be given.

The day to day administration of the Equal Opportunities Childcare Programme 2000-2006, EOCP, is undertaken by Area Development Management Limited, which has been engaged by my Department to carry-out thorough assessments against the programme criteria of all applications for grant assistance under the programme, on my behalf. All large scale capital projects such as these applications from Ballyfermot, are referred by ADM Limited, to an independent external building specialist to assess the suitability of the proposal and its value for money. On completion of the assessment process, applications are considered by the programme appraisal committee, chaired by my Department, which makes a funding recommendation to me before I make a final decision on the matter.

The EOCP is a seven year development programme, the progress of which 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 covers the period to end 2007 and must take place in a planned manner as must grant approvals to

ensure that the programme can meet its financial commitments at all times.

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 and indeed to support capital developments in the private child care sector. ADM on behalf of my Department is currently carrying out an extensive review of the programme's capital commitments to date, numbering over 1,100 and at a value of €114 million, to ensure that grant commitments previously entered into will be realised. Projects may be awaiting planning permission or the completion of tender processes before reasonable assurance can be taken that they will proceed and, if they do not, the funding set aside can be decommitted and made available to another project.

In addition, my Department has recently reviewed the different budget lines under the EOCP including the capital programme to ensure that the most effective use is made of all remaining funding in accordance with the programme's objectives. Some transfers between measures were recommended and require the approval of the regional assemblies. I expect that this technical process will be completed shortly and that it will bring to at least €157 million the total allocation for the capital development of child care under the present EOCP. 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.

I intend to allocate the remaining capital funding under this strand of the Government's commitments to child care to address the most immediate service gaps. As a result, all the projects in the pipeline, including these Ballyfermot projects, are being reviewed again by ADM Limited on the basis of geographical need, the range of services being offered and the capacity of the groups to complete a project before the end of the programme. Those projects which best meet the criteria will receive priority. The review process will be repeated as necessary to maximise the benefits deriving from this phase of the EOCP.

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.

I am also very much aware that participation in or preparation for employment is an important step towards social inclusion and self reliance for persons who may have ended their formal education before achieving a school certificate and therefore social disadvantage is another key element of the EOCP, which makes grant assistance available towards the staffing costs of many community based child care facilities which provide child care for disadvantaged families. The projects mentioned by the Deputy are being reviewed as part of this prioritisation process and it would be premature of me to comment further on specific applications for grant assistance at this time.

Legislative Programme.

326. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the talks with the disability groups; and if the Government has decided on a date for the publication of the disability Bill. [13176/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): 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. As the deputy will be aware, the Government has facilitated extensive consultation nationally in relation to disability legislation, giving disability groups and the disability legislation consultation group, DLCG, in particular an opportunity to present their proposals for a disability Bill.

In April 2002 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, including the 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, with a view to a further possible meeting.

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 currently on Report Stage; the Comhairle (Amendment) Bill which is being prepared in the Department of Social and Family Affairs dealing with the provision of advocacy; sectoral plans for key public services; and equality legislation, to be updated by the Equality Bill 2004, which is currently on Second Stage in the Dáil.

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 sub-committee are giving particular attention to the Bill and to the views arising 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.

Child Care Services.

327. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if a full child care facility will be established in the vicinity of Loughlinstown to cater for the growing young population of the area. [13220/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department is responsible for encouraging the development of child care to meet the needs of parents in employment, education or training. Funding under the national development plan of €448 million has been provided by both the Exchequer and the European Union, through the Equal Opportunities Childcare Programme 2000-2006.

As the Deputy may be aware, while the Government actively makes supports available for the development of child care and for its

[Mr. McDowell.]

delivery in areas of disadvantage, it is not directly involved in the provision of child care. The equal opportunities child care programme provides capital grant assistance to community-not for profit organisations and to private child care providers to increase the supply of child care places and to enhance the quality of existing places. It offers staffing grants to community based-not for profit organisations which have a focus on disadvantaged families. It is open to community based not-for-profit groups and to private child care providers to apply for funding under the programme and all applications will be considered in the light of the available funding and in keeping with the criteria of the programme.

The Dún Laoghaire-Rathdown County Childcare Committee is actively involved in promoting the development of child care by community groups to meet local need within its area.

Refugee Status.

328. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied) in County Louth to remain here. [13224/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to in the question was refused refugee status in the State following consideration of her case by the Office of the Refugee Applications Commissioner and on appeal by the Refugee Appeals Tribunal.

A notification under section 3(3)(a) of the Immigration Act 1999 was issued to the person on 27 April 2004 in which she was advised that the Minister had decided to refuse her a declaration as a refugee and setting out the options now open to her, i.e. to leave the State voluntarily before the Minister decided whether to make a deportation order in respect of her; to consent to the making of a deportation order in respect of her; or to make written representations to the Minister setting out reasons as to why she should be allowed to remain in the State temporarily.

Any representations received in time will be considered by me when her case comes to be examined for deportation under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, prohibition of refoulement. It is, of course, still open to the person to return voluntarily to her country of origin before her case is considered for deportation.

Departmental Staff.

329. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the way in which

persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13250/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that appointment to Civil Service positions is generally by way of open competition conducted by the Office of the Civil Service and Local Appointments Commissioners. Persons with disabilities are entitled to apply for all competitions subject to their meeting the eligibility requirements of the competition in question. The same applies to any competition that my own Department might run from time to time.

There are no special application procedures as such. However, where applicants request special facilities, every effort is made to accommodate them during the selection process. Particular consideration is also given when placing successful candidates in posts, for example, work environment and provision of special equipment or facilities.

I can assure the Deputy that my Department and the various bodies under its aegis remain committed to the employment of people with disabilities wherever possible. The emphasis is on ensuring that people with disabilities are facilitated with access to employment opportunities and that every necessary accommodation is made.

Crime Levels.

330. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if he has been requested to provide, or has voluntarily provided, details of a breakdown of crime or other statistics relating to Irishtown, Donnybrook or other locations on behalf of a person (details supplied); the way in which he dealt with that request and the information or data requested was conveyed to that person; if he will release that information; if that information had been previously in the public domain; if so, the location of same; and if he will make a statement on the matter. [13255/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 12 February 2004 I attended the AGM of Nutley Residents' Association with the person referred to by the Deputy. The meeting was also attended by Deputies and other local representatives and election candidates for the area. During the course of the meeting the chairman of the association indicated to those present that the local community garda, who is usually in a position to outline the level of crime and police activity in the area, was unable to attend. The chairman, and not the person

referred to by the Deputy, then asked me publicly whether I would be able to obtain the figures for the Nutley area and make arrangements to have any such information conveyed to the residents. I undertook to do so.

The day following the meeting I wrote as promised to the superintendent in Donnybrook Garda station from my constituency office in Ranelagh and told him that I had been asked by the residents' association for crime figures and general information which would have been available to the association if the community garda had been able to attend. The superintendent acknowledged my letter on 19 February and supplied the information in question in early March. I asked my party's local representative, the person referred to by the Deputy and who attended the meeting with me, to ensure that every resident in the area was given the information, and I understand that she arranged for it to be distributed to all relevant households.

The information sought related to the Nutley area only. It was sought by me solely at the request of the chairperson of Nutley Residents' Association. All information received is now in the public domain as requested at a public meeting attended by local representatives and candidates from all political parties. None of those representatives or candidates asked me subsequently to give them the information which was distributed. However, if they had asked me, I would have been glad to give them the same information as I arranged to be given to the householders.

I released the information requested by the association in exactly the same format as I received it. The person referred to by the Deputy has not asked me for any other information regarding Irishtown, Donnybrook or any other area as suggested.

I understand from media reports that the Deputy has since sought much more extensive and detailed information on behalf of a local election candidate in the same area. My request for information was made at the expressed request of the chairman of a meeting at which that local election candidate was present. That candidate heard the undertaking both to seek the information and to distribute it to residents. That candidate made no objection publicly or privately to that request or to my undertaking in response.

Garda Deployment.

331. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí on the beat in the Dublin metropolitan district on 20 April 2004 between 2 p.m. and 10 p.m.; and if he will make a statement on the matter. [13256/04]

332. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí on the beat in the Dublin metropolitan district on 21 April 2004 between 10 p.m. and 6 a.m.; and if he will make a statement on the matter. [13257/04]

333. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí on duty in the Dublin metropolitan district on 20 April 2004 between 2 p.m. and 10 p.m.; and if he will make a statement on the matter. [13258/04]

334. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of Gardaí on duty in the Dublin Metropolitan District on 21 April 2004 between 10 p.m. and 6 a.m.; and if he will make a statement on the matter. [13259/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 331 to 334, inclusive, together.

I have been informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Garda Síochána in the Dublin metropolitan region as at 21 April 2004 was 3,742, including all ranks.

For security and operational reasons it is not Garda policy to disclose the number of Garda personnel on duty in a particular station at any given time.

Registration of Title.

335. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if he will take steps to expedite an application for registration by a person (details supplied) in County Westmeath as same is urgently required; and if he will make a statement on the matter. [13265/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application under section 49 — i.e. acquisition of title by virtue of long possession — of the Registration of Title Act 1964 which was lodged on 5 November 2002. Dealing No. D2002XS010659W refers.

I understand that, owing to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process.

I am further informed that queries were issued to the lodging solicitors on 7 May 2004 and that the application cannot proceed until those queries have been satisfactorily resolved.

However, I can assure the Deputy that, on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

Refugee Status.

336. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application to remain in the State in the name of a person (details supplied); and if a decision will be made in the case shortly. [13280/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State on 18 January 2001 and claimed asylum. The Office of the Refugee Applications Commissioner recommended that she should not be declared as a refugee, and she was notified of that recommendation on 23 April 2001. The person in question appealed that recommendation to the Refugee Appeals Tribunal. Following an oral hearing, the original recommendation was affirmed, and she was informed of that decision on 29 September 2003.

In accordance with section 3 of the Immigration Act 1999, the person concerned was informed on 31 December 2003 that it was proposed to make a deportation order in her case. She was given the options of making representations within 15 working days setting out the reasons as to why she should not be deported, i.e. be allowed to remain temporarily in the State; leaving the State voluntarily before the order was made; or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned. This person's case file will be considered under a range of factors as set out in section 3(6) of the Immigration Act 1999. I expect her case file to be submitted to me for consideration shortly.

Garda Deployment.

337. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if he will request the Garda Commissioner to allocate additional gardaí to the Tallaght area; if he will also allocate additional resources to address the issue of early intervention with children to lessen the risk of their going into crime; and if he will also allocate funding for suitable accommodation and services to address young persons involved in crime. [13282/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the personnel strength, including all ranks, of Tallaght Garda station as at 10 May 2004 was 164. That compares with a figure of 133 as at 31 December 1997 and represents an increase of 31, or 23.3%, since that date.

A divisional crime prevention officer attached to Tallaght Garda station operates within the boundaries of the Dublin metropolitan region (south) division.

At present 20 community gardaí are allocated to ten specific neighbourhoods in Tallaght covering 43 neighbourhood watch schemes. One sergeant and four gardaí are assigned to JLO duties in the Tallaght Garda district. The strength of all community policing units is reviewed periodically.

Garda management will continue to appraise the policing and administrative strategy employed in the Tallaght area with a view to ensuring that an effective Garda service is maintained.

The situation will be kept under review, and when additional personnel next become available the needs of Tallaght Garda station will be fully considered within the overall context of the needs of Garda stations throughout the country.

There are three Garda youth diversion projects in the Tallaght Garda district namely: KEY, or Key to Engaging Youth, Killinarden, Fettercairn and Glenshane; JAY, or Jobstown Action for Youth; and YEW, or Youth Enhancement in Whitechurch.

Garda youth diversion projects are a community-based, multi-agency crime prevention initiative which seek to divert young persons from becoming involved — or further involved — in anti-social or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda-community relations.

A total of €296,420 was made available in 2003 to the three projects in the Tallaght district. Funding of €5.318 million has been allocated for the Garda youth diversion projects in 2004.

The probation and welfare service has established a dedicated youth justice team covering the south side of Dublin, including the Tallaght area. A probation and welfare officer based on that team is currently working with offenders under 18 years residing in the Tallaght area. In addition, it is also intended that a member of the youth justice team work closely with a designated probation and welfare officer on the Tallaght court team to implement family conferencing which is a new disposal under the Children Act 2001. Probation and welfare officers working with young offenders in the Tallaght area endeavour to access all suitable projects and facilities that would minimise the marginalisation of the young person.

An extension of Lions Villa Hostel, Chapelizod, was completed in 2002 costing over €1 million. This is a residential facility for young offenders, some of whom may come from the Tallaght area.

Currently the probation and welfare service, through the Office of Public Works, is in negotiations with a developer in the Tallaght area to secure a large purpose-built building to be used

by the Tallaght probation project and as an assessment centre under the Children Act 2001.

In addition, the Garda Síochána Bill 2004 proposes a formalised consultation process in the form of local policing committees which will formulate and oversee the implementation of measures of co-operation between the local authority and the gardaí aimed at reducing crime and disorder and combating the misuse of alcohol and drugs.

The Deputy may also be aware of the sanctions and procedures, including family conferencing and so on set out in the Children Act 2001. Furthermore, there are a wide range of support services available through the Department of Education and Science for children with difficulties, such as the National Education Welfare Board and the National Education Psychological Service.

Registration of Title.

338. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing on a folio (details supplied) will be completed. [13286/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the registrar of titles that this is an application for conversion of title which was lodged on 3 September 2002. Dealing Number D2002SM007574T refers. I am further informed that this application was abandoned on 30 March 2004 and the application was returned to the lodging solicitor.

Year	FOI Requests Received	Internal Reviews Received	% of Internal Reviews
2000	683	106	15.5
2001	683	93	13.6
2002	660	91	13.7
2003	636	96	15.0
2004 to date	146	19	13.0

My Department is committed to the full implementation of the Freedom of Information Acts 1997 and 2003. I am also informed that the only application for registration pending on this property was an application for transmission which was lodged on 20 July, 1999. Dealing Number D1999SM005024B refers. The registrar of titles has also informed me that this application was completed on 10 May 2004.

341. **Ms Burton** asked the Minister for Justice, Equality and Law Reform the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if he will make a statement on the matter. [13322/04]

339. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the person who has legal ownership of land (details supplied) in County Mayo; and the registrations which have taken place on it in the past 20 years or so. [13287/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the registrar of titles that the details supplied by the Deputy refer to an application for registration by way of a Land Commission schedule which was lodged on 2 September 1980. Schedule Number V0000SM082940V refers. I am further informed that this application was completed on 30 September, 2002, that a new folio was opened in respect of this property and that this folio and its Land Registry map are available for inspection in the Land Registry office by any member of the public

Freedom of Information.

340. **Ms Burton** asked the Minister for Justice, Equality and Law Reform the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13307/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is provided in the following table:

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is provided in the following table:

Year	Total of FOI Requests received in First Quarter
2000	211
2001	175
2002	156
2003	209
2004	106

My Department is committed to the full implementation of the Freedom of Information Acts 1997 and 2003.

Visa Applications.

342. **Mr. Durkan** asked the Minister for Justice,

[Mr. Durkan.]

Equality and Law Reform when applications for visa renewals by a person (details supplied) in County Kildare will issue in view of the fact that they attended the local Garda station to renew same and was referred to the immigration section of the GNIB which referred them back to the station; and if he will make a statement on the matter. [13340/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that the Garda recently contacted the person in question to clarify the documentation needed for registration of her eldest son. Upon production of this documentation the relevant permission to remain may be granted to her eldest son. The person concerned has also been informed that her younger son is not required to register as he is under 16 years of age.

Citizenship Application.

343. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the status of an application for citizenship made by persons (details supplied) in Dublin 22; and when he expects a decision to be made in this case. [13341/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for naturalisation from the male person referred to by the Deputy was received in my Department on the 9 March. There is no record of an application having been received from his wife. However, if she wishes to apply for naturalisation at this time, her application will be associated with that of her husband and both will be processed simultaneously. Applications for naturalisation are currently taking approximately 18 months to process. Consequently, it is likely that the application will be finalised in late 2005. As soon as I have reached a decision on the matter, I will inform both the applicant and the Deputy of the outcome.

Closed Circuit Television Systems.

344. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the position in relation to the closed circuit television system to be installed in Clondalkin; if this system has gone out to tender in the first quarter of 2004 as previously indicated; and the timeframe within which he expects the system to be operational. [13342/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): When the go-ahead was given to proceed with the installation of town centre CCTV systems at 17 locations throughout the country, it was decided that implementation

would be on a phased basis. If work were to commence on all 17 locations simultaneously, it would prove difficult to project manage due to the complexity of the process and the geographical spread of the proposed system, and it would also require additional resources.

Phase 1: The contract for the supply, installation and commissioning of Garda CCTV systems in Bray, Dundalk, Dún Laoghaire, Finglas, Galway and Limerick was awarded to SKS Communications Ltd. The system in Dún Laoghaire has recently been completed and is now fully operational. The remaining systems are currently at various stages of completion.

Phase 2: The pre-tender process for the CCTV systems in Athlone, Clondalkin, Tallaght and Waterford is at an advanced stage.

Phase 3: Planning for the installation of CCTV systems for Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo is scheduled to commence later this year. The planning process includes identifying the proposed closed circuit television locations.

Consideration is currently being given to restructuring of the manner in which these systems go to tender with a view to delivering the implementation of these CCTV systems in a more efficient and cost effective manner.

Stardust Fire.

345. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform if he will take steps to ensure that the costs incurred by the Stardust relatives committee in the preparation of the new report on the cause of the Stardust fire will be met by the Government. [13343/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that I have not had any approach from the Stardust victims' committee as regards this matter and therefore would not be in a position to give him any view on it at this stage.

346. **Mr. Broughan** asked the Minister for Justice, Equality and Law Reform if he has received the report compiled by the Stardust relatives committee on the cause of the fire at the Stardust Night Club on 14 February 1981 and submitted to him in February 2004; the action he has taken on foot of this report; and if he will make a statement on the matter. [13344/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can confirm to the Deputy that my Department has received a report on the fire at the Stardust in 1981, which has been compiled at the behest of the Stardust victims' committee. My Department has forwarded this report to the Garda Commissioner and the Forensic Science Laboratory for examination of

the material contained in the report, with particular reference to any “new evidence” or matters not dealt with by the tribunal of inquiry.

Visa Applications.

347. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 110 of 29 April 2004, if the decision to refuse a holiday visa can be reviewed on compassionate grounds (details supplied); and if visa approval has been granted for the two children in question. [13359/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): With regard to the visa application in question, the position remains the same as in my reply to the Deputy's Parliamentary Question No. 110 of 29 April 2004. With regard to the two children in question, visas were approved on 23 March 2004 to enable the children come to the State to reside with their parents.

Ministerial Expenses.

348. **Mr. McCormack** asked the Minister for Justice, Equality and Law Reform the expenses each Minister of State has received between 1 January 2003 and 31 December 2003. [13382/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Deputy O'Dea, Minister of State at the Department of Justice, Equality and Law Reform did not receive any expenses during the period 1 January 2003 to 31 January 2003. The Department of Health and Children will respond in respect of Deputy Brian Lenihan, Minister of State at the Department of Justice, Equality and Law Reform, who has not claimed any expenses from my Department.

Departmental Properties.

349. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the details of the work being carried out at Beladd Park, Portlaoise, County Laois; the identity of the company undertaking this work; the timescale and cost involved; the use which the remainder of the estate will be put to and his intention for the estate generally; and if he will make a statement on the matter. [13440/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I indicated in my reply to Question No. 375 of 9 March 2004, no decision has been made in respect of the future use of Beladd Park. The work being carried out is primarily of a security nature and consists of fencing and demolition works. The main purpose of this work is to ensure the security of the Midlands Prison and to prevent incursions in the area by persons seeking to propel contraband

over the prison wall. The work is being undertaken by SIAC Construction and is due for completion within the next six weeks. The overall cost of the work is approximately €1 million.

Community Care.

350. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform if he will make a grant available for community care service for a group (details supplied) in County Limerick. [13476/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that an application from this group in County Limerick for a substantial capital grant of almost €1.35 million was submitted some time ago and that there has been considerable dialogue between the project and Area Development Management Limited on aspects of the proposal.

The daily administration of the equal opportunities child care programme 2000-2006 is undertaken by Area Development Management Limited which has been engaged by my Department to carry out thorough assessments against the programme criteria of all applications for grant assistance under the programme, on my behalf. All large-scale capital projects are referred by Area Development Management Limited to an independent external building specialist to assess the suitability of the proposal and its value for money. This external appraisal has been completed. On completion of the assessment process, applications are considered by the programme appraisal committee chaired by my Department which makes a funding recommendation to me before I make a final decision on the matter.

The EOCP is a seven year development programme, whose progress received favourable comment from the mid-term evaluators of the regional operational programmes and the National Development Plan 2000-2006. Expenditure under the programme covers the period to the end of 2007 and must take place in a planned manner as must grant approvals to ensure that it can meet its financial commitments at all times.

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 and to support capital developments in the private child care sector. Area Development Management Limited on behalf of my Department, is carrying out an extensive review of the programme's capital commitments to date, numbering more than 1,100 and at a value of €114 million, to ensure that grant commitments previously entered into will be realised. Projects may be

[Mr. McDowell.]

awaiting planning permission or the completion of tender processes before reasonable assurance can be taken that they will proceed and, if they do not, the funding set aside can be decommitted and made available to another project.

In addition, my Department has recently reviewed the different budget lines under the EOCP, including the capital programme, to ensure that the most effective use is made of all remaining funding in accordance with the programme's objectives. Some transfers between measures were recommended and require the approval of the regional assemblies. I expect that this technical process will be completed shortly and that it will bring to at least €157 million the total allocation for the capital development of child care under the present EOCP. This amount includes an element for the administration by Area Development Management Limited of the capital programme. At the same time, an extensive review of child care provision 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.

I intend to allocate the remaining capital funding under this strand of the Government's commitments to child care to address the most immediate service gaps. As a result, all the projects in the pipeline, including this Limerick project, are being reviewed again by Area Development Management Limited on the basis of geographical need, the range of services being offered and the capacity of a group to complete a project before the end of the programme. Those projects which best meet the criteria will receive priority. The review process will be repeated as necessary to maximise the benefits deriving from this phase of the EOCP.

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 workforce will support my case for ongoing capital and current funding from Government for this key sector. Should any additional funding become available before the end of the present national development plan, the programme would again benefit from transfers. Pending the outcome of the Area Development Management Limited review, it would be premature of me to comment further on specific applications for grant assistance.

Garda Deployment.

351. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform the number of gardaí deployed in each Garda station in the State and in each Garda division. [13478/04]

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 number of gardaí deployed in each Garda Division in the State, as at 10 May 2004, is as set out in the following table.

Division	Number of Gardai deployed as at 10 May 2004
Carlow/Kildare	326
Cavan/Monaghan	369
Clare	255
Cork City	607
Cork North	243
Cork West	241
DMR Eastern	518
DMR North Central	636
DMR Northern	571
DMR South Central	677
DMR Southern	538
DMR Western	626
Donegal	413
Galway West	346
Kerry	264
Laois/Offaly	267
Limerick	475
Longford/Westmeath	245
Louth/Meath	531
Mayo	271
Roscommon/Galway East	249
Sligo/Leitrim	268
Tipperary	314
Waterford/Kilkenny	346
Wexford/Wicklow	315

These figures do not include those members located in Garda headquarters, Garda college and members of the national support units. The information requested in respect of the number of gardaí in each Garda station in the State is being compiled within my Department and will be forwarded to the Deputy in due course.

Drug Seizures.

352. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform the amount of heroin seized in the Dublin area for each of the past three years. [13479/04]

353. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform the amount of cocaine seized in the Dublin area for each of the past three years. [13480/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 352 and 353 together.

I am informed by the Garda authorities that the following is the breakdown of seizures of cocaine and heroin in the Dublin metropolitan region over the past three years:

Year	Heroin		Cocaine	
	Number of Cases	Volume Seized	Number of Cases	Volume Seized
2001	672	28.713Kg	162	4.175Kg
2002	585	12.692Kg	236	20.361Kg
2003	572	19.873Kg	332	59.271Kg

Garda Deployment.

354. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform the number of community gardaí operating in Dublin; if a review has been undertaken or is planned of their operation and the cost to the State of providing this service.. [13481/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the control and management of community policing units is the responsibility of local Garda management who keep their activity, productiveness and deployment under continual review. The number of Garda personnel deployed on community policing within the Dublin metropolitan region is six inspectors, 31 sergeants and 260 gardaí. The annual salary related cost of providing this service, excluding overtime and allowances, in the DMR amounts to €10.5 million approximately.

Community policing was reviewed under the strategic management initiative programme of modernisation. The Garda SMI implementation steering group has finalised its report which I have received. I am having the report examined in my Department and will give careful consideration to all of the steering group's recommendations.

Registration of Title.

355. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform when the case of a person (details supplied) in County Monaghan will be dealt with; if the case will be expedited as a matter of urgency; and if he will make a statement on the matter. [13482/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for a transfer order which was lodged on 2 September 2002. Dealing No. D2002CS007672M refers. I am further informed that this application was completed on 24 February 2004.

Child Care Services.

356. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the position in relation to an application submitted to his Department by a sub-committee of the PCDA for a community

crèche for the town of Portarlinton; the status of the application; and if he will make a statement on the matter. [13483/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application from this group for a substantial capital grant of almost €2.8 million and an associated staffing grant was submitted in February 2004.

The daily administration of the equal opportunities child care programme 2000 — 2006 is undertaken by Area Development Management Limited which has been engaged by my Department to carry out thorough assessments against the programme criteria of all applications for grant assistance under the programme on my behalf. All large scale capital projects are referred by Area Development Management Limited to an independent external building specialist to assess the suitability of the proposal and its value for money. This external appraisal has been completed. On completion of the assessment process, applications are considered by the programme appraisal committee chaired by my Department which makes a funding recommendation to me before I make a final decision on the matter.

The EOCP is a seven year development programme, whose progress received favourable comment from the mid-term evaluators of the regional operational programmes and the National Development Plan 2000-2006. Expenditure under the programme covers the period to end 2007 and must take place in a planned manner as must grant approvals to ensure that it can meet its financial commitments at all times.

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 and to support capital developments in the private child care sector. Area Development Management Limited on behalf of my Department, is carrying out an extensive review of the programme's capital commitments to date, numbering more than 1,100 and at a value of €114 million, to ensure that grant commitments previously entered into will be realised. Projects may be awaiting planning permission or the completion of tender processes before reasonable assurance

[Mr. McDowell.]

can be taken that they will proceed and, if they do not, the funding set aside can be decommitted and made available to another project.

In addition, my Department has recently reviewed the different budget lines under the EOCP including the capital programme to ensure that the most effective use is made of all remaining funding in accordance with the programme's objectives. Some transfers between measures were recommended and require the approval of the regional assemblies. I expect that this technical process will be completed shortly and that it will bring to at least €157 million the total allocation for the capital development of child care under the present EOCP. This amount includes an element for the administration by Area Development Management 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.

I intend to allocate the remaining capital funding under this strand of the Government's commitments to child care to address the most immediate service gaps. As a result, all the projects in the pipeline, including this Limerick project, are being reviewed again by Area Development Management Limited on the basis of geographical need, the range of services being offered and the capacity of a group to complete a project before the end of the programme. Those projects which best meet the criteria will receive priority. The review process will be repeated as necessary to maximise the benefits deriving from this phase of the EOCP.

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 workforce will support my case for ongoing capital and current funding from Government for this key sector. Should any additional funding become available before the end of the present national development plan, the programme would again benefit from transfers. Pending the outcome of the Area Development Management Limited review, it would be premature of me to comment further on specific applications for grant assistance.

Visa Applications.

357. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform, further to Question No. 458 of 24 February 2004, if a positive decision can now be made based on the information submitted. [13533/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An appeal against the refusal of the visa application in question was received in

my Department in March 2004. The visa appeals officer who examined the application took into account the information provided in support of the application, the applicant's ties and general circumstances in her country of origin, her immigration history, as well as the relative attractiveness and feasibility of the applicant remaining in the State. The Department's approach in these matters is informed by past experience, including experience of abuse of the system. In this instance, the visa appeals officer formed the opinion that it would not be reasonable to conclude that the applicant would observe the conditions attached to the visa and the decision to refuse the application was upheld. It is open to the applicant to make a fresh application with up to date supporting documentation and the matter will be considered anew.

Garda Operations.

358. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform if the Garda Commissioner recently informed him of the success, or otherwise, of Operation Carousel, which took place in a number of Garda districts in the Dublin area in recent months, in an attempt by the Garda to pinpoint known troublemakers who loiter and hang around shopping centres and various areas; if the Commissioner is in a position to tell the Minister or his Department if this operation is to be extended; and if he will make a statement on the matter. [13542/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that Operation Carousel is an initiative specific to the Dublin metropolitan west division. Particular emphasis is placed on the prevention and detection of theft from persons and vehicles, burglary, drug and public order offences. The pilot stage of Operation Carousel commenced in January 2004. The continuation of this operation will not be determined until the completion of the six month pilot period when an evaluation of the project will be made.

Official Languages Act.

359. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13571/04]

360. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act

2003; and if he will make a statement on the matter. [13586/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 359 and 360 together.

While estimates of the cost of implementing the Official Languages Act 2003 have not been prepared to date by my Department or by the offices and agencies associated with it, my Department does not expect that significant additional costs will arise in this regard and expects that any costs which do arise will be met from within existing resources.

Garda Escorts.

361. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the payments received in 2003 by his Department from financial institutions by way of payment for providing Garda escorts for cash in transit; if this money covered the actual costs of providing this service; and if he will make a statement on the matter. [13593/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In accordance with the standing arrangements, my Department received payment of €3 million from the banks in respect of cash escorts carried out by the Garda Síochána in 2003. While the payment received does not defray the full cost of the service, negotiations are being conducted with the financial institutions in relation to their annual contribution.

Citizenship Applications.

362. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied) in Dublin 8. [13608/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 3 February 2003.

Applications for naturalisation are currently taking approximately 18 months to process. Consequently, it is likely that the application of the person concerned will be finalised in late 2004. As soon as I have reached a decision on the matter, I will inform both the applicant and the Deputy of the outcome.

Garda Operations.

363. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the water cannon used at Ashtown Gates against protesters have been purchased or leased; the reason they had Dublin registration numbers; and if he will make a statement on the matter. [13609/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that two water cannons were received

on loan from the Police Service of Northern Ireland by the Garda Síochána. In compliance with the Roads Act 1920, as amended, these vehicles were the subject of a special importation certification issued by the Revenue Commissioners and the relevant local authority registration marks were subsequently issued. In accordance with statutory requirements, vehicles imported for use in the State are re-registered with Irish number plates. The Garda authorities are of the view that as the water cannons were required for Garda operational reasons, the most appropriate course of action in this case was to reregister them with Irish number plates.

Garda Operations.

364. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the May Day 2004 protests participants were filmed by gardaí; the extent of such filming; the purpose of same; and if he will make a statement on the matter. [13610/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Garda authorities that video equipment was used as part of the operational policing plan for May Day 2004. I understand that videoing of the Garda operation on May Day will be used in the training of gardaí in public order tactics and informing police strategy in the future.

Visa Applications.

365. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if persons (details supplied) will receive a holiday visa; and the reason they were treated very poorly. [13611/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The reference numbers and names of the visa applications in question were not provided in the details supplied by the Deputy. Therefore, it was not possible to identify the visa applications to which he refers. My Department has contacted the Deputy's office in this regard.

Citizenship Applications.

366. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform when a decision will be made in the case of a person (details supplied) in County Carlow. [13644/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration of acceptance of post-nuptial citizenship from the person referred to in the Deputy's question was received in my Department on 15 April 2004. A letter issued to the applicant on 21 April acknowledging receipt of his declaration and notifying him of his reference number. The current processing time for such declarations is approximately eight months from the date of lodgement. It is likely, therefore, that the processing of the declaration

[Mr. McDowell.]
referred to in the question will be finalised by the end of this year.

Garda Operations.

367. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if he will address concerns in relation to the penalty points system that gardaí are concentrating their efforts on low risk areas such as 40 mile zones rather than on higher risk stretches of road such as blackspots, dangerous back roads and housing estates. [12557/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that their policy is to target collision prone locations, formerly known as blackspots, for speed detections, in so far as this is possible. These are determined in consultation with the National Roads Authority and the relevant local authority under the collision prevention programme.

Electronic Voting.

368. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if, in the context of his statements to Dáil Éireann concerning the independent testing of the proposed electronic voting system, he will outline the individuals or companies which he commissioned to carry out this testing; the payments made for this testing; and if he did not commission this testing, will he give the source of his Dáil statement. [13417/04]

389. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the firms of consultants or experts, the computer manufacturers and individual electronic specialists engaged by his Department in each of the past five years to advise on the proposed introduction of electronic voting; and the payments made to each in each of those years. [13409/04]

390. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if, in the context of his statements concerning the proposed electronic voting system, he will detail the person who had conducted the independent testing of the systems; the context in which these

companies or individuals were engaged; the fees paid for this testing; and if he will comment on whether he received value for money for this expenditure. [13410/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 368, 389 and 390 together.

In evaluating the tenders received for the provision of an electronic voting and counting system, my Department availed of expert practical and technical advice from returning officers and from the Local Government Computer Services Board; €42,029.96 was paid to the board for its assistance both during the tendering process and in the development and testing of the electronic voting system.

Since the selection of the Nedap-Powervote system in December 2000, the Department has engaged the following independent and internationally accredited testing companies, institutes and companies to assess and review the various elements of the system: Physikalisch Technische Bundesanstalt, PTB, the German national test institute which undertook a code review of the embedded software in the voting machine, and also assessed the functionality of the machine, including addressing the absolute correspondence between pressing a preference button and registering the appropriate preference in the ballot module; TNO, an ISO EN accredited Dutch firm which conducted extensive environmental testing, electromagnetic, power surges, etc., on the voting machine and equipment; KEMA, another accredited Dutch firm which certified the physical and safety aspects of the voting machine; Electoral Reform Services, the UK company which specialises in single transferable vote count rule testing and which ran functional tests to verify that the system implements the PR-STV count rules properly; PMI Software and Nathean Technologies Limited, Irish software companies which undertook architecture assessments and source code reviews of the election management and count software; and Zerflow Information Security, an Irish firm which undertook an assessment on the physical threats to the voting machine in polling stations. The reports of these testing agencies and companies were published and the test results were positive.

Payments made are set out in the following table.

Agency/Company	2001	2002	2003	2004
	€	€	€	€
PTB	28,121.05	964.06	21,735.75	—
TNO	18,836.32	—	28,281.50	—
KEMA	3,000	2,500	—	—
ERS	—	24,692.42	33,532.72	2,175.35
PMI/Nathean	48,241.44	29,235.46	52,390.58	72,372.52
Zerflow	—	4,040	—	—

Question No. 369 resubmitted.

Water and Sewerage Schemes.

370. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he has appointed the consultant to draft a preliminary report on the development of a sewerage scheme for the village of Creggs, County Galway; and if he will make a statement on the matter. [13168/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The appointment of engineering consultants in connection with an individual water services scheme is a matter for the local authority concerned. In the case of the Creggs sewerage scheme, a preliminary report was submitted to my Department by Galway County Council in 1999 but has not been approved.

The scheme is fourth in the list of sewerage schemes submitted by the council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the water services investment programme 2004-2006 published last week. Given the rating afforded to the scheme by the council, it has not been possible to include it in the programme.

Electronic Voting.

371. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the amount of money that has been paid to the companies providing the machinery for electronic voting and to the experts employed to source the company who provided them. [13169/04]

372. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the amount of money the machines have cost in relation to the electronic voting; the amount of money spent on storing them; and the amount of money that has been spent on the trials of the machines around the country. [13170/04]

373. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the amount of money the electronic voting system has cost to date including all the required machines and publicity of the campaign to implement them. [13171/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 371 to 373, inclusive, together.

The total estimated cost of the equipment, software and training related to the electronic voting and counting system is €46.4 million, including VAT. Of this, the cost of the voting machines themselves is some €40 million, including VAT. Recoupment has been advanced

from the control fund by the Department of Finance to returning officers who are also responsible for the testing and storage of the equipment for their constituencies in relation to virtually all of these costs. Some €1.15 million to date has been paid on the voter education and awareness campaign. My Department does not have details of estimated storage costs for the voting machines. Where these costs will arise, these are a matter for returning officers.

The company providing the machinery was selected by an open competitive tendering process and the evaluation of tenders for the provision of the electronic voting and counting system was carried out by my Department with the assistance, as necessary, of the Local Government Computer Services Board and returning officers.

Local Authority Housing.

374. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if his Department has schemes and so on for the provision of central heating systems in local authority housing; and if he will make a statement on the matter. [13199/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Since 1994, my Department has required that central heating be provided during construction in new local authority dwellings and included in the overall cost of the schemes.

The management, maintenance and improvement of their rented dwellings including the installation of central heating, is in principle the responsibility of local authorities to be financed from their own resources. Where capital funding is provided under remedial or regeneration schemes operated by my Department for upgrading of local authority dwellings, the provision of central heating may form part of the work undertaken.

Local authorities may also seek my Department's approval to use their internal capital receipts which are surplus to the requirements of the local authority housing construction and remedial works programmes or to use some of the ring-fenced funds under Part V of the Planning and Development Acts 2000 — 2002 for the provision of central heating in their rented housing stock.

375. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if his Department has schemes and so on for the removal of asbestos from sheds in local authority housing; and if he will make a statement on the matter. [13200/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Local housing authorities are responsible for the management and maintenance of their rented housing stock. It would be a

[Mr. N. Ahern.]

matter for individual authorities to decide whether it is necessary to remove any asbestos containing materials present in sheds and, if so, to undertake the necessary work. There are no schemes or grant assistance available from my Department for this work.

Library Projects.

376. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the funding that has been granted for the new library facilities in Ballymote, County Sligo; when it will be sanctioned; and if he will make a statement on the matter. [13201/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): In April 2003, Sligo County Council submitted an application for approval, in principle, for a community library at Ballymote. The council was advised at the time that as the proposal was not included in the public library capital expenditure programme 2002-2004, it could not be advanced but would be considered in the next review of that programme. The review of the programme is now at an advanced stage and I propose to announce details, in the near future, of the projects to be included for funding in an expenditure programme for 2005 to 2007.

Departmental Staff.

377. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13251/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The Civil Service and Local Appointments Commission recruit the majority of Civil Service staff, including staff for my Department. In the case of the limited local recruitment carried out directly by my Department, the procedures and practices adhered to are in compliance with the Employment Equality Act 1998 and with leading practice in the area of recruitment. The selection criteria used for recruitment is based on the qualifications required for the particular job and the ability of applicants to carry out the duties and responsibilities of the post. While there are no special application procedures, applicants are invited to indicate in advance any additional relevant information or specific supports they may require by way of access, communication arrangements, etc.

Freedom of Information.

378. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the percentage of requests under the Freedom of

Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13308/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The percentage of requests under the Freedom of Information Act which proceeded to internal appeal in my Department in the years 2002-04 are set out in the following table:

Year	%
2004	8.51
2003	6.60
2002	7.45

379. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if he will make a statement on the matter. [13323/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The number of requests under the Freedom of Information Act received by my Department in the first quarter of each year 2002-04 is set out in the following table:

Period	Number
January — March 2004	40
January — March 2003	135
January — March 2002	84

Housing Aid for the Elderly.

380. **Ms M. Wallace** asked the Minister for the Environment, Heritage and Local Government the housing assistance his Department can provide to persons (details supplied) in England; and if he will make a statement on the matter. [13326/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under the amendment made to the terms of my Department's voluntary housing capital assistance scheme in November 2001, up to 25% of accommodation in new projects provided throughout the country by individual voluntary housing bodies with funding under the scheme may be allocated to elderly returning emigrants who satisfy eligibility criteria in respect of their current circumstances and are included in the Safe Home waiting list.

The Safe Home organisation carries out a co-ordinating role liaising with relevant individual

voluntary housing bodies throughout the country regarding accommodation for eligible elderly emigrants who are included in their waiting list. Safe Home assesses applications from elderly emigrants for accommodation under the scheme and compiles a list of eligible applicants. It liaises with relevant voluntary bodies throughout the country and with local authorities in respect of accommodation for eligible elderly emigrants on its waiting list and carries out a co-ordinating role generally in relation to the scheme. Allocation of accommodation under the amended scheme is not contingent on persons being included or accepted for inclusion in the housing authority assessment of housing need. Instead, specified conditions regarding their current circumstances and inclusion in the Safe Home waiting list are relevant.

I understand from inquiries made with the Safe Home organisation that the persons to whom this question refers applied to it for accommodation in January 2001. Safe Home has also advised that the applicants will be considered for any suitable accommodation becoming available to them for allocation to elderly returning emigrants, in, County Meath.

381. **Ms M. Wallace** asked the Minister for the Environment, Heritage and Local Government the housing assistance his Department can provide to persons who emigrated from Ireland in the 1950's to the UK who have never owned their own home abroad and who wish to retire here as returned emigrants; if such persons should apply to their local authority from their UK address or return home and live with relatives here before applying to the local authority; if it is necessary for such persons to be domiciled here for a period of time before applying to the local authority housing list; and if he will make a statement on the matter. [13327/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The letting of local authority housing is a matter for the relevant local authority in accordance with its scheme of letting priorities, which is prepared and adopted at local level. It is understood that local authorities have generally accepted applications for housing from applicants who have taken up residence in Ireland, usually within the functional area of the local authority from whom they intend seeking accommodation, and who make a formal application to that authority for housing. However, under an amendment made to the terms of my Department's voluntary housing capital assistance scheme in November 2001, up to 25% of accommodation in new projects provided throughout the country by individual voluntary housing bodies with funding under the scheme may be allocated to elderly returning emigrants who satisfy eligibility criteria in respect of their current circumstances and are included in the Safe Home waiting list.

Safe Home carries out a co-ordinating role liaising with relevant individual voluntary housing bodies throughout the country regarding accommodation for eligible elderly emigrants who are included in their waiting list. Elderly emigrants wishing to apply for accommodation may apply and be assessed for housing provided under the scheme without the requirement of having first returned to this country.

Election Management System.

382. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if all local authorities, city and county sheriffs and all public authorities have retained the polling boxes available for general, local and European elections and referenda. [13354/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Under electoral law, the conduct of an election or referendum is a matter for the appropriate returning officer who is assigned responsibility for all necessary practical arrangements for the good conduct of an election in a constituency. Specifically in respect of polling stations, the returning officer is required to provide, *inter alia*, a sufficient number of ballot boxes. Details of the number of boxes available to returning officers would not be notified or available to my Department.

Private Rented Accommodation.

383. **Ms F. O'Malley** asked the Minister for the Environment, Heritage and Local Government if landlords must register their properties with their local authority; if so, if there is a registration fee; the areas to which such money is allocated; and if he will make a statement on the matter. [13363/04]

384. **Ms F. O'Malley** asked the Minister for the Environment, Heritage and Local Government the steps a local authority may take against a landlord who has failed to register his rented property; and if he will make a statement on the matter. [13364/04]

387. **Ms F. O'Malley** asked the Minister for the Environment, Heritage and Local Government if a landlord must supply a tax clearance certificate when registering a property or properties with their local authority; and if he will make a statement on the matter. [13367/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 383, 384 and 387 together.

Landlords are required under the Housing (Registration of Rented Houses) Regulations 1996, to register with the local authority private rented accommodation to which the regulations apply and pay a fee of €50 per annum in respect of each registration application. Registration fees are payable to the housing authorities in respect of their functions under sections 17, 18 and 20 of

[Mr. N. Ahern.]
the Housing (Miscellaneous Provisions) Act 1992 relating to rent books, standards and registration of private rented accommodation.

Housing authorities are responsible for enforcement of the registration requirements and conviction for an offence of contravening the regulations carries a fine of up to €1,270 and €127 for each day of a continuing offence. Landlords do not have to furnish tax clearance certificates in order to comply with the legal obligation to register.

The Residential Tenancies Bill 2003, which is currently before Dáil Éireann, provides that landlords must register details of their tenancies with a Private Residential Tenancies Board and provides, accordingly, for the repeal of the 1996 regulations. This board will proactively pursue compliance and unregistered accommodation will also come to notice when tenants bring cases to the board. Landlords must be registered in order to avail of the board's dispute resolution service and a double fee will apply to late registrations. Conviction for an offence under the legislation, including contravention of the registration requirements, will carry a fine of up to €3,000 or imprisonment for a term not exceeding six months or both, along with a daily fine, of up to €250 for continuing non-compliance.

385. **Ms F. O'Malley** asked the Minister for the Environment, Heritage and Local Government the steps a local authority can take against a landlord who is neglecting their property or ignoring the anti-social behaviour of their tenants and if he will make a statement on the matter. [13365/04]

386. **Ms F. O'Malley** asked the Minister for the Environment, Heritage and Local Government if a law-abiding resident is entitled to know the name of a landlord who is neglecting their property; and if he will make a statement on the matter. [13366/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 385 and 386 together.

The Housing (Standards for Rented Houses) Regulations 1993 prescribe minimum physical standards of private rented accommodation, including maintenance of dwellings in good repair, and require common areas, yards, forecourts and items such as walls and fences to be kept in good repair and clean condition.

Housing authorities are responsible for enforcing the regulations, including inspection of premises, notifying landlords of necessary improvements and, where appropriate, instituting court proceedings. Conviction for an offence in respect of accommodation standards carries a fine of up to €1,270 and up to €127 for each day of a continuing offence. It is proposed to update these penalties under the Residential Tenancies Bill, which is currently before the Dáil. That Bill

also prohibits landlords taking retaliatory action against tenants who make complaints to public authorities. It is proposed, in tandem with the operation of the new legislation, to undertake further action to promote improvement in standards of private rented accommodation, including measures to maximise the effectiveness of enforcement.

Where a requirement of the standards regulations is not complied with, the housing authority can have any necessary repairs carried out and recover the cost, which may be secured against the property, from the landlord. Housing authorities also have further powers to require the repair, closure or demolition of houses that are unfit for human habitation.

The Litter Pollution Act 1997 requires owners of residences let in two or more dwellings to keep areas visible from a public place free of litter. Local authorities are responsible for enforcement of this legislation, which carries a fine of up to €3,000 on conviction for an offence and up to €600 for each day of a continuing offence.

The registered owner of property, including rented dwellings, can be ascertained from the Land Registry. Complaints relating to the standard or condition of particular properties can be made to the relevant local authority.

Action to deal with anti-social behaviour generally is primarily a matter for the Garda Síochána. The Residential Tenancies Bill prohibits tenants engaging in anti-social behaviour in, or in the vicinity of, dwellings to which the Bill applies. It allows landlords to terminate any tenancy where the tenant is engaging in or allowing others to engage in such behaviour with a notice period of only seven days in the case of serious anti-social behaviour or 28 days in the case of less serious, but persistent, behaviour. The Bill also obliges landlords to enforce tenants' obligations where a person, such as a neighbour, would be adversely affected by a failure to do so. It gives third parties that are affected a right to take a case against a landlord who has failed to enforce a tenant's obligations to the Private Residential Tenancies Board, which will be established under the legislation to deal with disputes in the private rented sector. The board can direct the landlord to ensure that the tenants comply with their obligations and if necessary, enforce compliance through the courts.

Question No. 387 answered with Question No. 383.

Ministerial Expenses.

388. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the expenses each Minister of State has received between 1 January 2003 and 31 December 2003. [13383/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): In the period from the 1 January 2003 to the 31 December

2003, some €51,089 was paid in expenses to the Minister of State, Deputy Gallagher, and some €15, 931 to the Minister of State, Deputy Noel Ahern.

Questions Nos. 389 and 390 answered with Question No. 368.

Electronic Voting.

391. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the number of electronic voting machines purchased for the proposed introduction of electronic voting; the company or companies from which these were purchased; and the total expenditure on these machines. [13411/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Some 7,321 voting machines have been acquired by returning officers from the manufacturer, Nedap NV of the Netherlands. Payment for the machines was made by returning officers at an estimated cost of approximately €40 million, including VAT.

392. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the expenditure by his Department in relation to the promotion and advertising of the proposed electronic voting system; the name of the company or companies involved; and the expenditure under this heading in each of the past five years. [13412/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Following an open competitive tendering process, my Department commissioned the consortium of McConnells Advertising and Q4 Public Relations to undertake a comprehensive nation-wide awareness and education campaign on the introduction of the electronic voting and counting system. In addition to the multimedia dissemination of information on the electronic voting system, a significant element of the campaign is focused on mobilising the electorate to vote on 11 June.

Since the Government decided not to use the electronic voting system at the June polls, the campaign has been suspended, apart from the Get out and Vote element. To date, €1.156 million has been paid towards the cost of the campaign and any outstanding commitments are under consideration.

In advance of the general election in May 2002 and referendum in October 2002, awareness campaigns were also undertaken in the constituencies where electronic voting was used. The total cost of those campaigns, which were undertaken by Carr Communications, was, €533,000.

393. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if, in the context of the proposed introduction of the electronic voting system, he will indicate the

numbers of staff within his Department who were working on this system; and the estimated expenditure on these staff for this purpose over each of the past five years. [13413/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): The franchise section in my Department, which currently comprises ten staff, including two job-sharing officers, is responsible for the electoral legislative codes, the provision of advice to registration authorities and returning officers, servicing the constituency commission and the provision of electoral information to the public. As part of its work, this section was tasked with procuring, developing and delivering the electronic voting and counting system on a phased basis and has been working on the project since 2000. The section was assisted by returning officers, the local government computer services board, the Institute of Public Administration in respect of training and companies engaged to test the equipment and software.

It is not feasible to disaggregate the staff costs that specifically relate to the introduction of the electronic voting and counting system.

Fire Stations.

394. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of a new fire station at Tallow, County Waterford (details supplied); and if he will make a statement on the matter. [13449/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): In November 2001 Waterford County Council submitted design drawings and a detailed cost plan for a new one bay fire station at Tallow, estimated cost at that time, €568,000. Since then my Department has approved a tender for a new fire station at Ardmore, County Waterford, estimated cost €780,000.

The council's proposal regarding Tallow is being considered in the context of the fire services capital programme having regard to a risk-based approach to fire cover, the competing demands of other fire authorities nationally, the level of funding available to the capital programme and value for money.

Shared Ownership Scheme.

395. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the clawback which is due to the local authorities in the event of the death of a recipient of a shared ownership house who is repaying the full mortgage and who has made a will. [13502/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The shared ownership scheme is designed to facilitate access to full home ownership in stages by persons who cannot afford

[Mr. N. Ahern.] this immediately. The applicant initially acquires a share, minimum of 40%, in a house and rents the remainder from the local authority, with an undertaking to acquire the remaining equity within a 25 year period. The applicant's share in the ownership of the house is normally paid for by way of a cash deposit and a local authority mortgage loan.

Under these arrangements, loan repayments relate not to the full equity value of the house but only to the amount purchased through the mortgage. Applicants are also expected to take out mortgage protection insurance in respect of their share, which in the event of death, would pay off the associated outstanding mortgage commitments.

In most cases site subsidy does not arise in shared ownership transactions and therefore a clawback does not apply. Where, however, the local authority has originally provided the house at a discount from market value through payment of a site subsidy and the purchaser proposes to purchase the remaining equity from the local authority or sell or dispose of his or her equity in the house within 20 years of the date of the shared ownership lease, the purchaser must refund to the local authority a percentage of the proceeds of the sale of the house, that is, a clawback. The percentage of the proceeds to be repaid will be related to the proportion of discount originally received from the local authority. A full refund must be paid if the house is sold within the first ten years of occupancy. A reduction of 10% per annum is given for each full year of occupancy between ten and 20 years and after 20 years of full occupancy no refund would be due to the local authority.

The general terms of the shared ownership scheme, as outlined above, are governed by the 1992 and 2002 Housing (Miscellaneous Provisions) Acts. The application of these in individual cases is dealt with through the terms of the particular leasing agreement between the local authority and the householder. Detailed questions regarding individual circumstances under the shared ownership scheme may therefore be appropriately addressed to the local authority.

Social and Affordable Housing.

396. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the number of new houses expected to be built in Dublin in each of the next five years; and the proportion of these which will be for social and affordable housing. [13503/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The National Development Plan 2000-2006 estimated that housing demand would translate into a requirement for an additional 500,000 houses to be built in the ten years to 2010, that is, 50,000 per year. The measures introduced

by this Government to boost supply are having effect. The NDP targets are being met with almost 229,000 units built in the four years since 2000. The year 2003 was the ninth successive year of record housing output with house completions at 68,819 units, up 19.3% on the previous year.

Last year also saw a 14% increase in house completions in Dublin, to 14,394 units, and an increase of 10.5% in the greater Dublin area, to 22,852 units.

The Government is committed to continuing with measures to boost the supply of housing and ensuring that the demand for housing is met in a sustainable manner. The Government is also concerned to ensure that the broad spectrum of housing needs is met, and remains committed to continuing with measures to assist low-income groups and those with social housing needs by means of a range of targeted social and affordable housing programmes. There has been substantial growth in investment in housing. The capital spending provision in 2004 at over €1.8 billion is four times the level of investment in 1997. It is anticipated that the housing needs of around 13,000 households will be met in 2004 through the full range of social and affordable housing measures.

Local authorities, including those in Dublin, have been asked to develop new five-year action plans to deliver across the full range of social and affordable housing programmes and supporting measures for the period 2004 to 2008. The action plans will be based on the overall analysis of need and should be consistent with the relevant housing strategy, subject to any necessary updating. The plans will outline the proposed response in terms of new social and affordable housing, Traveller accommodation, and the housing needs of the elderly, people with a disability and the homeless. They will also address regeneration and remedial works together with the proposed arrangements for management and maintenance of the local authority housing stock.

The plans are to be submitted to my Department by the end of this month and will be agreed later this year.

Electoral Register.

397. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if he has considered issuing to each local authority an instruction under section 18(1) of the Electoral Act 1992 requiring each authority to compile the electoral register in such a manner that it includes geodirectory identifier codes which identify each building in the State; if this matter has been considered within the franchise division of his Department; and if he will make a statement on the matter. [13532/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): There are no proposals to issue such an instruction under section 18(1) of the Electoral Act 1992. However,

the local government computer services board has developed an internet inquiry facility for the register of electors in conjunction with my Department, the Office of the Data Protection Commissioner and representatives of a number of registration authorities. It is hoped to pilot this service in a number of registration authorities later this year.

Election Management System.

398. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government if he considers the production of a photo card by non-nationals, such as the Garda National Immigration Bureau card, as a sufficient form of identification in terms of the upcoming local and European Elections on 11 June 2004; and if he will make a statement on the matter. [13541/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): Under the Electoral (Amendment) Regulations 2004, which I have recently made, the list of specified documents which a voter may be required to produce at a polling station has been extended to include a temporary residence certificate card and a Garda National Immigration Bureau card.

If a person wishes to be included in the supplement to the register they must have their application form witnessed by a member of the Garda Síochána who may in this connection request the production of photographic or other identification. While no identification documents are prescribed for this purpose, I understand that the Garda authorities have now issued a circular letter to assist in the administration of this matter. If a person cannot attend their local Garda station, their application may be witnessed by an official of the local authority. If because of a physical illness or disability a person cannot attend either their local Garda station or their local authority, their application form should be accompanied by a medical certificate.

Supplement applications must arrive at the appropriate local authority not later than 24 May 2004 in order to be eligible to vote in the polls to be held on 11 June.

Official Languages Act.

399. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13572/04]

400. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13587/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I propose to take Questions Nos. 399 and 400 together.

The Official Languages Act 2003 will be implemented as part of the ongoing administration of my Department and as required under the terms of the Act. Separate estimates of the cost to my Department of this implementation have not been prepared. My Department is committed to providing quality services in Irish and English as outlined in the customer service action plan 2001-04. Guidance is provided to assist staff in arranging for the translation of documents into Irish, mechanisms are in place to measure and report on the service being provided in Irish and attendance at Irish language courses by staff is supported.

Implementation of the Act by the 17 agencies under the aegis of my Department and by local authorities is a matter for each individual organisation concerned.

Dormant Accounts Fund.

401. **Mr. Deasy** asked the Minister for Community, Rural and Gaeltacht Affairs if he will set aside money from the dormant accounts fund for the provision of radiotherapy services in the south-east region; and if he will make a statement on the matter. [13506/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Decisions on the disbursement of funds from dormant accounts moneys are currently a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board has engaged Area Development Management Limited to administer the initial round of funding on its behalf which involves the disbursement of up to €30 million from the fund. The closing date for receipt of applications for this round of funding was 5 March 2004.

The board's disbursement plan and the published guidelines for applicants specify that funding will be targeted towards programmes or projects to assist three broad categories of persons — those affected by economic and social disadvantage, educational disadvantage and persons with a disability. Only applications received by the closing deadline and which relate to these specific purposes will be considered under this round of funding by the board.

The Deputy will be aware that the Government decided in December 2003 to make a number of changes to the manner in which dormant accounts funding is disbursed. Legislation to give effect to the proposed changes is currently being drafted and will be published in the next few weeks. It is proposed that the Government will, in future, make decisions in relation to disbursements from the fund with the board providing an important advisory and monitoring role.

[Mr. N. Ahern.]

It should be noted, however, that disbursements will continue to be directed towards assisting those affected by social, economic and educational disadvantage and persons with a disability.

National Drugs Strategy.

402. **Dr. Upton** asked the Minister for Community, Rural and Gaeltacht Affairs if an application (details supplied) will receive priority. [13193/04]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The project in question has applied for funding under the local drugs task force premises initiative and the application is currently under consideration. I hope to be in a position to make announcements in this regard in the near future.

For the Deputy's information, I understand that the project is in the process of re-locating to a new premises in Bluebell.

Departmental Staff.

403. **Mr. Stanton** asked the Minister for Community, Rural and Gaeltacht Affairs the way in which persons with disabilities can access employment in his Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if he will make a statement on the matter. [13252/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The great majority of open posts in my Department are filled by staff recruited by the Office of the Civil Service and Local Appointments Commissioners and persons with a disability can apply for such competitions.

No special application procedures exist in respect of persons with disabilities. Competitions are occasionally held by the Department itself, such as those for a temporary accountant, or unestablished temporary services officers, are advertised in the national press and all persons, including those with disabilities, have access to the application process.

The provisions of all relevant employment and equality legislation are fully complied with.

Freedom of Information.

404. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the percentage of requests under the Freedom of Information Act which proceed to internal appeal in his Department; the way in which that percentage compares with the percentage in previous years; and if he will make a statement on the matter. [13309/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The Deputy will be aware that my Department was established in June 2002. Details of the percentage of requests under the Freedom of Information Act which

have proceeded to internal appeal in my Department since that time are as follows: 2002, June — December, a total of 50 requests were received, three of which proceeded to internal review (6%); 2003 — a total of 60 requests were received in 2003, three of which proceeded to internal review (5%); 2004 — a total of 20 requests have been received to date, none of which have proceeded to internal review.

405. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of requests under the Freedom of Information Act received by his Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if he will make a statement on the matter. [13324/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The Deputy will be aware that my Department was established in June 2002. Details of the number of requests under the Freedom of Information Act received by my Department in the first quarter of each year since that time are as follows: first quarter 2003, 29 requests received; first quarter 2004, 16 requests received.

Ministerial Expenses.

406. **Mr. McCormack** asked the Minister for Community, Rural and Gaeltacht Affairs the expenses each Minister of State has received between 1 January 2003 and 31 December 2003. [13384/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I wish to advise the Deputy that no travel and subsistence expenses were paid by my Department to the Minister of State, Deputy Noel Ahern, between 1 January 2003 and 31 January 2003.

Gaeltacht Employment Schemes.

407. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the details of companies established by Údarás na Gaeltachta whose directors are officials of Údarás outlining the purpose of such companies. [13445/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my previous response to Parliamentary Question No. 134 of 27th April 2004.

Section 8(6) of the Údarás na Gaeltachta Act 1979 confers on the Údarás the power to form a body corporate for the purpose of establishing, developing or maintaining industries and productive schemes of employment in the Gaeltacht. Údarás na Gaeltachta currently has nine subsidiary companies which were established for the purposes outlined as follows: Taighde Mara Teoranta — established for the purpose of

research and the promotion and development of activities in the aquaculture sector in the Gaeltacht; Teachíní Eanach Mheáin Teoranta — established for the management of a holiday village complex owned by Údarás na Gaeltachta in Ceantar na nOileán, Connemara, County Galway; G Com Teoranta — established to promote the use of information technology in Gaeltacht areas; Saoi Teoranta — established to manage and promote training and education activities in the Gaeltacht; Snáth Kilcarra Teoranta — established as a manufacturing company in the textile sector; Imeachtaí Gaelsaoire Teoranta — established to promote cultural tourism activities in the Gaeltacht; Muintearas na nOileán Teoranta — established as an educational and training initiative for early school leavers in the more remote communities in the Gaeltacht; Ealaín na Gaeltachta Teoranta — established for the promotion of activities related to the arts and culture of the Gaeltacht; Foinn Chonallacha Teoranta — established to promote development based on the rich musical heritage of the Donegal Gaeltacht.

Further details relating to these companies are available in the annual reports and accounts of Údarás na Gaeltachta or from the Company's Registration Office.

Official Languages Act.

408. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has prepared an estimate of the cost to his Department of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13573/04]

409. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs if estimates have been prepared by the public bodies funded by his Department in regard to the cost of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [13588/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 408 and 409 together.

Given that my Department provides a fully bilingual service across a wide range of the services it provides to the general public, it is not expected that significant additional costs will arise in the implementation of the Act within the Department. A number of the public bodies for which the Department has responsibility, such as Údarás na Gaeltachta and Bord na Leabhar Gaeilge, for example, already provide all services through the Irish language and the Act should have no cost implications for them.

As the Deputy is aware, the Act provides for the preparation by my Department, and individually by each of the bodies under its aegis, of a scheme on the delivery of services to the general public in the Irish language. My

Department is finalising the drafting of its scheme under the Act and is preparing guidelines to assist other public bodies in preparing their schemes. It is anticipated that the scheme and the guidelines will be finalised in the near future. The first tranche of other public bodies will be asked to prepare schemes for approval once the draft guidelines have gone through the necessary statutory consultation procedure. The Department's draft scheme has yet to be finalised and those other public bodies under the Department's aegis for which the Act has service delivery implications, such as ADM and the Commissioners of Charitable Donations and Bequests, have to prepare schemes. Estimates of the costs involved are not available but it is envisaged that they will not be substantial. The costs that arise will be met from within the framework of existing administrative budgets.

Community Employment.

410. **Mr. J. O'Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs his intentions regarding the introduction of a community employment type scheme in the Gaeltacht-CLÁR areas; the involvement envisaged for FÁS and the leader groups in this scheme; and if he will make a statement on the matter. [13652/04]

411. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs when the guidelines for the rural social scheme will be made available, in view of the fact that this scheme was announced in December 2003. [13669/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 410 and 411 together.

I will launch the rural social scheme on 17 May next. The guidelines for the scheme will be made available at that time. The scheme will be implemented at a local level by the Leader groups and in the Gaeltacht by the Leader groups in conjunction with Údarás na Gaeltachta. The implementing bodies will liaise with other bodies, including the local FÁS offices, about the referral of clients.

Social Welfare Code.

412. **Mr. Crowe** asked the Minister for Social and Family Affairs if he will investigate the case of a person (details supplied) in County Tipperary who on 4 May 2004 was issued with a HRC1 form to complete; and the nature of this form. [13439/04]

Minister for Social and Family Affairs (Mary Coughlan): Since 1 May 2004, applicants for a range of social assistance payments have had to satisfy the condition of being habitually resident in Ireland. The purpose of the HRC1 form is to enable persons making a claim for social assistance payments to outline the circumstances

[Mary Coughlan.]
of their residency. This allows the Department to make a decision in their case. The person in question claimed unemployment assistance on 4 May 2004. He was asked to complete the HRC1 form so his entitlement for payment could be determined. Other conditions for the receipt of this payment include being available for and genuinely seeking work, as well as satisfying a means test. His application is under consideration and he will be advised of the outcome immediately after a decision is made.

413. **Mr. Morgan** asked the Minister for Social and Family Affairs if she will investigate the case of a person (details supplied) in County Louth; the reason this person is being forced to return to an abusive environment; the further reason this person, whose income is €159.60 per week, is expected to pay rent of €150 per week; the further reason her Department puts persons in such positions; and if she will make a statement on the matter. [13158/04]

Minister for Social and Family Affairs (Mary Coughlan): Subject to certain conditions, the supplementary welfare allowance scheme, which is administered on behalf of my Department by the health boards, provides for the payment of a weekly or monthly supplement in respect of rent to eligible people in the State whose means are insufficient to meet their accommodation needs and who do not have accommodation available from any other source. The North Eastern Health Board, which was contacted about this case, has advised that an application for rent supplement from the person in question was refused because her means exceeded the relevant income limit. The board has further advised that it needs to be satisfied that the person has explored other possible solutions to address her difficulties and that no other more appropriate options remain open to her. The person is expected to pursue the possibility of obtaining a barring order to secure the family home for occupation solely by herself and her child. This could provide a better long-term outcome for the family in question. The circumstances of the case as they have been presented to the board do not justify, in the opinion of the board, the payment of rent supplement. The person has been advised of her right to appeal against the decision.

Question No. 414 withdrawn.

Employment Support Services.

415. **Mr. Stanton** asked the Minister for Social and Family Affairs the way in which persons with disabilities can access employment in her Department; if there are special application procedures; the criteria by which it is decided that persons qualify; and if she will make a statement on the matter. [13253/04]

Minister for Social and Family Affairs (Mary Coughlan): Recruitment of all persons, including persons with disabilities, in the main Civil Service grades is the statutory responsibility of the Office of the Civil Service and Local Appointments Commission. The commission uses two competition methods to recruit persons with disabilities; the standard open competitions and confined competitions held specifically for persons with disabilities. The entry requirements and the standard necessary to pass the confined competitions are identical to those pertaining to the open competitions.

My Department is directly responsible for recruitment at the services grade level. Recruitment for these grades is conducted by means of advertisement with FÁS. Persons with disabilities are encouraged to apply for the positions. My Department also engages in some direct recruitment of temporary staff outside Dublin to cover short-term absences such as the summer term time period or maternity leave. As is the case with all appointments to the Civil Service, the appointments are subject to the person's being suitable for the duties of the position being filled. As part of my Department's commitment to staff with disabilities, a group was established in 2003 under its workplace partnership process to examine issues relating to the needs of staff with disabilities and to make recommendations about appropriate changes and improvements. The group recently produced its report and its recommendations, including some relating to aspects of recruitment, are being examined.

Social Welfare Benefits.

416. **Mr. Murphy** asked the Minister for Social and Family Affairs if an application for carer's allowance for a person (details supplied) in County Cork will be expedited. [13267/04]

Minister for Social and Family Affairs (Mary Coughlan): The persons concerned applied for carer's allowance on 21 April 2004. The case has been referred to an investigative officer of my Department for a means assessment and to establish if the conditions necessary for receipt of carer's allowance are satisfied. In the meantime, the medical evidence in support of his application has been forwarded to the Department's chief medical advisor for consideration of medical eligibility. His entitlement to carer's allowance will be further considered in light of the reports of the medical advisor and the investigative officer. He will be notified directly of the outcome. Under social welfare legislation, decisions about claims must be made by deciding officers and appeals officers. The officers are statutorily appointed and I have no role in making such decisions.

Freedom of Information.

417. **Ms Burton** asked the Minister for Social and Family Affairs the percentage of requests under the Freedom of Information Act which proceed to internal appeal in her Department; the way in which that percentage compares with the percentage in previous years; and if she will make a statement on the matter. [13310/04]

Minister for Social and Family Affairs (Mary Coughlan): The annual number of requests for information under the Freedom of Information Acts received by my Department was 670 in 2002 and 593 in 2003. In 2002, 32 cases, or 4.8%, proceeded to internal appeal and in 2003, 15 cases, or 2.5%, proceeded to internal appeal. Some 155 requests were received in the first quarter of 2004 and no cases have proceeded to internal appeal in 2004 to date. Most requests received by my Department are granted in whole or in part, with just a small percentage of requests being refused in full — 11.6% in 2002; 11.3% in 2003 and 9.3% in 2004 to date. The following table outlines the total number of requests received each year since the inception of the Freedom of Information Act and the percentage that proceeded to internal appeal.

Year	Number of requests received	Number proceeding to internal appeal (%)
1998 (from 21/4/98)	286	13 (4.5%)
1999	557	39 (7.0%)
2000	645	32 (5.0%)
2001	553	25 (4.5%)
2002	670	32 (4.8%)
2003	593	15 (2.5%)
2004	155	0 (0%)

Freedom of Information.

418. **Ms Burton** asked the Minister for Social and Family Affairs the number of requests under the Freedom of Information Act received by her Department in the first quarter of 2004; the way in which this compares with the number of FOI requests received in a similar period in previous years; and if she will make a statement on the matter. [13325/04]

Minister for Social and Family Affairs (Mary Coughlan): In the first quarter of 2004, a total of 155 requests for information under the Freedom of Information Acts, 1997 and 2003 has been received by my Department. This compares with 183 received in 2002 and 187 in 2003. The table supplied outlines the number of requests received in the first quarter of each year by my Department since the commencement of the Freedom of Information Act.

Year	Total Received
1998	Not applicable
1999	164
2000	175
2001	138
2002	183
2003	187
2004	155

My Department releases a great deal of information outside of FOI on a routine basis, especially in relation to personal information. For example, details held on our central records system pension forecasts, deciding officers' decisions on entitlement to benefits and any records that have been submitted to the Department by clients themselves are released to them as a matter of course. In addition, much information is available in published reports and/or provided on the Department's website. The majority of FOI requests to my Department are for personal information and there has not been any significant change in the numbers being received annually.

Social Welfare Benefits.

419. **Mr. Durkan** asked the Minister for Social and Family Affairs when the rent supplement will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [13350/04]

Minister for Social and Family Affairs (Mary Coughlan): The South Western Area Health Board was contacted regarding this case and has advised that the person concerned was requested to provide full details of her financial circumstances so that an accurate assessment of her means could be carried out. To date the full details have not been furnished. When the necessary information is provided, the board will determine whether or not a rent supplement is payable.

420. **Mr. M. Higgins** asked the Minister for Social and Family Affairs her views on the anomaly which sees persons in similar positions with regard to receipt of the deserted wife's benefit payment treated differently depending on the year they first applied for this payment; if this social welfare legislation frustrates equality legislation; and her views regarding an amelioration of this situation. [13424/04]

Minister for Social and Family Affairs (Mary Coughlan): Deserted wife's benefit is a payment made to a woman deserted by her husband. Entitlement to payment is based on social insurance contributions paid by the wife or her husband. An earnings limit was introduced for deserted wife's benefit in 1992. The limit, which

[Mary Coughlan.] applied only to new claims after August 1992, is currently €12, 697.38 a year, in terms of gross earnings. Where earnings are in excess of that figure, there may be entitlement to a reduced rate of payment of deserted wife's benefit, provided earnings do not exceed €17,776.33 a year in gross earnings. A no earnings limit applies where the claim was made on or before 30 August 1992.

A further change was introduced in 1997 when the scheme was closed to new applications with effect from 2 January 1997, on the introduction of the one-parent family payment. With the introduction of that scheme, the condition of desertion no longer applied. A parent with dependent children is eligible for benefits under the scheme, irrespective of gender or the circumstances that gave rise to the lone parenthood. Lone parents are encouraged under the scheme to maximise their income from different sources and the means test for the scheme makes provision for the exemption of earnings and maintenance payments.

With regard to employment, lone parents may earn up to €146.50 per week without affecting their payment. Earnings above this limit are assessed at 50%, up to a maximum of €293.00 per week. Lone parents are also eligible to avail of the full range of employment support schemes operated by my Department. The schemes for deserted wives under social insurance have been retained to the extent that existing entitlements already acquired in August 1992, when the earnings limit was introduced for new claimants, and in 1997, when the one parent family payment scheme was introduced have been preserved. All new claimants, irrespective of gender, who seek income support as lone parents, are treated equally.

Social Welfare Appeals.

421. **Mr. McGuinness** asked the Minister for Social and Family Affairs if disability allowance will be awarded to a person (details supplied) in County Kilkenny; and if this application will be expedited. [13432/04]

Minister for Social and Family Affairs (Mary Coughlan): My Department has no record of a recent claim for disability allowance from the person concerned. He previously applied for disability allowance but was refused on the grounds that he did not satisfy the medical eligibility criteria for receipt of the allowance. He was advised of this decision, the reason for this refusal and of his right of appeal to the social welfare appeals office. He is currently in receipt of supplementary welfare allowance of €134.80 per week. An application form for disability allowance has been sent to him for completion. On receipt of this form, his entitlement to the

allowance will be again considered and he will be notified directly of the outcome.

Social Welfare Benefits.

422. **Mr. Crowe** asked the Minister for Social and Family Affairs if she will investigate the case of a person (details supplied) in Dublin 17. [13443/04]

Minister for Social and Family Affairs (Mary Coughlan): The person concerned made an application for unemployment assistance on 9 January 2003. A deciding officer assessed his means at €31.00 per week, derived from his spouse's income as a part-time teacher. The person concerned appealed the deciding officer's decision. Following an oral hearing of his appeal an appeals officer upheld the deciding officer's decision. An appeals officer's decision is final in the absence of new facts or fresh evidence.

The means of the person concerned are currently assessed at nil as his spouse is in receipt of unemployment benefit. His entitlement is €89.40 per week, which is the difference between €229.40, the maximum rate payable to a couple, less €134.80, his spouse's unemployment benefit payment.

The Northern Area Health Board was contacted on behalf of the person in question and has advised that the application for an exceptional needs payment, under the supplementary welfare allowance scheme, in respect of clothing was refused on the grounds that no exceptional need had been proven. In the opinion of the board the person's weekly income level is sufficient to cater for normal clothing requirements. The board has further advised that when the application was refused, the person was informed of his right to appeal against the decision to the health board appeals officer.

Employment Support Services.

423. **Ms Shortall** asked the Minister for Social and Family Affairs the number of taxi licence holders who have availed of the back-to-work scheme in each of the past three years; if information is available on the number of such licence holders who returned their licence when their entitlement to this allowance ended; and if he will address this issue with his colleague the Minister for Social and Family Affairs. [12533/04]

Minister for Social and Family Affairs (Mary Coughlan): The back to work allowance scheme consists of two strands. These are the back to work enterprise allowance for people going into self employment and the back to work allowance for employees. Information on the type of employment or self employment of back to work allowance scheme participants is not recorded on the computer systems through which back to

work allowance payments are made. However, evaluations of the scheme carried out by independent consultants indicate that about 13% of back to work enterprise allowance participants are engaged in the carriage of goods and people. This category includes taxi/hackney drivers and couriers. There are currently 8,451 participants in the self employed strand of the scheme and a further 6,011 participants in the employee strand. These data suggest that there are approximately 1,000 participants in the self-employment strand of the scheme engaged in the carriage of goods and people, including participants in the taxi industry.

No record is kept of the numbers of taxi drivers who surrender their licences on completion of the allowance. However, the numbers involved are likely to be small, in that experience has shown that the great majority of enterprises supported through the scheme are successful. Evaluations of the scheme indicate that almost 80% of participants in the back to work

enterprise allowance remained in business or in other forms of employment when their participation in the scheme had ended.

Applications for the self employed strand of the scheme must be approved by either the Department's locally based facilitators, or, in partnership areas, by the enterprise officer. In all cases the facilitator or enterprise officer must be satisfied that the business will survive beyond the four years during which the allowance is payable. The back to work scheme is kept under regular review to ensure it retains its focus in assisting the long term unemployed and other vulnerable groups into sustainable employment or self employment while also ensuring that participants do not displace enterprises already in existence.

The question of displacement is specifically considered before claims are approved. As both the facilitator and enterprise officer are familiar with supply and demand for services in their area, they are best placed to decide if displacement will occur. If this is the case the enterprise will not be approved and the allowance is not awarded. This applies to all businesses including the taxi business.

Social Welfare Benefits.

424. **Mr. Cregan** asked the Minister for Social and Family Affairs if the criteria for qualifying for a free travel pass can be altered or adjusted in order to allow persons who were State employees, retired on ill health, and in receipt of a State pension only to qualify; if some allowance can be made for persons over 55 and under 66 years, not in receipt of a social welfare payment and with no other income other than their State pension which is nearly equivalent or a little above the rate of disability allowance. [13546/04]

Minister for Social and Family Affairs (Mary Coughlan): The free travel scheme is available to all people living in the State aged 66 years, or over, to all carers in receipt of carer's allowance and to carers of people in receipt of constant attendance or prescribed relative's allowance. It is also available to people under age 66 who are in receipt of certain disability type social welfare payments, such as disability allowance, invalidity pension and blind person's pension.

Extensions to the free travel and other schemes are considered in a budgetary context, taking account of financial circumstances and the needs of those not covered by the existing arrangements. The issue raised by the Deputy would be among those to be considered in that context.

Official Languages Act.

425. **Mr. O'Shea** asked the Minister for Social and Family Affairs if her Department has prepared an estimate of the cost to her Department of implementing the provisions of the Official Languages Act 2003; and if she will make a statement on the matter. [13574/04]

426. **Mr. O'Shea** asked the Minister for Social and Family Affairs if estimates have been prepared by the public bodies funded by her Department in regard to the cost of implementing the provisions of the Official Languages Act 2003. [13589/04]

Minister for Social and Family Affairs (Mary Coughlan): I propose to take Questions 425 and 426 together.

My Department recognises the rights of customers to be dealt with in Irish if they so wish and makes every effort to ensure that service through Irish is available and of a high standard. The policy in relation to the use of Irish is informed by the principles of quality customer service which were adopted by the Government in 2000, the Department's statement of strategy 2003-2005 and customer action plans since 1997.

It is not possible to quantify the precise amount of money spent specifically on Irish in any given year, whether arising from the requirements of the Official Languages Act or otherwise. Providing services to customers through Irish involves translation and printing of forms and leaflets, training of staff in written and spoken Irish, and providing public area signage with both directions and information on the availability of service through Irish. The cost of the Irish element is, in many instances, included in the total cost and cannot be separately identified.

The Official Languages Act provides for preparation in due course by my Department, and individually by each by the bodies under its aegis, of a scheme in relation to the delivery of services to the public in the Irish language. It is

[Mary Coughlan.]
not possible at this stage to specify what services through Irish will be provided for in the scheme. The Department will be assessing costs as part of the process of preparing for the delivery of services through Irish.

A similar situation pertains to the four statutory agencies under the aegis of my Department — Combat Poverty Agency, Comhairle, the Pensions Board and the Family Support Agency.

Social Welfare Benefits.

427. **Mr. Ring** asked the Minister for Social and

Family Affairs the reason a letter of 22 March 2004 (details supplied) issued to the invalidity control section of the social welfare service offices in Longford has not been answered.
[13668/04]

Minister for Social and Family Affairs (Mary Coughlan): My Department normally responds to representations of this nature within two weeks. The delay in responding in this instance was due to an oversight which is regretted. A reply was issued to the Deputy on 10 May 2004.