



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 13 May 2004.

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DÁIL ÉIREANN

*Déardaoin, 13 Bealtaine 2004.
Thursday, 13 May 2004.*

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

*Paidir.
Prayer.*

Request to move Adjournment of Dáil under Standing Order 31.

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

Mr. Naughten: I seek the Adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent importance, namely, in light of the collapse of the airline, JetGreen, if the Minister for Transport will outline the steps he will take to assist passengers who may be unable to complete their journeys as a result of the collapse, the steps that are being taken to ensure the continuation of the routes, and if he will now review the conditions of the licensing of airlines in view of the collapse of this airline and that of Duo and Jetmagic earlier this year.

Mr. Neville: I move the Adjournment of the Dáil Éireann under Standing Order 31 to discuss the following matter of urgent national importance, the announcement by the Central Statistics Office that 444 people died by suicide last year, that one third of deaths among young people are because of suicide, and that this is the biggest cause of death in the 15 to 24 age group, 81% of whom are male, the failure of the Government to invest in research to determine the reason for such an epidemic of suicide and the total absence of suicide prevention programmes.

Mr. Sargent: I ask that Dáil Éireann be adjourned under Standing Order 31 to discuss a matter of national and life-threatening importance, namely, the need to formulate an action plan in response to revelations of radon gas levels in many homes, which are many hundreds of times the recommended background levels and to require the Minister for the Environment, Heritage and Local Government to reinstate the irresponsible cutback he made in radon remediation grants.

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

Order of Business.

The Tánaiste: The Order of Business today shall be as follows: No. 15, Education for Persons with Disabilities Bill 2003 — Report Stage (resumed) and Final Stage to adjourn at 1 p.m. today, if not previously concluded, and No. 1, Maritime Security Bill 2004 [*Seanad*] — Second Stage.

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

Mr. R. Bruton: I am sure everyone here would join me in congratulating the Garda on their successful seizure of a large amount of precursor chemicals for the making of drugs. Will the Tánaiste comment on the Government's position on EU co-operation on transitional crime? It seems that Ireland is becoming a hub for the distribution of precursor chemicals and Irish drug barons seem to be holed up in the Netherlands——

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

Mr. R. Bruton: Yes, my question is very appropriate. Under a number of EU initiatives, a move has been made to try to co-ordinate crime across the European Union in respect of crimes and those votes will be taken by qualified majority voting. It appears the Minister responsible is holding out against that position. In view of these occurrences I ask the Tánaiste if the Government has changed its view and is pressing ahead with co-operation in respect of these sorts of offences?

An Ceann Comhairle: That question would be more appropriately directed to the line Minister responsible. On the question of legislation or secondary legislation, I call the Tánaiste to reply.

The Tánaiste: I share the views expressed by Deputy Richard Bruton on the success of the Garda Síochána in its major find yesterday. In regard to the IGC, legislation and a referendum will be necessary. There is no question of us not co-operating to tackle major drugs activities of this kind or other serious crime, but Ireland and Britain have a different legal system from counties in mainland Europe and that has to be taken on board in the context of negotiations on the IGC. We are not alone in the attitude we have taken in regard to some of these matters.

Mr. R. Bruton: The problem is that some countries become hubs for such distribution.

Ms McManus: Today we read of the conclusion of the case of Ms Kathy Quilty — of which I have

[Ms McManus.]

no doubt Members are aware — who suffered terribly at the hands of Dr. Neary. This raises a number of issues about legislation about which I would like to ask the Tánaiste. My first question relates to the medical practitioners Bill, which has been sought by the medical professions for more than seven years.

An Ceann Comhairle: Does the Deputy have a question on the legislation?

Ms McManus: Yes.

An Ceann Comhairle: Will she please put the question?

Ms McManus: It is important to illustrate the gravity of the situation.

An Ceann Comhairle: There are other ways the Deputy can raise this matter, particularly by way of parliamentary question to the relevant Minister. This is the Order of Business.

Ms McManus: I appreciate that. In 2002 we were promised that the Bill would be published in 2003. We were then informed that it would be published in 2005. The most recent programme relating to legislation indicates that no date has been fixed for the publication of the Bill. Is this not a matter of great concern?

An Ceann Comhairle: The Tánaiste should respond on the medical practitioners Bill.

Ms McManus: With respect, I have not finished and I did indicate that I have a number of questions. I am saving time by asking the questions together because they all relate to this case.

Is it the Government's intention to establish a statutory inquiry into the cases relating to Dr. Neary and his barbaric practices which have grievously injured so many women?

An Ceann Comhairle: We cannot have statement on the matter. Does the Deputy have a question on legislation?

Ms McManus: My final question also relates to the case. The Government has, in principle, pursued the objective of a no-fault compensation scheme for brain-damaged children. Since 2001 a group has been assessing the possibility of establishing such a scheme but has still not issued a report. What is the Government's position now that the insurance scheme is falling apart?

The Tánaiste: The only matter the Deputy raised that relates to legislation is the medical practitioners Bill which was also referred to yesterday. Unfortunately, I am not in a position to state when it will be published. I suggest that the Deputy discuss the matter with the Minister for Health and Children.

Mr. Sargent: In his wisdom, the Ceann Comhairle saw fit not to allow the matter I raised under Standing Order 31. As regards promised legislation, what is the position regarding the building control Bill? This question relates to the matter I raised under Standing Order 31 but it goes beyond the appalling standards of finishing and energy insulation in new houses. The radon issue applies to existing housing and building stock. Is the Government going to give urgent consideration to the building control Bill which, we were informed, would be published in mid-2003 but will now not appear until late 2004 and ensure that it will apply to existing housing stock, especially in respect of the incidence of radon gas?

Mr. Stagg: We have taken rather drastic, and probably correct, action on smoking and cancer-related deaths, of which there are approximately 500 per year. Radon gas causes in the region of 300 cancer deaths per year. The report on Castleisland demonstrates the importance of this matter and the severity of the problem. The Radiological Protection (Amendment) Act 2002 makes provision for grants for remedial schemes for homes. Is it the Government's intention to activate the relevant section of the Act to allow for the restoration of the grants which it previously abolished?

The Tánaiste: The building control Bill will be published later this year. There is no legislation required in respect of grants.

Mr. Stagg: That is not the question I asked. Legal provision was made for such grants in the Radiological Protection (Amendment) Act 2002. Will the Government activate the relevant section or introduce secondary legislation, if required?

The Tánaiste: As the Deputy stated, the legislation is already in place. It is not a legislative matter; it is a budgetary matter. It is, therefore, not a matter for the Order of Business.

Mr. Stagg: What about secondary legislation?

The Tánaiste: Legislation is not required.

An Ceann Comhairle: Under the relevant Standing Order, the reply to a question on secondary legislation may be postponed to another day.

The Tánaiste: I do not believe that secondary legislation is required here. It is a question of budgetary resources and that is a different matter.

Mr. Stagg: Money is required and the Government has loads of it.

Mr. Crawford: The health complaints Bill has been dropped and will now form part of the health Bill. When will the latter be introduced?

In light of the failure of the Minister for Agriculture and Food to introduce REPS 3——

An Ceann Comhairle: The first question is in order but the second is not. The Deputy is out of order and embarking on a Second Stage speech.

Mr. Crawford: The second question is also in order. When will there be a debate on agriculture?

An Ceann Comhairle: The Deputy will have to raise that matter with the Whips. Unless a debate has been promised, he may not refer to it.

The Tánaiste: The matters that were to be the subject of the health complaints Bill will be incorporated in the health Bill.

Mr. Crawford: When will the health Bill be published?

Mr. M. Higgins: I asked yesterday for the Government to provide time for a debate on a particular matter and the Tánaiste, to whom I am grateful, agreed. I note, however, that no provision has been made for this debate on next week's Order of Business. What is the position in respect of the undertaking the Tánaiste gave yesterday in light of the urgency of the matter I raised, namely, the appalling treatment of prisoners and others in breach of the Geneva Convention?

An Ceann Comhairle: Does the Deputy have a question on legislation?

The Tánaiste: I understand that the Minister for Foreign Affairs will not be available next week, with the exception of being present for Question Time, as he will be abroad. That is the reason the Whips were not in a position to agree on a time for the debate. The International Criminal Court Bill will be debated next week. If we can find time the following week to discuss the matter raised by the Deputy when the Minister is present, it might be more appropriate to do so then.

Mr. M. Higgins: I do not intend to delay proceedings. However, given that additional evidence has been presented to the US Congress and that the House will not be sitting for a number of days, it is appropriate to discuss this matter. I understand that the Labour Whip and other party Whips stated that they would be happy if the Minister of State at the Department took the statements and debate.

An Ceann Comhairle: The Deputy has made his point.

Mr. M. Higgins: We are talking about an undertaking given in the Dáil about a matter of considerable urgency, the debate on which will be delayed at the whim of the Minister.

An Ceann Comhairle: The Deputy has made his point.

Mr. M. Higgins: I facilitated the Minister for Foreign Affairs during——

An Ceann Comhairle: The Deputy has made his point.

Mr. M. Higgins: I will make it elsewhere too.

Mr. Boyle: Yesterday the Environmental Protection Agency published a detailed report on the quality of the Irish environment which highlights many aspects where it is in a severe state of deterioration. Would it be in order and will the Government provide time for a wide-ranging debate on that report? Will it make such a debate a regular feature of business in the House?

An Ceann Comhairle: Time has not been promised for such a debate.

The Tánaiste: It might be more appropriate for the Joint Committee on the Environment and Local Government to discuss it in the first instance.

Ms Burton: In the context of public concerns about overcharging by AIB and the proposed investigation and supervision by the Irish Financial Services Regulatory Authority, IFSRA, the Tánaiste will be aware that——

An Ceann Comhairle: Does the Deputy have a question on legislation?

Ms Burton: ——the proposed sanctions the IFSRA may impose are contained in the Central Bank and Financial Services Authority of Ireland Bill which is still before the House. However, no Order for Report Stage has yet been made in respect of that legislation. The IFSRA is a toothless watchdog because it has no powers of sanction.

An Ceann Comhairle: The Deputy has made her point. She should allow the Tánaiste to answer the question.

Ms Burton: When will the Order for Report Stage be made?

The Tánaiste: I understand that it is intended to enact the Bill before the summer recess.

Mr. R. Bruton: The Government yesterday launched the central applications facility for decentralisation, which is being boycotted by one of the unions. Will an order be made under the public service recruitment legislation to ensure that recruitment under decentralisation will observe the high principles set out in that Act about selecting people on the basis of their skills

[Mr. R. Bruton.]
and not on other criteria? It is important those principles——

An Ceann Comhairle: That does not arise on the Order of Business. I suggest that the Deputy submit a question to——

Mr. R. Bruton: It is secondary legislation and it does arise. There is an obligation on the Minister to initiate an order so that it would apply in this case. We need to know whether it is the Government's intention to initiate such an order.

The Tánaiste: Obviously people will be selected on the basis of the skills they have for a job and on no other basis.

Mr. Quinn: That is not obvious.

The Tánaiste: It is obvious.

Mr. F. McGrath: As regards the delay in the publication of the disability Bill, is the Tánaiste aware of the difficulties being experienced by many families seeking respite and residential care?

An Ceann Comhairle: That does not arise. The Tánaiste should respond on the disability Bill.

Mr. F. McGrath: When will the Bill be published and why has it been delayed?

The Tánaiste: As I stated yesterday and on Tuesday, there is one issue outstanding. The Bill is on the Cabinet agenda and will be published very quickly.

Mr. Naughten: The Minister for Transport has initiated a further review of the Dublin bus market. Will this delay the introduction of new legislation to replace the Road Transport Act 1932?

The Tánaiste: The Bill is on schedule.

Mr. Naughten: Is there a timetable for it?

The Tánaiste: Later this year.

Ms McManus: I wish to ask the Tánaiste about a Bill in her area of responsibility. She promised 12 months ago that the employment permits Bill would be published before the summer recess but we are getting the same promise now.

An Ceann Comhairle: The Tánaiste on the legislation.

Ms McManus: Is the Tánaiste going to keep her word and will we see the Bill?

An Ceann Comhairle: Allow the Tánaiste to answer the question.

Mr. Stagg: If the Ceann Comhairle will not allow the Deputy to speak, she cannot ask her question.

Ms McManus: I will be delighted to allow the Tánaiste answer the question, once she knows what it is.

The Tánaiste: Many of the issues involved were dealt with in legislation passed in this House last year to facilitate the accession countries on 1 May. The heads of the Bill have been circulated to the Government and it will be published in the next couple of weeks.

Mr. Durkan: In an effort to assist the Minister for the Environment, Heritage and Local Government who has obsolete voting machines on hand which he thought he would use——

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

Mr. Durkan: ——and having disposed of voting boxes he thought he would not use, is it possible to bring forward the legislation to provide for the introduction of protected sales and cross investments for certain types of collective investments? It is No. 60 on the list of promised legislation. This sounds eminently suitable to meet the dilemma facing the Minister. We will not mention the €52 million he has lost.

The Tánaiste: That is a financial services Bill and has nothing to do with e-voting.

Mr. Durkan: Can it be brought forward?

An Ceann Comhairle: I would prefer if the Tánaiste and Deputy Durkan did not discuss the content of what might or might not be in the legislation.

Mr. Durkan: Will it cover the €52 million?

Mr. Quinn: In view of the presence of the Minister for Transport, will the Tánaiste inform us when the legislation to break up Aer Rianta will be brought before the House?

The Tánaiste: That legislation will be published before the summer.

Education for Persons with Disabilities Bill 2003: Report Stage (Resumed).

Amendments Nos. 43 and 44 not moved.

Minister for Education and Science (Mr. N. Dempsey): I move amendment No. 45:

In page 8, lines 30 and 31, to delete “educational disability” and substitute “special educational needs”.

Amendment agreed to.

Amendment No. 46 not moved.

Ms Enright: I move amendment No. 47:

In page 9, between lines 15 and 16, to insert the following:

“(15) Parents may, prior to the enrolment of a child in a school as a student, request that an assessment be carried out in order to ascertain whether or not the child has any

special educational needs and the principal of the school shall, in consultation with the parents and with the special educational needs organiser request a special educational needs organiser to arrange for such an assessment to be carried out, with the written permission and in partnership with the parents.”.

Amendment put.

The Dáil divided: Tá, 39; Níl, 57.

Tá

Boyle, Dan.
Broughan, Thomas P.
Burton, Joan.
Connolly, Paudge.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
Enright, Olwyn.
Gilmore, Eamon.
Gormley, John.
Harkin, Marian.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
McCormack, Padraic.
McGinley, Dinny.
McGrath, Finian.

McGrath, Paul.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
O'Dowd, Fergus.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Quinn, Ruairí.
Ring, Michael.
Ryan, Seán.
Sargent, Trevor.
Shortall, Róisín.
Stagg, Emmet.
Upton, Mary.

Níl

Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cooper-Flynn, Beverley.
Cregan, John.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Harney, Mary.
Haughey, Seán.
Hoctor, Máire.

Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Lenihan, Conor.
McCreevy, Charlie.
McEllistram, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
Power, Peter.
Power, Seán.
Sexton, Mae.
Smith, Brendan.
Treacy, Noel.
Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.
Wright, G. V.

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

Amendment declared lost.

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 48:

In page 9, line 17, to delete “an educational disability” and substitute “special educational needs”.

Amendment No. 49 not moved.

An Ceann Comhairle: Amendment No. 50 in the name of Deputy Enright arises out of

[An Ceann Comhairle.]

Committee proceedings. Amendment No. 51 is consequential on amendment No. 50. Amendment No. 56 is consequential on amendment No. 55. Amendment No. 71 is consequential on amendment No. 70. It is therefore proposed to take amendments Nos. 50, 51, 55, 56, 70 and 71 together, by agreement.

Ms Enright: I move amendment No. 50:

In page 9, line 18, to delete “under this section”.

This is a technical amendment to tidy up the language. Moving the words “under this section” to the end makes more sense and it also reads better.

Mr. N. Dempsey: I have checked this with the Office of the Parliamentary Counsel and have been informed that the current draft of the provision is in order, does not require amendment and it would be safer to leave it as it is.

Amendment, by leave, withdrawn.

Amendment No. 51 not moved.

Mr. N. Dempsey: I move amendment No. 52:

In page 9, line 21, to delete “an educational disability” and substitute “special educational needs”.

Amendment agreed to.

Amendment No. 53 not moved.

Mr. N. Dempsey: I move amendment No. 54:

In page 9, line 21, after “shall” to insert “, unless an assessment under *section 3* of the child is being or has been carried out,”

This amendment relates to a point that was made by Deputy O’Sullivan yesterday. It will ensure that the council or the health board will not be obliged to carry out an assessment of a child if an assessment has been or is in the process of being carried out. The amendment is designed to avoid duplication and the needless over-assessment of children.

Ms Enright: I have no difficulty with the amendment, which makes sense.

Amendment agreed to.

Amendments Nos. 55 and 56 not moved.

Mr. N. Dempsey: I move amendment No. 57:

In page 9, line 23, after “child” where it secondly occurs to insert “has or”.

Deputy O’Sullivan and I agree about the need for this amendment. I thank Deputy O’Sullivan for raising the drafting issue on Committee Stage

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 58:

In page 9, line 24, to delete “an educational disability” and substitute “special educational needs”.

Amendment agreed to.

Amendment No. 59 not moved.

An Ceann Comhairle: As amendment No. 61 is an alternative to amendment No. 60, the amendments may be discussed together, by agreement.

Mr. N. Dempsey: I move amendment No. 60:

In page 9, line 29, to delete “3 months” and substitute “1 month”.

This amendment relates to time limits. It was suggested on Committee Stage that the timeframe for the beginning of an assessment could be reduced from three months. Having considered the suggestion, I agree with the basis for it. I have proposed amendment No. 60 to reduce the period to one month. As a consequence, Deputy Crowe’s amendment No. 61 is unnecessary. My amendment meets the thrust of what he suggests.

Amendment agreed to.

Amendment No. 61 not moved.

Ms O’Sullivan: I move amendment No. 62:

In page 9, to delete lines 35 to 37.

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

Amendment declared lost.

Mr. N. Dempsey: I move amendment No. 63:

In page 9, lines 36 and 37, to delete “an educational disability” and substitute “special educational needs”.

Amendment agreed to.

Amendment No. 64 not moved.

Ms O’Sullivan: I move amendment No. 65:

In page 9, line 41, to delete “section” and substitute “Act”.

The intention of this amendment is that the assessment of a child with disabilities will be conducted under the Act, rather than just under section 4. I propose that section 4(6) be amended so it states: “an assessment for the purposes of this Act shall include an evaluation and statement of the nature and extent of the child’s disability”. I want the evaluation and statement to apply to the entire Act, rather than merely to assessments

under section 4. I think the amendment is quite self-explanatory. There should be an evaluation and a statement of the extent of the disability regardless of the part of the Act under which the assessment is being conducted. It is an important proposal because it is necessary that this kind of information is made available, regardless of whether it is under this section or any other part of the Act.

Mr. N. Dempsey: Deputy O'Sullivan's amendment is no longer necessary because we have taken on board what she has proposed. As a result of amendment No. 34, which was agreed yesterday evening, school-based assessments must also include "a statement of the findings" as an inherent part of the assessment process. We have also set out the timeframes that apply to it. The Deputy wants all assessments to include a statement of findings. That will happen as a consequence of the acceptance of amendment No. 34. The Deputy's request has been met.

Amendment, by leave, withdrawn.

Ms O'Sullivan: I move amendment No. 66:

In page 10, line 3, after "potential" to insert "and a statement of the necessary resources required to provide those services".

We will return to the significant issue of resources, which is central to this legislation, when we discuss the proposed amendments to section 12 of the Bill. The resources that are required should be provided for in legislation in some way. The right to an assessment and an appeals procedure will not be of any use to children with disabilities if their schools have not been given the resources needed to meet their educational requirements. This issue arises in the context of the proposed disability Bill and other discussions on rights-based legislation.

Parents know that the assessment will be of no great use to them if they have not been given an assurance that resources will follow it to meet the needs that have been clearly stated to be required by the child. This amendment and my amendments to section 12 attempt to build into the legislation a clear indication of the resources that are required and an obligation that they be supplied. I am aware that the obligation to supply resources is not the subject of this section, but it is the central issue for most people who have a child with a disability. They do not want to have to continue to fight, along with other parents whose children have disabilities, to get what their children need.

If we state in each child's assessment details of the resources needed by him or her, clear information about the resources required by each school will be available. Such a system would be a strong lever in the process of attempting to ensure that the necessary resources are supplied to schools by the Department of Education and Science, through the public purse. Disabilities

groups are fighting strongly for rights-based legislation, as opposed to resource-based legislation, because they are concerned that parents will be told that although the right to an assessment exists, resources are not available to cover all the needs. They are worried that parents will be told that their children have to be placed on a waiting list and that they might get speech therapy or one-to-one help with dyslexia in two or three years' time. Disabilities groups do not want parents to be told, "We are very sorry, but there are other priorities and other children in front of your children in the queue". It is essential that such a focus is placed on the resources that are required. As a nation, we should commit ourselves to resourcing the needs of children and adults with disabilities.

I realise that I am straying into a wide area, but this is the crux of the matter as far as most people are concerned. If we clearly indicate that considerable resources are required, I believe that people will be willing to ensure that there is enough money in the public purse to meet that need. People need to be assured that their moneys will go to that particular area. I have outlined that the resource aspect of the matter is crucial. I believe strongly in rights-based legislation because if one has a right, one inevitably attracts the resources that are needed. I have proposed amendment No. 66 to ensure that we publish a statement of the resources required to provide services to each child who is assessed.

Ms Enright: I support Deputy O'Sullivan's amendment. She has made her argument well. She is correct to say that everything hinges on the issue of resources. People have expressed a good deal of faith in this legislation since the Minister's amendments became known, but they still have genuine concerns about resources. They understand how the legislation that has been published is supposed to work in theory, but they are not sure that the necessary resources will be provided in practice.

People have a genuine concern that we are publishing legislation. They see how it is supposed to work in theory, but they are not sure that the necessary resources will be provided in practice. Section 13 deals more specifically with financing of this area, but section 4, where we are talking about what the child will need, providing the statement of resources required, is where the words should be inserted, so that it is clear that people will get exactly what they need. I do not mean resources merely in terms of hours, but physical resources too, which might be needed in the school, including lap-top computers and so on. The school must also be aware of what it has to juggle with if it has different children requiring resources, so the statement must be very clear in that regard.

Mr. F. McGrath: I support amendment No. 66. It is a very strong amendment which gets to the

[Mr. F. McGrath.]

heart of the debate about the Education for Persons with Disabilities Bill. A statement of necessary resources is needed because we need to know where the child will go, what the plans are and what is going on in the services. Currently there is some mismatch of services and a lack of continuity. Stability and continuity are necessary and if we are serious about this legislation they must form a key element of the Bill's strategy.

It was stated yesterday that the children's needs should be the priority and the focus of this Bill. Amendment No. 66 is relevant in that area. There should not be a need for a debate on necessary resources. We have moved on from debating the resources from the State. We all accept that Ireland is now a very wealthy and vibrant country. The debate now is about how we distribute those resources. The Minister says he is concerned with disadvantage and with disabilities. If we genuinely believe in equality, we must begin the process of distributing the resources. Amendment No. 66 is part of that process. There is no point in clapping ourselves on the back after the Special Olympics, saying that we all did a great job and that the event was very successful, if we do not include in the legislation amendments such as amendment No. 66. By doing so we would say to the families and children suffering disabilities that we are deadly serious about rights and services. The public purse issue is now off the agenda and I do not want to hear anyone in any political party mention it again in this regard. The resources and facilities are there.

Every now and then we see squandering of resources. That is a different debate. The public money is there, and there is no reason we cannot put the funding into the services. There is no reason the Minister for Education and Science and his Department cannot get the necessary funds from the Department of Finance and its Minister to implement common-sense policies which will provide services for children and will put an end to the nonsense of all the legal cases. Most families are weary of bringing cases to the courts, winning awards and then being provided with the services. Let us take the opportunity before us. I urge all Members to support amendment No. 66.

Mr. Crowe: I support this necessary amendment. The Bill must include reference to resources, and this amendment is appropriate.

Mr. N. Dempsey: It was notable that when the Deputies opposite spoke about providing for children with special needs, they used the word "services" more often than "resources". In the context of the Bill, the word "services" is more appropriate. Section 12 deals with the question of resources and how they might be prioritised and so on. We are talking about a statement of the services that a child will need, and under this Bill, those services will have to be provided. When one

talks in terms of provision of services, one automatically requires, and it automatically implies, the provision of resources.

We are talking of people who are qualified to carry out assessments on children. We have a list of such people — psychologists, medical practitioners, school principals, appropriately qualified social workers and therapists — who are suitably qualified to provide support services. They will be asked to assess a child and say what services he or she needs. If we also ask them to quantify the financial resources required, then the one-month or three-month assessment periods of which we have been talking will extend quite considerably. The focus in this area is simply on the statement of the services which the child needs.

I understand what people are saying, but section 12 deals with the point of resources and that is the appropriate place for the debate about resources. By removing the word "services" and putting in the word "resources" we would do a disservice to the children.

Ms O'Sullivan: I do not want to remove the word "services". I merely want to add in the phrase relating to resources. I referred to section 12. I should have referred to section 13. Other speakers followed suit and also wrongly referred to section 12. I believe it was section 12 in the Bill published last year, but the section relating to resources in the Bill before us is section 13.

I accept part of what the Minister says regarding section 13 being the main section where resources are involved, but in section 4, the section under consideration, we have an opportunity to assess the resources required for each child. That is important because section 13 is very general regarding resources. It involves the overall resources required which the Minister for Education and Science, the Minister for Finance and the Minister for Health and Children will determine. That will be a big sum. If one can break that down into the units of money required for each child, one has a much better chance of attracting the resources necessary to address the needs of individual children who have educational learning needs. That is why we should insert the actual resources when we are doing the assessment of need. If one merely puts them in under an overall figure in section 13, inevitably there will be an assessment of what the public purse can afford, and people will then have to make do down the line with whatever their share of that amount is.

The resources should be included in this section. That will provide the opportunity for what is required to be listed and included in each child's assessment of need. I note the point the Minister made in terms of time frames, but if one already accepts that children might need two hours resource teaching weekly, or more likely two hours daily — with the need perhaps for a speech therapist, a wheelchair ramp or whatever, there being different needs for different children

— it should not be too difficult to apply some kind of quantity in that area. We know what teaching hours cost and what ramps cost. We know the hourly cost of a speech therapist's time. I do not accept the Minister's assertion that the time frame would be extended.

Ms Enright: We should be able to break cost down in the way instanced by Deputy O'Sullivan. There is a good deal of benefit in breaking costs down for each child, and perhaps more importantly for each school, so that they can see

what they will get. I do not want to evaluate the services being provided to a child in a value for money sense, but if we want to ensure that the services are provided and the money is being spent where it should be spent, on each child who needs it, such breaking down of costs is the best way. A school might be given a certain amount of money to pay for resource hours and other aspects, but we must ensure that the money is spent on the children on whom it is supposed to be spent. This is the best way of ensuring that.

Amendment put.

The Dáil divided: Tá, 38; Níl, 52.

Tá

Boyle, Dan.
Broughan, Thomas P.
Bruton, John.
Burton, Joan.
Connolly, Paudge.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
Enright, Olwyn.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Harkin, Marian.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.

Kehoe, Paul.
McCormack, Padraic.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Naughten, Denis.
Neville, Dan.
O'Dowd, Fergus.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Ring, Michael.
Ryan, Seán.
Sargent, Trevor.
Stagg, Emmet.

Níl

Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cregan, John.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.
Hoctor, Máire.
Keaveney, Cecilia.

Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Lenihan, Conor.
McCreevy, Charlie.
McDowell, Michael.
McEllistram, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
Power, Peter.
Power, Seán.
Sexton, Mae.
Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.
Wright, G.V.

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

Amendment declared lost.

An Ceann Comhairle: Amendment No. 67 arises out of Committee proceedings.

Amendments Nos. 100 and 101 are related. Amendments Nos. 67, 100 and 101 may be taken together by agreement.

Ms O'Sullivan: I move amendment No. 67:

[Ms O'Sullivan.]

In page 10, between lines 3 and 4, to insert the following:

“(7) Where an assessment carried out in accordance with this section establishes that the child concerned has an educational disability, the Health Board or Council as the case may be shall, within one month from the preparation of the assessment, cause a plan to be prepared for the appropriate education of the child (in this Act referred to as an ‘education plan’).”.

The intention is that the preparation of an assessment for a child who is not at school should lead to a plan. I do not believe that is clearly stated in the legislation. While it is clearly stated that the assessment will lead to the formulation of a plan for a child who is at school, it is not clearly stated in this section which is why I tabled amendment No. 67.

Mr. N. Dempsey: In amendment No. 102, I propose that a deadline for the preparation of a plan by the council or health board should be included. These plans must accommodate children with more complex needs and this will take more time. Therefore, I propose a time limit of one month in which to commence a plan and a further two months for its completion. The one month suggested by the Deputy is not feasible in this case.

I do not believe amendment No. 100 is necessary. Principals must request the council to prepare an education plan when one cannot be prepared by the school. Equally, under section 5(8), a health board must make available the statement of findings to anyone involved in the education of the child to ensure they are informed of the child's educational needs. I do not believe this amendment adds anything to this situation.

Having thought a little more about amendment No. 101 since Committee Stage, when we had a good discussion on it, I believe that to accept it would create an unnecessary and an unhelpful duplication. It would have the effect of requiring the special education council to prepare an education plan where one is in train or has already been completed by the school. Therefore, I do not intend to accept these amendments.

Ms Enright: I accept what the Minister said about amendment No. 101 bearing in mind that the plan would already be in train. Is it the case under section 8(3), that the special educational needs organiser would be involved?

Mr. N. Dempsey: Yes, if necessary.

Ms O'Sullivan: It is not so much the time scales about which I am concerned but that there would be a plan after the assessment. I believe the Minister's amendment No. 102 addresses that issue but will he clarify if it addresses the issue of

whether the assessment is carried out by the health board or the council?

Mr. N. Dempsey: Section 8(1) makes it clear that an education plan must be prepared by the council and the health board if the assessment shows that the child has a special educational need. What the Deputy is trying to cover is dealt with in that subsection.

Mr. J. Bruton: The Minister will be aware of many of the cases of which I am aware in our constituency, namely, of families which are in serious difficulty. I am aware of a case where the mother in question must go into the school each day to provide extra assistance to her son because no special classroom assistant is provided. She has been doing so for the past four or five years and has come to the view that at this stage, a classroom assistant other than herself would be the right person to do the job because of the evolution natural in a relationship between a child and its mother as the child grows older. That is just one of many cases which I have brought to the Minister's attention and of which he is no doubt well aware.

While I understand the Minister and the Government cannot give categorical, legally binding assurances as to the availability of funds, is there any possibility that multi-annual funding could be earmarked for this type of need which would be separate from the normal annual budgeting the Government does? As the Minister is well aware, budgets are currently framed one year at a time. There are three-year perspectives but they have no particular legal force when adopted here. My understanding is that, as part of the Stability and Growth Pact, the European Union is asking governments to present multiannual budgets so it will have a better understanding and can judge compliance by countries to their requirements under the pact. That would ensure that countries do not enter into commitments in one year that are not capable of being met within a similar allocation in subsequent years.

In the context of a reform of the Estimates in order to comply with EU requests, could the Government simultaneously use that as a means of identifying certain types of need, such as the needs of children, as provided for in this Bill, which deserve a multiannual financial projection? That could be accounted for differently from the normal annual projections and would have a certain protection with regard to their financial continuance that would not be enjoyed by other categories of expenditure. Will the Minister consider this matter? I do not expect he will be able to give me an assurance here and now because, of course, this would be a matter for the Minister for Finance and the Government collectively. It might be a productive line of inquiry for the Minister to pursue, however, in the interests of the children concerned, who I know he is sincerely concerned to help.

Mr. F. McGrath: It is important to examine the wording of amendment No. 67, which I strongly support. It states:

Where an assessment carried out in accordance with this section establishes that the child concerned has an educational disability, the health board or council as the case may be shall, within one month from the preparation of the assessment, cause a plan to be prepared for the appropriate education of the child.

The amendment introduces efficiency in specifying a one-month period. Later on, the Minister for Education and Science has referred to a period of six weeks. This important amendment ties down the plan that will be prepared for the child's education.

An Leas-Cheann Comhairle: I have a problem because the Minister has already spoken twice.

Mr. J. Bruton: The Chair can amend Standing Orders to let him contribute again.

An Leas-Cheann Comhairle: I will allow a brief reply.

Mr. N. Dempsey: I apologise for that. In future I will wait until everybody has contributed. I have indicated that a month would be too short but we amended that yesterday. What the Deputy is seeking in this amendment is catered for already in section 8(1).

Deputy John Bruton mentioned multiannual funding and with his vast experience in the Department of Finance he will be aware of the difficulty in getting that Department to adopt such funding. We have done so in the capital area and I hope that in future, particularly in light of the Stability and Growth Pact, and the necessity for three-year forecasting, we will have some mechanisms to do this. We have envelopes for three and five-year expenditure but I know the Deputy means that in this area we should focus money specifically for children with special needs. In the Bill I am endeavouring to quantify what the provision of these services and resources will cost. Under section 13, it is my intention to try to have multiannual funding.

Mr. J. Bruton: Would the Minister yield for one second?

An Leas-Cheann Comhairle: We cannot develop this into a Committee Stage debate.

Mr. J. Bruton: There are already certain categories of expenditure, such as interest on debt, which are treated differently from normal, voted funds. Therefore, that could provide an opening for something to be done in this area.

Ms O'Sullivan: I appreciate that in tabling amendment No. 102, the Minister has moved a certain distance concerning these timeframes. We

will be discussing other timeframes in a forthcoming grouping of amendments, so I will not press this amendment. If it is possible to tighten it up in the Seanad, however, that would be welcome.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 68 and 69 are related and may be discussed together by agreement.

Mr. N. Dempsey: I move amendment No. 68:

In page 10, line 6, to delete "Board." and substitute "Board; such an appeal shall be determined by the Appeals Board within 6 weeks from the date that it receives the appeal."

Deputies Enright and Stanton have suggested that an appeal against a refusal to accede to a request for an assessment should take place within six weeks. At present, there is no time limit for this form of appeal and I agree there is a need for an appropriate time period to be inserted. Given that this is an appeal on quite narrow points, it should be possible for the appeals board to deal with such an appeal within six weeks. This amendment will achieve the Deputies' desire to ensure that appeals are heard within a specified period.

Ms Enright: I am happy with the wording of this amendment which seeks to achieve the same objective as my amendment No. 69. It is important to have clarity so that when parents appeal there will be a definite timeframe for a response.

Amendment agreed to.

Amendment Nos. 69 to 71, inclusive, not moved.

Mr. N. Dempsey: I move amendment No. 72:

In page 10, line 14, after "expertise" to insert "and qualifications".

On Committee Stage, Deputies Enright and Stanton made the point that experts permitted to participate in the assessment process should have recognised qualifications. That obviously makes sense so I have proposed this amendment to section 5 in order to reflect and underline that point.

Ms Enright: I welcome the amendment which affects further amendments we have tabled. We had raised issues concerning the qualifications of psychologists and who would judge them as being suitable. Earlier, the Minister acceded to that point also. I welcome the fact that qualifications are part of this equation. It is particularly important that we should know what we are dealing with and that if parents are getting an

[Ms Enright.]
assessment they will know what qualifications the assessor has.

Amendment agreed to.

Amendments Nos. 73 to 75, inclusive, not moved.

Mr. Crowe: I move amendment No. 76:

In page 10, line 21, after “teacher” to insert “or teachers”.

I have moved this simple amendment in order to be helpful. It would allow for more than one teacher to be selected by the principal to be involved in the assessment of a child. It is necessary because many children with special needs are taught by more than one teacher. The amendment would also allow the assessment work to be shared by teachers. It makes common sense in that more than one teacher is involved in such situations. It would strengthen the Bill by introducing best practice in this area.

Mr. F. McGrath: I strongly support this amendment which concerns the assessment of children with disabilities.

12 o'clock Amendment No. 76 would allow for more than one teacher to be involved in the process. We must look at the reality. Priority should always be given to the parents' views but, when it comes to education issues and decisions on services, parents and teachers should work together. If a class teacher, a resource teacher and a home-school liaison teacher are all involved, there should be a team effort to ensure the child receives quality service and maximum consultation with the parents takes place. We must take a broader view of assessment. Children with disabilities meet many teachers during their school day.

This also fits in with the discussion we had yesterday about providing services for the children and the idea of partnership. The key way to deal with the services is to have partnership between the professionals and the parents. I would promote the agenda of the parents because, as someone who has been involved in parents' groups for 11 years, I feel strongly that their views must be heard. The emphasis must be on the child, but there must also be close co-operation between the parents and the professionals because the end result will be that the child receives the best possible service. That is what the debate is about — providing services for children in this State.

Ms Enright: Deputies Crowe and Finian McGrath dealt with the amendment as it applies to primary schools. It is also important for children with a physical disability who are studying specialist subjects at second level, such as science or metalwork. It will be necessary for more teachers to become involved at that stage

because of issues of physical access. It is an important amendment from that aspect as well.

Ms O'Sullivan: Some children have dual enrolment in both the local national school and in a special school. It is important that there is provision in the Bill for more than one teacher in such cases.

Mr. N. Dempsey: There is nothing in the Bill that prevents teachers from being included. That is the desire. I spoke with the Office of the Parliamentary Counsel on the issue and it was clearly stated that under the Interpretation Acts, a word in the singular also includes the plural unless it is stated that there is a clear contrary intention. If the Bill contained the phrase “a teacher and one teacher only”, it would be confined to one teacher, but “teacher”, according to the Interpretation Acts, includes the singular and the plural.

Amendment, by leave, withdrawn.

Mr. N. Dempsey: I move amendment No. 77:

In page 11, line 14, to delete “he, she or”.

This is a technical amendment. Section 5(8) refers to the health board or the council so we should not refer to “he” or “she”, we should refer to “it”.

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 78:

In page 11, line 16, to delete “needs.” and substitute the following:

“needs; the parents of the child shall be informed by the board or the Council of the fact of its having so made available all or part of that statement, and of the identity of the person or persons to whom it has been made available, as soon as may be after it has done so.”.

Amendment agreed to.

Amendment No. 79 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 80, 83, 85, 87 to 89, inclusive, and 97 are cognate, so they will be taken together by agreement.

Ms Enright: I move amendment No. 80:

In page 11, line 39, before “services” to insert “support”.

This is a technical amendment. The Minister removed the definition of the phrase “support services” yesterday because he wants to widen the definition compared with that in the 1998 Act and I accepted that idea. It is important, however, that we include the words “support services” so that we are clear what we are discussing. The definition is not included but this will make it as

wide as possible. It is better to include the word “support” before “services” so we know exactly what is intended.

Mr. N. Dempsey: If we go back to where we were, we would have to re-insert the definition of “support services” in the Bill and we would once again narrow the focus of the legislation. The reliance on that definition is likely to narrow the meaning of the word “services” and what we want is best achieved by just including the word “services” because that expression covers the whole range, not just in education but also in health.

Ms Enright: The definition of the phrase “support services” was still contained in the Bill when I tabled the amendment, but the situation has changed in the meantime.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 82, 84, 86, 90 to 96, inclusive, 98 and 99 are related to amendment No. 81, amendment No. 91 is an alternative to amendment No. 90 and amendment No. 95 is alternative to amendment No. 94 and they will be taken together by agreement.

Ms O’Sullivan: I move amendment No. 81:

In page 11, line 41, after “education” to insert “within one month of the assessment”.

These amendments are concerned with the timeframe for the provision of services by a health board. I take the point that Government amendment No. 99 addresses most of our concerns but it does not contain a specific timeframe, unlike amendment No. 81, which I would prefer.

Mr. N. Dempsey: The Deputy is right. There was a long and detailed discussion on making available the services of the health board or council as soon as practicable. As a result of the exchanges on Committee Stage, it was agreed that a child should not be precluded from receiving the benefit of services merely because an appeal is pending. It is particularly important that a child should not needlessly miss out on his or her education and amendment No. 99 achieves that. It provides that the services of the health board or council must be made available as soon as practicable and that, in such a situation, the council or the health board will still be required to provide services on those aspects of the assessment or education plan that are not in dispute. That is important because it gives parents and children a certain level of service and the ability to appeal to raise the level of service while any other appeal is under way. That covers the issues raised in amendments Nos. 81, 82, 84 and 86.

Section 7(5) provides that if a dispute arises between the council and a health board as to

which can provide a service more effectively, it must be referred within three months to the appeals board. Deputies suggested reducing this timescale to a month or six weeks. At all times I had to be realistic in setting timeframes. In this case, the timeframe can be reduced to two months but I would not want to make the period any shorter. In cases of this nature, when there is a dispute, there can be many technical issues to be examined and the two month period is reasonable. A month or six weeks has been suggested for a time limit for the appeals board to determine or issue a direction in a dispute of this nature. Again I suggest two months is more realistic to ensure the appeals board has an opportunity to hear both sides and made a reasoned decision. Amendment No. 92 will achieve that.

I agree with the principle behind amendment No. 95. The term “may” in that situation could suggest that the appeals board could decide not to make a determination. The word “will”, as suggested by Deputy Enright, might not correct that either. Perhaps, with the permission of the Leas-Cheann Comhairle, I might offer an oral amendment in the following terms:

In page 12, subsection 5, line 16, to delete “may” and substitute “shall”.

An Leas-Cheann Comhairle: To which amendment is this an oral amendment?

Mr. N. Dempsey: It is an oral amendment to the Bill. It makes it stronger. Deputies Enright and Stanton have also pointed out in amendment No. 95 a typographical error in the Bill, which my amendment No. 94 will correct. A reference to “Appeal Board” should read “Appeals Board”.

Amendment No. 96 requires that the appeals board, in making its determination, has regard to the effective delivery of support services in the best interest of the person concerned. The first part of this amendment was referred to earlier in subsection (5), while the second part is already implicit in this provision and the Bill itself. For that reason, the amendment is not necessary. However, overall, we have endeavoured to meet the Deputies’ desires to ensure that services be provided while appeals go on and that appeals timescales be shortened but realistic.

Amendment, by leave, withdrawn.

Amendments Nos. 82 to 89, inclusive, not moved.

Mr. N. Dempsey: I move amendment No. 90:

In page 12, line 13, to delete “3 months” and substitute “2 months”.

Amendment agreed to.

Amendment No. 91 not moved.

Mr. N. Dempsey: I move amendment No. 92:

In page 12, line 15, after “determination” to insert “(and which determination shall be made within 2 months from its referral)”.

Amendment agreed to.

Amendment No. 93 not moved.

Mr. N. Dempsey: I move amendment No. 94:

In page 12, line 16, to delete “Appeal” and substitute “Appeals”.

Amendment agreed to.

Mr. N. Dempsey: I move the following oral amendment:

In page 12, subsection 5, line 16, to delete “may” and substitute “shall”.

Amendment agreed to.

Amendments Nos. 95 to 98, inclusive, not moved.

Mr. N. Dempsey: I move amendment No. 99:

In page 12, between lines 20 and 21, to insert the following:

“(7) The provision of services under *subsection (1)* or *(3)* by a health board or the Council shall be made as soon as practicable after the completion of the assessment or, as the case may be, the preparation of the education plan in respect of the child concerned.

(8) The fact that—

(a) an appeal against an assessment under *section 6* or an appeal under *section 12* in relation to an education plan is made, or

(b) a dispute is referred under *subsection (5)*,

shall not, during the period pending its determination, absolve the Council or a health board (or both) of the duty of providing such of the services to the child concerned as are, irrespective of the outcome of the determination of the appeal or dispute, required by this section to be provided to him or her.”.

Amendment agreed to.

Amendments Nos. 100 and 101 not moved.

Mr. N. Dempsey: I move amendment No. 102:

In page 12, between lines 27 and 28, to insert the following:

“(2) The preparation of an education plan under this section shall commence not later than 1 month from the direction concerned

referred to in *subsection (1)* being given and be completed without undue delay and, in any case, not later than 2 months from its being commenced.”.

Unlike school-based education plans, which must be prepared within one month of completion of the assessment, council or health board plans are not time-bound and, having looked at this again, I agree with the Deputies that raised the matter that a time limitation should be included here. However, it must be recognised that such plans must accommodate children with more complex needs. They are not quite the same as the school plans. That will inevitably take more time. I proposed a dual time limit of one month in which to commence the plan and a further two months for its completion. That should meet all reasonable needs. However, when we talk about council or health board plans, we are talking about children with more complex needs.

Ms Enright: I welcome that amendment. I accept that Minister’s point that it would be more complex, and the idea is that whatever is done should be done properly rather than in a hurry. The timeframe given is reasonable.

Ms O’Sullivan: My amendment No. 81 had a one month timeframe. I accept that the one month limit is incorporated, at least in the commencement of the plan, and I accept the Minister’s amendment.

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 103:

In page 12, lines 39 and 40, to delete “educational disability” and substitute “special educational needs”.

Amendment agreed to.

Amendment No. 104 not moved.

Mr. N. Dempsey: I move amendment No. 105:

In page 13, lines 1 and 2, to delete “educational disabilities” and substitute “special educational needs”.

Amendment agreed to.

Amendment No. 106 not moved.

Mr. N. Dempsey: I move amendment No. 107:

In page 13, to delete lines 28 to 34 and substitute the following:

“(b) the nature and degree of the child’s special educational needs and how those needs affect his or her educational development;

(c) the present level of educational performance of the child;”.

On Committee Stage, Deputies Enright and Stanton suggested that the education plan should refer to a child's educational "development" rather than "progress". That has been re-examined and it was in keeping with the Bill's positive spirit. I am pleased to propose amendment No. 107 giving effect to that. The amendment also addresses the issue of the content of the education plans as they relate to pre-school children.

The Bill requires a child's current level of educational performance to be set down in the plan unless the child is in pre-school. My initial view on this in resisting the amendments tabled to remove that qualification was based on the difficulties in measuring the educational advancement or performance of a child before he or she is in the formal school structure. However, Deputies spoke very strongly on this and some outside groups also gave us their views on it. I have given it further consideration and, on balance, there is a strong argument for allowing this requirement to apply to pre-school children. I acknowledge the Deputies' pursuit of this matter and their putting forward this suggestion to me which I hope will be given full effect in this amendment.

Ms O'Sullivan: I welcome the Minister's proactive approach in these areas because we did have considerable debate. Some of the bodies that came before the committee believed emphatically that the pre-school child could benefit from being included in these plans. Research indicates that the earlier the intervention the better, where an educational difficulty is discerned. Many children now attend pre-school classes in one form or another and there are highly qualified professionals in that area as well who spot things. In a former life I was a Montessori teacher. A teacher will certainly detect where a child is experiencing difficulties because of his or her training and because he or she works with children. I recall detecting deafness, for example, in a child. If one can intervene at an early age, obviously that will be crucial for the child's development. I welcome the Minister's approach in this area.

Ms Enright: I too welcome the Minister's amendment. We have had a big issue on Committee Stage over the use of the word "progress". I know "development" is only a word, but it is a more positive way of looking at matters. We had a discussion yesterday as regards pre-school children. It is important that they are included. I made the point yesterday and I reiterate it as regards how much can be changed for the child if his or her condition is detected at an early age. This amendment deals with this.

Amendment agreed to.

Amendment No. 108 not moved.

Mr. N. Dempsey: I move amendment No. 109:

In page 14, lines 1 and 2, to delete "or educational disability (being a category of such need or disability" and substitute "(being a category of such need".

Amendment agreed to.

Mr. Crowe: I move amendment No. 110:

In page 14, lines 9 to 11, to delete all words from and including "the" where it firstly occurs in line 9 down to and including "needs" in line 11 and substitute "international best practice".

Currently the Bill requires the council to prepare and amend guidelines in line with policy for the time being of the Minister. This would necessitate it being done in line with best practice. No one on either side of the House would claim the policies of various Governments towards special educational needs in Ireland has been a model of best practice. In fact, occasionally it has seemed as if Ireland's policy towards those with special needs has been an example of worst practice and for other states to avoid. One of the functions of the council, as laid out in section 18 is to disseminate among schools and parents information relating to best practice, nationally and internationally, concerning the education of the child with special needs. Nowhere is the council empowered to ensure that best practice is applied. Regrettably, I have no doubt the reason for this is that the best possible practice would be considered too expensive by the Minister for Finance.

Parents and schools are being told what best practice is and then perhaps they will not receive it because bodies such as IBEC, for example, want corporation tax cut again. When the Minister opposed this amendment on Committee Stage, he asked the Opposition whether it was being suggested that the council or the Minister might not adopt best practice. My fear is that the Minister who finds himself or herself constrained by financial considerations might choose not to adopt best practice. There might also be disagreement between the Minister and the council over what constitutes international best practice. This Government seems to be fairly relaxed about some international practice being introduced over a range of issues. I have already raised this matter on Committee Stage. I am asking the Minister to acknowledge that for a variety of reasons Governments do not always adopt international best practice and to ensure that this does not happen in this vital area.

Mr. F. McGrath: I also want to support amendment No. 110. This amendment is about efficiency and quality of service. When one talks about international best practice it is important to realise that the educational system is changing every day. Techniques are changing and with the use of modern technology and different skills we should all be open to examples of international

[Mr. F. McGrath.]

best practice as regards services in education — particularly in this debate on the provision of services for children with disabilities. I would strongly urge people to be open to new ideas and techniques. These changes are constantly being used every day in our primary schools, in my experience, as well as secondary schools, by children with disabilities and by their class teachers. They are also being used in the evening time at home for children with disabilities.

We must open our minds to the constant modern changes in techniques and communication skills. Some of the people involved on the ground are ahead of the planners and the politicians as regards this issue. It is important that we do this. I would strongly urge the Minister to support amendment No. 110, because ultimately it is about benefiting the child.

Ms Enright: I also support amendment No. 110. To be fair to the Minister I will concede that in his first amendment, yesterday, he has included the fact that provision is to be made “in a manner that is informed by best international practice”. He has come a long way towards accepting the spirit of the amendment being tabled by Deputies Crowe and McGrath. However, he could go a little bit further by accepting the amendment. What I see, and many teachers would anticipate, is the dreaded circular which flags a change in policy. That is something we do not often come to address in this House. To accept this amendment would clarify where we are going in this regard.

Ms O’Sullivan: Deputy Enright has made the point that it is in the Long Title of the Bill. However, the two Deputies are correct in asserting that we need to ensure best practice is available to children. Matters move so quickly nowadays, that it is important to have this included in the Bill.

Mr. N. Dempsey: That provision for children with special educational needs should be informed by best international practice is now included in the Long Title of the Bill as a result of amendment No. 1, as Deputy Enright has indicated. It was part of the amendment put forward by Deputy O’Sullivan. The entirety of the Bill is to be informed by best international practice. The council will also have a role, obviously, in conducting research and advising the Minister in any matter affecting the education of children with special needs. Obviously, that will exert a strong influence on Government policy as will best international practice. However, in the final analysis, it is the responsibility of the Minister and the Government of the day to set policy as regards education, as with many other matters. To permit guidelines to be drawn up in the absence of policy would be an abdication of Government’s role and I do not believe that would be either healthy or acceptable.

I have another strong reservation about putting it into this section of the Bill, or any particular. I could foresee a wonderful three-month argument in the High Court at some stage where various experts would argue over what precisely constituted international best practice. I would prefer to spend the money in providing facilities for the children rather than the lawyers in the High Court.

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

Amendment declared lost.

Amendment No. 111 not moved.

Mr. N. Dempsey: I move amendment No. 112:

In page 14, lines 31 to 33, to delete all words from and including “a” in line 31 down to and including “transferred” in line 33 and substitute the following:

“it is proposed to amend a child’s education plan pursuant to *subsection (8) (b)* the principal of the school to which the child is to be transferred shall inform the parents of the child of the proposed amendment and they may request that that principal”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments No. 113 to 119 will be taken together by agreement. Is that agreed? Agreed.

Mr. N. Dempsey: I move amendment No. 113:

In page 14, to delete lines 44 to 47 and substitute the following:

“10.—(1) The Council may—

(a) of its own volition, or

(b) at the request of a the parents of a child in respect of whom an education plan has been prepared under *section 8(1)*,

designate the school which a child with special educational needs or, in the case of request under *paragraph (b)*, the child referred to in that paragraph is to attend for the time being and that school shall admit the child as a student upon being directed by the Council do so”.

It has been suggested that parents should have the power to consent to the designation of a school, or to appeal a failure or refusal to make such a designation. I favour the latter approach rather than the former.

Amendments Nos. 113 and 119 permit parents in these circumstances to request the council to designate a school and to appeal if it fails to do this. If a particular school has been sought it will be a party to this appeal. The council will be required to indicate whether if it were to designate a particular school it intends to make

a recommendation to the Minister for additional resources for that school. That ensures that all parties will have all of the relevant information to present their cases fairly to the appeals board. Those two amendments cover the point made by the Deputies in their proposed amendments to the scheme. There was a strong feeling that there should be parental involvement and we have allowed for it here.

Ms O'Sullivan: Parents have a constitutional right to choose a school and I want to ensure that this is constitutional. One of our concerns dealt with in amendment No. 114 was to ensure that the parents' constitutional rights are protected. The Minister appears to have ensured that. It is very important that the parents have a major role in this because ultimately they must decide on the appropriate education for their children.

Ms Enright: I would like to be clear on this too because the wording of the Minister's amendment does not include the appeal, which was our concern. Can the Minister please confirm or clarify that the choice will rest with the parents so that an appeal will not be necessary?

Mr. N. Dempsey: We cannot infringe the constitutional rights of the parents in legislation. The fact that the school is designated imposes an obligation on it to enrol the child, if the parents desire. It does not impose an obligation on the parents to send the child to that school so it does not infringe their rights in that sense.

Ms O'Sullivan: I would like to raise another important issue here because this section covers the designation of schools. I am concerned that schools may try to opt out of being designated by the council. Does the Minister envisage giving the council a role to ensure that all schools are inclusive and do not set up obstacles by not looking for resource teachers, physical access and so on? There is a risk that certain schools will decide it is easier to run their business without children who have special needs. They will try therefore not have the kind of resources necessary to accommodate a child with special needs and avoid being designated. What are the Minister's views on how he might direct the council to avoid this and to ensure that all schools are open and inclusive of children with special needs?

Mr. Crowe: If the school appeals against the designation what happens to the student concerned during that process? Does he or she attend the school while the appeal proceeds? Previously, section 10 gave the school the right to appeal designation from the council. Parents had no right to appeal and they have no ability to challenge the ruling of a council if it refuses to designate a school. Does the Minister's proposal change that? Can he explain why the school but not the parents can appeal the council's decision?

I am not sure if these changes have that effect but I am concerned about what happens to the child during the appeal process.

Mr. N. Dempsey: In the case of a school saying that it cannot take a child or cannot be designated to take a child with a physical disability, for practical reasons alternative arrangements would be necessary until that appeal was heard. If the child is wheelchair bound and the school does not have ramps, wide doors or whatever, an alternative would have to be found. The focus of the Bill, however, is to ensure that these things become apparent before the child arrives at the school door. The procedures we have established should surmount those difficulties and overcome the physical obstacles by the time the child comes to the school. Part of the effect of these amendments is that parents will have the right to appeal a designation or a school's refusal to accept a designation so they will be party to that.

To answer Deputy O'Sullivan's point, the council has a role to play with schools on planning and the provision of facilities for children with special needs. That would initially be done on a voluntary basis but the council has powers to designate the school and make it accept children. Members should make it known that section 29 and the Education Act covers these eventualities. There are sufficient powers available to ensure that a school does not shirk its responsibility.

Amendment agreed to.

Amendments Nos. 114 to 118, inclusive, not moved.

Mr. N. Dempsey: I move amendment No. 119:

In page 15, between lines 22 and 23, to insert the following:

"(6) If the Council fails or refuses to make a designation under *subsection (1)* at the request of parents under *paragraph (b)* of that subsection or fails or refuses to make such a designation of a particular school specified in their request (if such has been specified), the parents may appeal to the Appeals Board against that failure or refusal.

(7) On the hearing of an appeal under *subsection (6)*, the Appeals Board may -

(a) allow the appeal and give a direction to the Council requiring it to designate under *subsection (1)* a school or, as the Appeals Board thinks appropriate, the particular school specified in the request, or

(b) dismiss the appeal.

(8) If the subject of an appeal under *subsection (6)* is whether a particular school specified in a request of parents should be designated, the Appeals Board shall cause the board of management of that school to

[Mr. N. Dempsey.]

be made a notice party to the appeal and that board shall have the right to make submissions to the Appeals Board in relation to the matter (and *subsection (5)* shall apply for this purpose as it applies for the purposes of an appeal under *subsection (3)*); for the purposes of such an appeal the Appeals Board shall require the Council to indicate whether it would, if it were to designate the particular school concerned, make a recommendation of the kind referred to in *subsection (2)* and if it indicates that it would make such a recommendation, to specify the nature of it.

(9) The Appeals Board shall hear and determine an appeal made under *subsection (3)* or (6) within 2 months from the making thereof.

(10) The Council shall comply with a direction given to it under this section.”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 120 is in the name of Deputy O’Sullivan. Amendments Nos. 129 to 133, inclusive, are related. Amendments Nos. 132 and 133 are alternatives to amendment No. 131. Amendments Nos. 120 and 129 to 133, inclusive, will be taken together by agreement.

Ms O’Sullivan: I move amendment No. 120:

In page 15, line 28, to delete “children” and substitute “each child”.

Many of these amendments are on drafting issues. We discussed amendment No. 120 on Committee Stage which deals with the review of the education plan. The Bill states that the review should cover, “the operation of each education plan for children who are attending the school”. I suggest that should refer to “each child”. The Minister made the point then that it might include people who do not have a special need as well as those who do. The wording, however, should be changed in some way to differentiate and avoid having an overall plan for a group of children rather than for each individual child who has a need.

Amendment No. 129 seeks to replace the word “request” with the word “require” to strengthen the terminology. Likewise, the change proposed in amendment No. 130 is to strengthen the parents’ hand by deleting the phrase “where the principal considers it appropriate to accede to their request” and to give the parents the right to have their request acceded to without the principal’s judgment getting in the way. Amendment No. 131 relates to the previous amendment.

Ms Enright: In amendment No. 133 we seek to ensure that after making the request, the principal must make the decision rather than

sending out a notice to the parents a week after the decision is made. Inserting the words “2 weeks after receiving the request” sets a definite timeframe within which he or she must take action and would be a better way to approach this issue.

Mr. N. Dempsey: In response to Deputy O’Sullivan’s point regarding the use of the term “each child” in preference to “children”, I draw her attention to the Interpretation Act where singular means plural and plural means singular. The Parliamentary Counsel is satisfied that it meets the requirements outlined by the Deputy. I accept her point, but it is clear in legal terms, although it may not be clearly written in plain English, that it applies to individual children.

Regarding amendments Nos. 129 to 131, inclusive, section 11(5) provides that a school principal can refuse to accede to a parent’s request for a review of the education plan. It is possible that parents would make unreasonable demands on the school and principals must have some protection from that. Section 11(6) safeguards against the school acting unreasonably. These provisions strike a balance and, therefore, I do not deem the amendment necessary.

Regarding the suggestion made by Deputy Enright and Deputy Stanton, I tabled a similar amendment, No. 132, requiring that a decision on whether to accede to a parent’s request for a review must be made and communicated to parents within two weeks of the principal receiving the request.

Ms O’Sullivan: I accept the point about the words “child” and “children”. However, I am still concerned at parents not always having their requests acceded to by principals. Section 11(6), to which the Minister referred, makes provision for recourse to the appeals board, but that is a cumbersome procedure. I would like to see parents having a greater right because, essentially, we are talking about cases where they feel their children are not progressing as well as they should under the plan. Parents feel strongly in these situations and it would be unlikely they would call for a review unless they had very good reasons for so doing.

Parents deal with their children on a daily basis, help them with homework and so on. The requests would be genuine in almost all cases. I would like to see a stronger right for parents to have reviews carried out. Principals are busy people and may not be in close contact with children if they are in a large school whereas the parent has close contact. I believe my amendment to delete the word “request” and substitute the word “require” should be further considered by the Minister.

Mr. N. Dempsey: I accept Deputy O’Sullivan’s point, but it can equally be said that in almost all cases the school will also be reasonable. I do not

want to put principals in an impossible position. A great deal of discussion focused on the workload of principals. Let us be honest. There are awkward school principals but there are also awkward parents.

Mr. F. McGrath: There are awkward Deputies as well.

Mr. N. Dempsey: A balancing provision is better than giving one or the other an absolute and total right at all times. Making provision for appeals is a reasonable safeguard.

Amendment, by leave, withdrawn.

Acting Chairman (Mr. Costello): Amendments Nos. 121, 123 to 128, inclusive, and 151 are related and will be discussed together by agreement.

Mr. Crowe: I move amendment No. 121:

In page 15, lines 29 and 30, after “concerned” to insert “has received the services required as contained in the education plan and”.

Our amendment is designed to expand the scope of the review of the progress of the child's education plan. The intention is to take into account whether the child has received the services required, as specified in the education plan. Section 9(2)(e) states that the education plan should include: “the special education and related support services to be provided to the child to enable the child to benefit from the education and to participate in the life of the school”. Any review of such a plan should take into account whether those resources are supplied and, if they are not, a reason for this should be given. There is no point in having an education plan that does not provide the recommended services and resources. The failure of any element of an education plan may be as much related to a lack of resources and services as anything else. I urge the Minister to accept the amendment so that any review of the operation of the education plan can be as thorough as possible and that where resources have not been made available for the provision of services, this can be identified and, I hope, the situation can be rectified.

The Minister made the point on Committee Stage that we could have a case where resources and services are provided but the goals are not met. I fully accept that, but I do not see any reason the review cannot state this as well. It is not an attempt to get at the Minister for not providing the resources, nor is it an attempt to suggest that the provision of resources may not be the only problem. The aim of the amendment is to ensure that all aspects of the plan are reported on and examined when a review is carried out to try to pinpoint any problems that

may have occurred. A review should examine if the recommended services were provided for the implementation of the plan.

Mr. F. McGrath: I strongly support the amendment. The key words in the amendment are “services ... in the education plan”. The plans cater to the individual needs of children. The implementation of the plan and the provision of services are crucial to its success in helping children with disabilities. It is important that services are provided to help children reach their maximum potential.

I remind the Minister that these children only get one shot. In the past, many children missed out on services and there is a danger children today will as well. The waiting times for the provision of services result in many children being put at a disadvantage and lead to them falling behind. The aim of the amendment is to prevent this happening.

Deputy Crowe referred to children playing a full role in school life. There is no point in a child with a disability being in a school if he or she is not fully included in the life there by pupils and teachers. There have been many examples of children with disabilities in schools who were isolated in rooms. In many cases the children and their families have had negative experiences. I am aware the Minister is a strong supporter of educational and social inclusion. The real test of inclusive education is that plans, services and the requisite professionals are in place and children and their families feel part of their schools. There are many examples of good practice in this regard.

On the matter of designated schools, some schools deliberately set out to block children with special educational needs or those who come from a poor socio-economic background. That is a disgrace. Such discrimination is unacceptable. I had experience of children in care who were turned down by five or six schools simply because they were in care and could be a problem. Some 90% of them were just looking for a bit of attention and wanted to get on with their lives against the odds. We should hammer any school or service that does not accept its responsibilities. Teachers and schools are paid for by taxpayers. Teachers are public servants and have a duty to ensure all children are included in the education service.

Ms Enright: Deputy Stanton and I tabled a number of these amendments. In regard to the Minister's amendment No. 123 and our amendment No. 124, in our consideration of this section — this also relates to our amendments Nos. 126 and 127 — we are conscious of ensuring that failure is not ascribed to a child and of ensuring that the language used is positive. In amendment No. 124 we propose that the

[Ms Enright.]

education plan may need to be modified. I understand from where the Minister is coming in proposing amendment No. 123. It covers more or less the same point, but he has put it in a different way. We have to be able to recognise that goals may not have been achieved for whatever reason. I can accept the language the Minister has used in amendment No. 123 and, on that basis, I will withdraw amendment No. 124.

Amendment No. 126 proposes to delete the words specified. Amendment No. 127 is important because to state that a child is not achieving is an unfair comment to make in respect of a child. It would be better to insert that the goals are not being achieved, as proposed in amendment No. 127.

Amendment No. 128 is important because while I acknowledge that the Minister is trying to be practical, a review after four months would be preferable to one after six months, as provided. If one takes January as a starting point, a review after six months would bring one to the end of that school year. Having a review of the plan after six months would mean that a child would have moved on to the next school year, which might be from sixth class to post-primary school. Therefore, a review of the plan after four months would at least be more reflective of term time, from September to Christmas, and one would have a chance to review the plan within the next phase of the school year before a child moves to the next school year. If a child moves from fourth class to fifth class, he or she has to deal with a new teacher and the process will have to start again, to some extent, likewise and more especially when a child moves from primary to post-primary.

Amendment No. 151 is an important amendment because this section deals with young people who have reached 18 who no longer come under the terms of the Bill. We must have regard to meeting the goals set in the plan, but we must also have regard to the possibility that the plan has not worked. I am aware the Minister might argue that the inclusion of this amendment may impose a liability on the State. However we must recognise that if a child up to the age of 18 has been failed by the State, the Department or whomsoever, that must be recognised. If the education plan for the child did not achieve its goals, that must be recognised. If a plan was not provided for a child for whom it should have been, that must also be recognised. A young person on becoming an adult at the age of 18 is not covered by the Bill, but that person should have his or her rights or entitlements met if the legislation failed him or her when he or she would have had rights under it.

Ms O'Sullivan: I support amendment No. 121. It is important and it links into the point I made

about the need to specify the resources required. Deputies Crowe and McGrath propose that it should be specified that the child has received the services required when reviewing the plan. That links in with the issue of ensuring that while we set goals and decide that certain things need to be done, we need to ensure that they are done and that the schools are resourced to do them. If this amendment is accepted, it will be an important check-point to ensure that services specified in the plan have been provided.

In regard to the points made by Deputy Enright, we had a long discussion on Committee Stage on the importance of not attributing failure to a child but acknowledging that the system is failing the child rather than the child in any way being a failure. I recognise that the Minister has taken that point on board in his amendment No. 123. That points to the benefit of having a good Committee Stage debate on legislation.

Mr. N. Dempsey: In reviewing the education plan, the focus will be on establishing if the child is achieving the targets that have been set for him or her. There is a danger that what is proposed in amendment No. 121 could blur the focus by concentrating more on the provision of services rather than whether the targets set are being achieved.

Deputy Crowe quoted me correctly in what I said on Committee Stage, namely that there could be a situation where the services have been provided but the child did not reach the goals set for him or her. That is as likely a scenario as the opposite being the case. In such cases, the purpose of the review would be to change the plan. While my advice on the acceptance of this amendment is that it could end up blurring the focus, I am inclined to think the provision of the services will be laid out in the plan. They will be set out for all to see and the person who comes in to review the plan will be able to see fairly quickly whether the services have been provided and that might help to focus the blame on where it is to be attributed. If there is an education plan detailing services to be provided and the child does not achieve the goals set because the services have not been provided, it probably would be important that we would know that and that the person reviewing the plan would know that. I will accept amendment No. 121 on that basis, as it probably will strengthen the case here.

In regard the rest of the amendments, we have tried to be as positive as we possibly can be in the language we have used. In respect of the definition of educational disability and the definition of special educational needs, a negative view was expressed on Committee Stage regarding the phrase "the child concerned failing to achieve the goals specified in the education plan". For that reason, I tabled amendments Nos. 123 and 125 which propose to change the

language used in this section to refer to the goals in the plan not being achieved. It is a more neutral phrase and I hope it is one on which the Deputies can agree. Therefore, I do not believe that amendments Nos. 124, 126 and 127 are necessary. For instance, in respect of one of those amendments, we are referring to the parents having reason to believe their child is not achieving the goals specified. Deputy Enright's amendment in regard to lines 1 and 2 on page 16 refers to that. The parents will make that decision rather than somebody outside the family. Therefore, that amendment is not necessary.

In relation to amendment No. 128, I do not agree that we should reduce the prohibition to seek a review of the plan within the first six months following its preparation. Eloquent arguments have been put forward that the review should be done on a term by term basis, but despite the fact that a review after four months would cover the period from September to Christmas and fit in with the school calendar time scale, that is not a sufficient reason for changing the period of the review. We should make provision to allow every opportunity for the plans to be put in place and implemented.

Most of us would be aware of the developmental stages of some children, particularly those with special needs. Some of them can take to a task straight away, show reasonable progress and achieve all the goals set perhaps in even fewer than six months, but others may be slow to start and then in the last few months of the time frame set show signs of achieving what they want to achieve. Therefore, on balance, six months is a more reasonable time frame to use to allow for the different developmental stages for the child concerned.

In relation to amendment No. 151, I have reconsidered the issue following our discussion in committee, but I still believe the section, as it stands, effectively covers the objective the Deputies have in mind. The section, as a whole, ensures that deficiencies in education provision caused for whatever reason are identified and addressed. That underlines the section.

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 122:

In page 15, line 34, after "purposes" to insert "of".

Amendment agreed to.

Mr. N. Dempsey: I move amendment No. 123:

In page 15, lines 42 and 43, to delete "child concerned is significantly failing to achieve the goals specified in the education plan" and substitute the following:

"goals specified in the plan concerned have not been achieved".

Amendment agreed to.

Amendment No. 124 not moved.

Mr. N. Dempsey: I move amendment No. 125:

In page 16, lines 1 and 2, to delete "their child is not achieving the goals specified in the education plan" and substitute the following:

"the goals specified in an education plan prepared in respect of their child are not being achieved".

Amendment agreed to.

Amendments Nos. 126 and 127 not moved.

Ms Enright: I move amendment No. 128:

In page 16, line 3, to delete "6" and substitute "4".

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

Amendment declared lost.

Ms O'Sullivan: I move amendment No. 129:

In page 16, line 3, to delete "request" and substitute "require".

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

Amendment declared lost.

Ms O'Sullivan: I move amendment No. 130:

In page 16, lines 5 and 6, to delete "where the principal considers it appropriate to accede to their request".

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

Amendment declared lost.

Debate adjourned.

Maritime Security Bill 2004 [Seanad]: Second Stage.

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I move: "That the Bill be now read a Second Time."

This Bill is a necessary technical measure to give effect to the 1988 United Nations Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and also to the 1988 Protocol to that Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf. The texts of the convention and protocol are in Schedules 1 and 2 to the Bill.

The convention and protocol have been in force since 1 March 1992. The contracting states

[Mr. Browne.]

thereto now number 78 and 71, respectively, including almost all of the EU member states and seven of the states which joined the Union on 1 May 2004. Ireland can only become a contracting state to the convention and protocol following enactment of this Bill and the formal approval of the terms of the convention and protocol by Dáil Éireann, pursuant to Article 29.5.2° of Bunreacht na hÉireann because of the likelihood of expenditure arising in regard thereto. Section 13 of the Bill also refers. The necessary motion is already on the Order Paper for approval.

Ireland's accession to the convention and protocol cannot have effect until 90 days after the instrument of accession is deposited with the Secretary General of the International Maritime Organisation, which is a specialist UN body headquartered in London, as specifically provided for in Article 18.2 of the convention and Article 6.2 of the protocol.

It did not appear necessary to successive Governments that legislation to give effect to the 1988 maritime convention and protocol should have priority over other legislation in their respective programmes. While there were a number of terrorist-type incidents involving cruise liners and other ships since 1988, there was little, if any, international pressure for all UN member states to give effect to the convention and protocol. However, the situation changed radically with the terrible terrorist attacks in the USA on 11 September 2001. The UN Security Council passed Resolution 1373 on 28 September 2001 to urge all UN member states which had not yet done so to become party to the 1988 convention and protocol and ten other international instruments in order to strengthen international co-operation against terrorism.

Six of those 12 international instruments, which relate to aviation security and transport of nuclear material, have already been implemented by Ireland. The Criminal Justice (Terrorist Offences) Bill 2002, being sponsored by the Minister for Justice Equality and Law Reform and now before Dáil Éireann, gives effect to another four international instruments, the most important of which relates to the suppression of the financing of terrorism. Other legislative priorities delayed until this year the drafting and initiation in Seanad Éireann of a separate Maritime Security Bill 2004 to give effect to the remaining two instruments, namely, the 1988 convention and protocol.

The need to proceed with the Bill to early enactment has been reinforced by the terrorist atrocities in Madrid and elsewhere. We extend our sympathy to the bereaved and injured and commit ourselves to greater vigilance and further international co-operation against terrorism. All member states of the United Nations must have the necessary laws in place to deal with very mobile and serious offenders so as to ensure that they will not escape jurisdiction. More importantly, the law must be dissuasive, with

sufficiently strong penalties and search and enforcement provisions. This Bill, therefore, addresses a particular gap in Irish law which should be filled as quickly as possible. The Government is committed to ensuring that other legislative measures, which may be agreed at EU level or at the wider UN level, to enhance maritime security will be made part of Irish law without delay. In that connection, I will continue to work closely with my colleagues, the Ministers for Justice, Equality and Law Reform and Defence, and with the Garda and Defence Forces.

In the context of the current EU Presidency, it is the Government's wish that both Bills should now be dealt with by both Houses of the Oireachtas and enacted at an early date. That would signal clearly our resolve to press for greater co-operation between states in working against international terrorism in all of its many manifestations.

A key aspect of the European Council declaration of 25 March 2004 on combating terrorism is a commitment by all EU member states to improve implementation of commitments already undertaken following the terrorist attacks in the USA on 11 September 2001. The European Council declaration of 25 March 2004 also confirmed the appointment of a EU counter-terrorism co-ordinator, Mr. Gijs de Vries, and called on EU member states to develop co-operation between their intelligence, enforcement and judicial authorities and to develop a longer-term counter-terrorism strategy with the wider international community. Significant progress in that regard will be expected of EU member states, including Ireland, before the June 2004 European Council and the EU-USA summit.

I will now refer to the considerable practical work undertaken in the International Maritime Organisation and the EU over the past two years, which has resulted in the IMO-EU maritime security measures for ports and ships which will come into force on 1 July 2004 throughout the EU and beyond. As my colleague, the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, has already advised this House during Question Time on 1 April 2004, the necessary preparations in the State are well advanced and are being co-ordinated by the maritime safety directorate in our Department to ensure the deadline is met. We expect all Irish ports and ships concerned to meet the new security requirements, so as to be able to continue to trade normally after 1 July 2004.

The new IMO-EU security measures in place from 1 July apply to the following: passenger ships; cargo ships of 500 gross tonnes and upwards; mobile offshore units; and port facilities for international voyages. Each Irish port and port facility with an approved port facility security plan, PFSP, in place in compliance with the EU regulations and the international ship and

port facility code, ISPS, will receive a certificate of compliance from the Department of Communications, Marine and Natural Resources, and can continue to trade normally from 1 July 2004. Similarly, each Irish ship which is in compliance with the EU regulations and the ISPS code will receive an international ship security certificate from the appropriate recognised security organisation under the code and can continue to trade normally from that date. However, non-compliant ports, port facilities and ships will not.

The EU regulations extend the scope of the IMO measures to class A domestic passenger ships by 1 July 2005 and all other domestic traffic by 1 July 2007.

Maritime security is getting increasing attention in the IMO, the EU and other international fora in the general international moves to counteract terrorism. Particular attention is being given to putting in place greater controls on materials, equipment and technologies such as firearms, explosives and bomb making equipment which contribute to the proliferation of terrorist attacks. That work is ongoing.

In addition to the IMO-EU maritime security measures for ports and ships which will come into force on 1 July 2004, consideration is now under way of an EU Commission proposal for a directive prescribing additional security measures for the entirety of ports and surrounding areas and of proposals to amend the 1988 maritime convention and protocol, to which the Maritime Security Bill 2004 gives effect, which will create additional offences relating to the illegal carriage or use of weapons and explosives and, controversially, will provide extensive powers for states to stop, board and search ships on the high seas suspected to be carrying such articles or materials. These proposals are under consideration by the legal committee of the International Maritime Organisation and may emerge in 2005 for states to decide thereon.

While much of the Maritime Security Bill is, of necessity, modelled on provisions of the Criminal Justice (Terrorist Offences) Bill 2002, a separate Bill was decided upon to deal with maritime security matters, which are of a somewhat specialised nature, by analogy with the separate legislative provisions made in the Air Navigation and Transport Acts to safeguard air navigation and transport against certain unlawful acts.

As specifically required by the convention and protocol, section 2 of the Maritime Security Bill 2004 creates certain offences against the safety of Irish ships and other ships which are in Irish territorial waters, and against any fixed platforms on Ireland's continental shelf, while section 3 is a standard-type extension of Ireland's jurisdiction to allow prosecution in the State for breaches of the convention or protocol committed outside the State. In either case, the penalty is life imprisonment on conviction on indictment. The specific offences listed in section 2 of the Bill

mirror those set out in Article 3 of the convention and Article 2 of the protocol.

Sections 4 to 8 of the Bill supplement those principal provisions by providing powers for search on a ship or fixed platform on which an offence was believed to have been committed or an alleged offender is on board, and for the apprehension, detention and prosecution of alleged offenders or handing them over for prosecution to the appropriate authorities of another state which is party to the convention and protocol.

Sections 9 to 12, while ensuring the avoidance of double jeopardy in any case arising under the Bill, also ensure that, because of the gravity of the offences referred to, the most stringent requirements of the Bail Act 1997 and other relevant Acts will apply thereto. Thus, an application for bail in the case of a person charged with murder or attempted murder could only be made to the High Court, and bail may be refused in any event to a person charged with a serious offence under the Bill when enacted if the court considers it necessary to refuse bail in order to prevent the commission of a further serious offence. Moreover, offences under the Bill cannot be regarded as political offences so as to prevent the extradition of the alleged offender from the State to the requested state.

I have already dealt with section 13 of the Bill, which is a standard provision to cover expenditure in the administration of the Bill when enacted. The remainder of the Bill, sections 1, interpretation, and 14, Short Title, is also on standard lines.

A detailed explanatory and financial memorandum was published with the Bill and I will be glad to provide any further information required by Deputies to facilitate their consideration of it. Early enactment of the Bill is pressing. Not only will it help to reassure our important commercial shipping and port enterprises and offshore energy producers, but it will also confirm the resolve of the Government to deal effectively with the terrorism dossier in its EU Presidency. I therefore look forward to the assistance of Deputies with the passage of the Bill.

Mr. Kehoe: I wish to share my time with Deputy McGinley.

Acting Chairman: Is that agreed? Agreed.

Mr. Kehoe: I welcome the Minister of State to the House. I also welcome this Bill which gives effect to the United Nations Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988) and the protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf (1988), signed in Rome on 10 March 1988.

The need for this legislation goes back to 1988. The Minister of State said that it is now being

[Mr. Kehoe.]

speeded up because of the events of 11 September 2001 and the Madrid bombings. I cannot understand why such important legislation has taken so long to come before the Dáil. The Minister of State said it is now urgent to address a particular gap in Irish law which should be filled as soon as possible. I wholeheartedly agree.

The terrorist attacks in New York and Madrid have made us aware of the major security issues facing us and given us cause to fear a similar attack. At present we hold the EU Presidency and security, therefore, should be at the top of our agenda. We all understand the importance of security. The attacks in New York and Madrid brought us together and caused us to focus more on security issues. A recent measure taken at EU level was the appointment of a top official to spearhead the communications and intelligence area in order to strengthen the fight against international terrorism.

I come from Wexford where there is a major port in Rosslare and where I was last week with our party leader, Deputy Kenny. One can see that the Rosslare authorities concentrate on what is coming through the port, for example, drugs, etc. The issue of terrorist attacks through ports was discussed at a committee meeting which was attended by Deputy Bruton a couple of weeks ago and I raised the issue of the port of Rosslare at that meeting. We do not know what will happen, though hopefully no attack will be made through any Irish port.

It was proposed that security should be heightened in ports such as Rosslare. I am glad the Minister stated that a port security plan is to be put in place because it is important to do so.

In the course of our EU Presidency we will be welcoming President Bush to Ireland. It will be necessary to heighten security for that visit, given recent international events. It is to be hoped that we will not face attack when President Bush is in Ireland and that we will have top level security.

It would be remiss of me not to refer to our coastline given that I live on the coast. I visited Sellafield some months ago. The possibility of an attack on the facility has been referred to in the House on numerous occasions. Such an attack would have major consequences for people living along our coastline from the north-east to the south-east. The Radiological Protection Institute of Ireland, which is an independent institution, has not been allowed into Sellafield to carry out an independent verification of what is taking place there. That is of concern because it makes one wonder what there is to hide. Given the amount of radioactive waste generated at Sellafield and that iodine tablets were distributed to households some years ago, the plant must pose a serious hazard for us. This issue should be at the top of our agenda because, in the context of terrorist attacks, Sellafield is very dangerous and any attack on it would have serious consequences for Ireland. I am aware that the Minister and the Minister of State, who are both

from coastal areas, have campaigned on behalf of the Radiological Protection Institute of Ireland to be allowed to inspect Sellafield.

The purpose of the Bill is to give effect to the United Nations Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 and the Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf 1988. The convention and protocol are among a suite of international instruments against terrorism which member states of the United Nations are enjoined by Security Council Resolution 1373 of 28 September 2001 to implement as soon as possible. The terms of the convention and protocol are required to be approved by the Dáil pursuant to Article 29.5.2° of the Constitution and the Bill is required to be enacted before Ireland can be a party to them.

The legislation creates specific offences against the safety of Irish ships and other ships in Irish territorial waters and against fixed platforms on the continental shelf, subject to imprisonment for life on conviction on indictment. It consequently provides, on standard lines, for extra-territorial jurisdiction to cover offences committed outside the State in breach of the convention or protocol, the apprehension, detention and handing over to appropriate authorities of alleged offenders, extradition, bail, avoidance and double jeopardy and such other necessary matters on the model of provisions of the Criminal Justice (Terrorist Offences) Bill 2002 which is before the Dáil and makes necessary provision in relation to four other international conventions against terrorism.

Fine Gael fully supports this Bill and believes these measures are long overdue. It is likely that its passage through the Oireachtas has been speeded up in the aftermath of the Madrid atrocities on 11 March and the renewed international focus on the need to crack down on terrorism. It is important that this Bill is being brought forward as Ireland holds the Presidency of the European Union and cannot be seen to be lagging behind its neighbours when it is supposed to be leading them.

The Bill offers Fine Gael the opportunity to spell out its vision of new Irish defence arrangements. In the document, *Beyond Neutrality*, published by Deputy Gay Mitchell in 2003, it is stated that Fine Gael advocates an EU defence entity in whose development Ireland takes a full and active role and that is based upon five key principles: adherence to the fundamental principles of the UN, a commitment to the vigorous pursuit of the goal of universal nuclear and biological disarmament and a solemn undertaking by the EU defence entity not to use either type of weapon, a commitment to mutual defence and support but with specific opt-in provisions for individual states, a commitment to the provision of peacekeeping and peace-making operations and to the Petersberg Tasks, such as humanitarian aid, search and rescue etc., and

respect for the right of other member states to be involved in other military alliances. If Ireland does not contribute to the debate on a common EU security and defence policy, we cannot complain when a policy is unveiled that addresses the concerns and aspirations of other states but not our own.

On the war in Iraq, the Government has spoken out of both sides of its mouth. The Taoiseach does not say he agrees with the war in Iraq, then says he disagrees and then complains about what has happened. Fine Gael opposed the attacks on Iraq. Its proposals were realistic, workable, honest and in stark contrast to the Government's vague, unclear policy.

Fine Gael welcomes the Bill and hopes it will be implemented before the end of Ireland's EU Presidency. This and other legislation going through the Dáil, together with changes at European level, prove that action is being taken at last to ensure that Europe and the wider world remain a safe place that can be rid of the terrorist threat. I hope there will never be a terrorist threat against this State and that the Bill will help to defend against such a threat in the future.

Mr. McGinley: I thank my colleague, Deputy Kehoe, for giving me some of his time. I support the stand he and our party are taking on the Bill and hope it will be implemented as soon as possible. We have all come to realise in recent times that the world is a much more dangerous place than heretofore acknowledged. The tragedy of 11 September 2001, what happened nearer at hand in Madrid a number of weeks ago and what is happening in other parts of the world mean that nowhere is safe. Given that we are an island nation on the periphery of Europe, this Bill on maritime security is relevant to our needs and important for the safety of our citizens. For that reason I and my party welcome it.

We are exposed because we are seen, whether we like it or not, as part of the western alliance, no part of which is safe. We are aware of the efforts made last week when the EU Heads of State were here. I do not know how high Ireland is on the list of targets, but it is probably on it. The Government has a responsibility to provide all the possible levels of security. I am afraid that the security we can provide at present is not up to scratch and not sufficiently comprehensive. Ireland is not as secure as it should be or as its citizens expect it to be.

I asked the Taoiseach yesterday if we would have the capacity to defend our airspace and the waters around this country if we faced an attack similar to that in New York on 11 September 2001. He admitted that there are shortcomings. We all have to bear responsibility in that regard, but the Government and its predecessor have to bear a large proportion of it. If we were under attack from the air, for example from an unidentified aircraft approaching this country, we would not have the wherewithal to divert it or to force it to land. We would have to go cap in hand

to our neighbours, probably the UK or our European partners, to seek the necessary assistance. I hope that other measures will be introduced to improve the situation in respect of air cover.

As an island nation, Ireland has to protect a huge coastline. I pay tribute to those who work for the Naval Service, just as I compliment those employed by the Air Corps. Some of our services leave much to be desired, however. I understand that all our naval vessels cannot be sent to sea at the same time because the Naval Service is understrength at present. We do not have enough staff to crew the vessels. This matter needs to be examined.

The Air Corps has provided search and rescue facilities around our coast for many years. I cannot understand why the Minister, Deputy Dermot Ahern, has decided to remove this responsibility from the Air Corps, which has undertaken it successfully for 30 or 40 years. I come from a coastal area, just like the Minister of State, Deputy Browne, and my colleague, Deputy Kehoe. The Labour Party spokesman, Deputy Broughan, is from a fine coastal area in north County Dublin. I was there this morning for few hours.

All Deputies who are familiar with the contribution that has been made by the Air Corps over the years have learned that responsibility for search and rescue services and certain security details has been taken from the Air Corps. The reason for the Government's decision to hand the contract to a private Canadian company is quite flimsy. It has dealt a blow to the morale of the brave men and women of the Air Corps, who provided search and rescue services and undertook many flights of mercy to islands, including Tory, Arranmore and others in my constituency. The Air Corps workers were always willing to risk their lives in the service of island and coastal communities when medical emergencies took place or when the islanders were cut off for a period of time due to inclement weather and high seas. I regret that the Government has removed such functions from the Air Corps. The decision has not helped the morale of the brave men and women who have provided such services for many years.

The Maritime Security Bill 2004 is designed to give effect to the 1998 UN Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 1998 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The convention and the protocol are among a number of instruments that the UN is calling on all member states to implement as soon as possible. The instruments are designed to counter the threat and practice of terrorism. The legislation is to be welcomed, as I have already said, because it creates specific offences against the safety of Irish ships and other ships in Irish waters. We are

[Mr. McGinley.]

responsible for Irish ships and other ships that may use Irish waters.

It has taken six years for the instruments to be brought to the House. I am concerned by the delay in devising and bringing to the House the legislative response to the UN conventions and protocols. It is clear that matters relating to the prevention of terrorism must be prioritised and that all legislative options open to us must be acted upon. The new realities of global security in the 21st century mean that we cannot stand aside. I condemn the Government's failure to prioritise legislation that relates to the fight against terrorism.

The delay in bringing forward legislation relates not only to UN conventions and protocols, but also to domestic Bills that languish on the shelf after publication. The Taoiseach's call in the wake of the recent terrorist atrocity in Madrid for united EU action to stop terror rang hollow, given that the Government's Criminal Justice (Terrorist Offences) Bill has not yet been acted on. The Bill was welcomed by Fine Gael when it was published in December 2002. It seeks to implement an EU framework decision on combating terrorism, an international convention on the taking of hostages, a convention on the prevention and punishment of crimes, an international convention on the suppression of terrorist bombings and an international convention on the suppression and financing of terrorism. Such issues need to be addressed urgently, but the Bill will not be considered on Committee Stage until later this month. I do not know when it will be passed or when it will be implemented. Why has the Taoiseach called for EU support for action on terrorism when he will not implement his own legislation on it?

The Government refuses to have an open and mature debate on EU security and common defence arrangements despite Ireland's lack of capacity to resist any serious terrorist threat. As Deputy Kehoe said earlier, Fine Gael has been the only party to face up to Ireland's inability in this regard. We have grasped the nettle of Ireland's so-called neutrality. The first duty of a Government should be to provide for the security of the people, but the Government has neglected its responsibility in that area. In a European Union that is closer than ever, Fine Gael believes that Ireland should play an active role in the Union's emerging common defence and security arrangements. This is the best way to secure the safety of our people at home and abroad and to fulfil our responsibilities to our EU neighbours and friends.

Not only should Ireland be part of the EU security and defence architecture, but it should be one of the architects of the systems to meet our needs and our view of Europe's needs. Deputy Kehoe referred to a Fine Gael document, *Beyond Neutrality*, which recognises the need for Ireland to be involved in a common security and defence system that is guided by five key

principles. There should first be a commitment to adhere to the fundamental principles of the UN; second, a commitment to the pursuit to universal nuclear and biological disarmament and a promise never to use either type of weapon; third, a commitment to mutual defence with our EU neighbours, with specific provisions that allow Ireland decide whether to get involved in any conflict on a case-by-case basis; fourth, a commitment to providing peacekeeping and peacemaking operations; and fifth, a commitment to respect the right of other EU member states to enter other military alliances. We know that it currently seems to be a priority with our European colleagues that they are slowly evolving and building a common security and defence policy. As was admitted in the House yesterday, if we are in difficulties we can call on their help. If they are in difficulties, it is only fair that it should be a *quid pro quo* whereby we would be available to help them. The stance of "I will help you if you will help me" seems reasonable. I cannot understand why we have any difficulty with such a policy. I am sure the Minister will respond.

Whether we like it or not, European defence co-operation is up for discussion and there is a clear momentum towards a common arrangement. We should get involved in the discussion now. Doing nothing is the best way of ensuring that the end of Irish neutrality comes about on the least favourable terms for Ireland and based on rules written by others. I do not know if we can participate in this discussion at European level. When the policy is being put together, if we make our contribution we will at least have a say in the final document. If we sit on the sidelines and do not participate, we will eventually be presented with a *fait accompli* that we will probably have to accept whether we participate or not.

The Maritime Security Bill 2004 is important legislation, but further action will be needed for the protection of Irish and European waters. Given the present geopolitical climate and the possible threat of terrorist attacks, the EU, in recognising the vulnerability of maritime targets, should establish an EU coast guard to provide a co-ordinated rapid response, should such a maritime attack ever occur. At European level, Fine Gael has led the call for the establishment of an EU coast guard. In addition to combating potential terrorist attacks, such a coast guard could also vigorously police the revised Common Fisheries Policy to ensure that the deal, which will involve a significant loss of tonnage for Irish fishermen, is administered fairly.

While we are not primarily concerned with, or are discussing, the Common Fisheries Policy and its implications for our coastal community, I know that the Minister of State is very familiar with what we have lost over the years, and with what we continue to lose. In my own constituency, the fishing industry was very vibrant in the past, and provided so many jobs that the

Donegal economy was always closely tied to that industry. It is now depressed. When the Common Fisheries Policy is fully negotiated, its implementation must be fairly carried out. We must have the equipment to ensure that we get our fair share of what is going.

Most importantly however, an EU coast guard could also have a vital role in combating the actions of organised criminals who exploit EU waters in the trafficking of arms, drugs and human beings. We know this is happening. There have been a number of tragedies where human beings were trafficked or transported. Additionally, EU member states acting alone are underresourced and ill-prepared to face the threat of maritime disaster. The traffic in EU shipping lanes is increasingly heavy and the number of collisions that have occurred in EU waters point to the need for more effective co-ordination if we are to avoid potential maritime disasters. We have had our share of those. There was one a number of years ago in the constituency of my colleague, Deputy Kehoe, when a tanker went aground. Similar incidents have occurred off the coasts of France and Spain.

Security is needed in that area, but the root of the problem is that shipping companies are acting like pirates and allowing unseaworthy craft to go to sea. There must be more scrutiny and tighter controls on such vessels before they are allowed to carry dangerous cargoes which can cause so much damage to the ecology of our coastal areas. That is another area which needs to be tightened up if we are to avoid these disasters.

Fine Gael MEPs were instrumental in having the proposal for the establishment of an EU coast guard accepted recently by the European Parliament Committee on Maritime Safety, and will continue to call vigorously for the establishment of such a service. We welcome this Bill as a small step towards improving our maritime security, but we must have a comprehensive policy which will cover our coastal areas and air territory. We are living in a dangerous world. We must act together, co-operate and be good neighbours to our neighbours. Unless we stand together we will fall separately on this issue.

Mr. Broughan: On behalf of the Labour Party I welcome the Maritime Security Bill 2004, which gives effect to the Rome Convention of March 1988, the UN Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, and the associated Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. It is incumbent on us to pass this Bill as quickly as we can and deposit it with the Secretary General of the International Maritime Organisation under Article 18.2 of the convention and Article 6.2 of the protocol.

As the Minister of State said, the legislation before us was spurred on by Resolution 1373 of the UN Security Council of 28 September 2001

which called on all EU states to become members, as soon as possible, of the convention and the protocol, and indeed of all the 12 anti-terrorist conventions to which the Minister referred. I understand that the Criminal Justice (Terrorist Offences) Bill 2002 gave effect to four of the remaining six of these conventions to which we have not yet signed up. The Minister of State, Deputy Browne, is taking us through the last two conventions and protocols.

Why has it taken so long to get this legislation? While I accept that there has been a lot of business to deal with, and the legislation before us is not very substantial, it is nevertheless very important for us as a marine nation. The reform of procedures in this House is critical in order that we can quickly process legislation of this type. Had we brought it forward two and a half years ago, after 9/11, and after Resolution 1373, it would have been appropriate.

It is important that the Department of Communications, Marine and Natural Resources address the huge range of vitally important legislation. I notice that we still have the Electricity (Amendment) Bill on the A list. On the B list we have the Energy Bill, the Fisheries Bill, the Mercantile Marine Bill and the Registration Bill. On the C list I counted perhaps 14 or 15 Bills yesterday afternoon, including very important marine Bills, such as the Marine Services Bill, the Maritime Safety Bill, the Bord Gáis Bill and the Broadcasting Authority Bill, about which we have all had intense representations in recent weeks.

I know that the Minister of State's Department and the Department of Justice, Equality and Law Reform, have a huge backlog of legislation, vitally important to the country and we should address that legislation as soon as we can.

The marine environment is especially vulnerable to terrorism and terrorist groups. In recent decades we have had a history of maritime attacks and hijacking. Areas which stand out in this regard are located around the world's sea lanes, in particular the Malacca Straits in south Asia which is 500 nautical miles long and 29 miles wide. A total of 80% of Japanese trade, much of American trade and two-thirds of the world's liquefied natural gas passes through and it was along that area that the ship the *Chaumat* was seized for a short time in 1999 and driven at full speed without anyone at the helm for a period of 70 minutes. This incident had the potential for a major catastrophe. In recent times, the Tamil Tigers, the Sri Lankan liberation force have specialised in maritime terrorism against the Sri Lankan navy as well as other passing ships. In this vitally important developing area of world trade, there is a clear need for the implementation of the legislation.

Mr. Browne: The Deputy is educating the Members at the back.

Mr. F. McGrath: Before Deputy Morgan speaks.

Mr. Broughan: The Bill before us, based on United Nations principles, is clearly a necessity.

Members may remember the suicide bombing by al-Qaeda in 2002 in the Gulf of Aden of the French supertanker *Limburg* which was bound for Asia with 400,000 barrels of Saudi crude oil. That, together with the earlier attack on the US destroyer *Cole*, were some of the events that spurred countries to give effect to the 1988 United Nations Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 1988 Protocol to the Convention on the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Members may recall the attack on a cruise liner on the Nile by Gama'at Al-Islamuyah. It is often said that tankers and bulkers are sitting ducks for terrorist action. The International Maritime Bureau is urging countries to become a contracting state to the convention and protocol which can follow only on the enactment of the legislation before us.

The Minister stated that the international ship and port facility, ISPS, code will come into force on 1 July 2004. I understand this applies to 20,000 ports worldwide and 60,000 ships and brings forward a range of matters under SOLAS and other conventions to enhance maritime security. Some of the stevedores from Dublin Port made representations to me about their concerns that all elements of the ISPS code may not be in place by July 2004. Will the Minister address this issue in his response? The designation of the ship's master as the ship's security officer and the publication of the IMO-ILO code of practice and security in ports form part of the current work of the International Maritime Bureau.

The United States is the epicentre of international maritime trade, with 40% of the world's cargo travelling to or from that country. The US ports, for example Boston and New York, have introduced major new security arrangements. The Labour Party believes there is a gap in the legislation in that it does not seem to apply to a ship that has been withdrawn from navigation or laid up. We will seek to address that by tabling an amendment on Committee Stage.

I note from international legislation that New Zealand seems to have a comprehensive law on piracy and maritime violence and that a number of countries have proposed a model national law on acts of piracy and maritime violence. I understand the Minister has borne this in mind in the Bill. It is important to remember that maritime violence also refers to attacks on the maritime environment and damage to the environment.

Before I address the Bill, I will comment briefly on terrorism. Any act of terrorism is an outrage and a violation of human society. Given our history, we have a particular understanding of the damage done by terrorism. The savage

terrorist attack on the United States on 11 September 2001 has led to the astonishing situation in Iraq, which is destabilising the world. The attack was perpetrated mainly by Saudi Arabians, organised by a Saudi religious fanatic, Osama bin Laden, yet no action has so far been taken against the medieval dictatorship of Saudi Arabia. Most people would agree there was no justification for the manner of the attack on Iraq without United Nations sanction. The savage regime of Saddam Hussein needed to be removed given the genocide of the Kurdish nation, but not through unilateral action and without any programmes for the development of the new democratic Iraq. Failure in this respect is having an adverse impact on us.

The war party organised around President George Bush led by Vice-President Dick Cheney, Defence Secretary Donald Rumsfeld and Secretary Paul Wolfowitz has been determined from the date of the so-called election to maintain a huge military presence in the Middle East to maintain control of the bulk of the world's oil supplies. The Labour Party will not welcome President Bush to Ireland in a few weeks' time and our slogan for the event is "Count Us Out" as we do not want to be associated with the savage events of recent weeks. I commend the US media, in particular, the CBS television corporation, on its recent disclosures of the violence and savage treatment of Iraqi prisoners and also for showing the faces and lives of the 700 US men and women who died in Iraq. Perhaps the identities of the 20,000 Iraqis who died will also be made public.

A major issue is that the United States seems to have a fundamental problem with international law. I remember the Radical Party in Italy contacted me regularly when I was first elected to the House regarding the establishment of the International Criminal Court. I was delighted to sign up to that. I am delighted that in the past ten years, the International Criminal Court has become a reality. However, the greatest power on earth, the United States, has not signed up as it is not prepared to allow its citizens to be subject to the jurisdiction of the International Criminal Court.

I also understand that the United States is not a signatory to the convention or protocol to which we will become a contracting state. The United States Senate and House of Representatives has not passed or has no intention of passing legislation similar to that before this House. That is an astonishing state of affairs. Will the Minister and his diligent officials confirm that is the case? None of the 12 protocols on terrorism to which the Minister referred has been accepted by the American Government.

For a country that is leading the so-called war on terrorism, it is incredible that it is not prepared to accept international jurisdiction. That is something on which our brothers, sisters and

cousins in the United States, the citizens of America, should reflect over the next five or six months until the presidential election. They should change the Government there to one which is prepared to work with others. The US Government has criticised the Democratic candidate because he speaks French. That is a major criticism by some of the yahoos and clowns currently in charge of the United States Government and who do not, as far as I can see, have a democratic mandate.

My friend and colleague, Deputy Kehoe, and Deputy McGinley and Senator Finucane referred to a Fine Gael document called, *Beyond Neutrality*, in their contributions and to creating a new air of realism about the defence of the European Union. There has been much talk recently about a caring coalition or democratic alliance coming forward after the next general election. I say to my Fine Gael friends that the Labour Party will not abandon neutrality under any circumstances. The Labour Party is not looking beyond neutrality; it is seeking to create a situation where there is mutual security among all states not only in Europe, but throughout the world. That will not be done by creating a European Union military superpower. If that is the way some people want to go, they can count us out. We will not go down that road.

There are only 12 years to the centenary of 1916. Yesterday, I was delighted to see my party leader and colleague mark the 88th anniversary of the execution of James Connolly, the commander of the GPO in 1916 and the founder of my party. It brought home to me the situation during that era. Between 1914 and 1918 — I recently looked at one of the books on the dead — 8,000 young Dubliners went off to join the British forces who did not come home and whose families were devastated. That must be the focus over the next decade, namely, that we will not go back down that road. It is even more important given that the European Union, as we saw yesterday, is now reaching out to Georgia, Armenia, Azerbaijan, the Ukraine and to Russia. Rightly, it will not have anything to do with the dictatorship in Belarus. In the short history of our State, 80 years or so, we have so far managed to develop and keep our independence. We have done so without abandoning our neutrality. I felt I should say that to our Fine Gael colleagues.

Before going back to the Bill, I should state that much of the terrorism we have witnessed during our lifetime, for example, aeroplane and boat hijackings and so on, has come about as a result of the torture, murder and desperate treatment of the Palestinian people since the foundation of the state of Israel. I salute the last great Labour Prime Minister of Israel, Yitzhak Rabin, and Shimon Perez, who, during President Clinton's time, came forward with a generous plan for a land that is only the size of Leinster

and Munster in which the two nations, Israel and Palestine, could live peacefully together. Of course, Yitzhak Rabin was disgracefully murdered. The past four or five years have been a total nightmare for the Palestinian people. We have witnessed the insane building of a wall around cities and towns and the serious allegations of terrorism and mass murder against the Israeli Prime Minister, Mr. Sharon. There will not be a world free from terrorism until the Palestinian issue is dealt with. I commend all parties in this House. The former Senator, Mick Lanigan, and others have stood up for the rights of the Palestinian people. It is an issue which must be addressed and which further inflames the situation in Iraq. There will not be an end to terrorism until these issues are addressed.

I am proud that I recently raised the issue of the people of Kurdistan and the need to allow them to follow their own destiny, as we did. There are 30 million Kurds. Most of them are in Turkey but there is also a Kurdish population in Iraq where they were savagely murdered by the terrorist dictator Saddam Hussein. Whatever happens in regard to Turkey's entry into the European Union, we must ensure Kurdish issues are addressed. On the same night, I also raised the issue of Chechnya and the Chechen people. I condemn unreservedly the savage attacks on ordinary, innocent Muscovites and other Russians but clearly the rights of the Chechen nation, which is approximately the size of Leinster and Munster, with a population of 1 million must be addressed before such terrorism can be dealt with.

The final point I wish to make about terrorism relates to the Arab nation. Many of us will remember the dream of the former President of Egypt, Gamal Abdul-Nasser, for a free, democratic and united Arab nation in control of its own destiny, oil and other resources. It was a wonderful dream which I hope will become a reality one day. Certain powerful, dark forces in America, England and in Europe have done their best to throw road blocks in front of that ambition. It is in the interests of the European Union to support that dream and to encourage our Arab and Islamic friends to move along the road we took hundreds of years ago.

I will table some amendments on Committee Stage. I wish to delete the reference to warships and auxiliary naval boats because, while the convention does not apply to war or navy ships, there is nothing stopping us going further than the convention in our legislation. It does not make sense to state that terrorists who seize civilian ships are to be punished but not those who seize other ships used for police or military purposes. The Minister said in the Seanad that this would contravene the convention but that overlooks the point that we could go beyond the convention in domestic law if we so wished.

[Mr. Broughan.]

I also wish to insert in the Bill that reference to a non-Irish ship or a fixed platform shall be taken to include reference to such a ship or fixed platform wherever it is situated. We believe there is a contradiction between sections 1 and 3 in regard to jurisdiction. Section 1 states that “fixed platform” means a platform in the State’s continental shelf, so, by definition, it does not include a fixed platform outside the State. Section 1 states that a “ship” in respect of a non-Irish ship means a ship in the State. The inference is that “ship” and “fixed platform” mean such things in the State. However, if one reads sections 3 and 7, it is clear that it is intended that the Bill applies to acts outside the State subject to the requirement that the consent of the Director of Public Prosecutions is necessary and can only be given if extradition is refused. There is a manifest contradiction between the definitions in section 1 and the trial provisions in sections 3 and 7. We will try to resolve this by tabling an amendment. If the Minister does not accept the amendment, there will be ambiguity in this regard. I also welcome the safeguards in regard to the High Court, double jeopardy and so on in sections 4, 5, 6 and 9.

I noted a few days ago on the Department’s website that, surprise, surprise, the coast guard and the maritime safety agency will be based in Drogheda, County Louth. I welcome that for the people of Drogheda. It will be a valuable addition to the area when officials from the coast guard and the maritime safety agency are based in the County Louth town.

Perhaps the Minister of State might refer to the marine radio affairs unit when summing up. I have asked several times that the marine rescue co-ordination centre remain in Dublin or that it should at least be based on the east coast, whether in the Minister of State’s constituency or in County Louth. Given that there could be up to 80,000 mariners, including crew and passengers, on the Irish Sea — Deputy Crowe spoke eloquently about Sellafield and the possible dangers — it does seem bizarre. I fought in this House for Malin Head because I thought it would lose a radio station. We want all three maritime radio stations, at Malin Head, Valentia and Dublin, to be retained. If Dublin’s cannot be kept, then Drogheda would suffice, but there should be one on the east coast. Despite the advent of modern communications, we should be careful to retain such radio facilities.

Since last October, I have raised on several occasions in the House the issue of the Irish shipping register. I note that the size of the register has almost doubled since last October. At that time, 11 vessels entered the register while two left. In December, 13 vessels entered while two left. In February 2004, 16 vessels entered the register while one left. These developments are

a credit to the Minister of State but will the expansion of the register bring additional responsibilities? Over the years, 30 to 32 ships flew the tricolour, but our flag is now flying on almost 60 vessels and the numbers could rise to several hundred. That is fair enough because Ireland is a maritime nation. Some mariners were upset because they did not see the companies that owned these ships coming here. SIPTU and the International Transport Federation are determined that the our beautiful tricolour will not be turned into a flag of convenience. That should never happen and it is the Minister of State’s responsibility to ensure it does not. What will be the implications of the dramatic expansion of the Irish shipping register? We must ensure that these additional vessels on the register, which could be anywhere from here to the Straits of Malacca, are not flying the tricolour as a flag of convenience.

I am disappointed that the coastal zone management Bill has been abandoned. From his first days in the House, Deputy Sargent has been calling for such a Bill to be published. I agree profoundly with him, yet the Government appears to have abandoned the legislation, while reverting to a narrowly based foreshore Bill.

In the past year, there has been tremendous interest in coastal protection, including in the Bantry Bay charter and similar initiatives for Clew Bay, Lough Swilly and Dublin Bay. A group of academics in UCC are organising speakers to talk about coastal protection. Recently, a successful conference was held in Howth in my constituency. The Minister of State and his senior colleague, the Minister, Deputy Dermot Ahern, have done much work on particularly sensitive maritime areas in conjunction with six other countries. We seem to be on the verge of designating much of the Irish Sea and the Atlantic a sensitive maritime area. I urge the Minister of State to hasten the completion of that work. We have already dealt with the relevant legal aspects but perhaps within the next 12 months it can be completed.

A few days ago, we had an interesting discussion at the Committee on Communications, Marine and Natural Resources concerning on European Parliament directive COM/2000/76 concerning port security. The directive outlined some interesting ideas, including the assessment of enhanced port security, having detailed security plans for ports such as Rosslare, Dublin and Cork, and having a port security authority and a designated security officer. Some of the International Maritime Organisation’s work is also being translated by the EU into this Bill, but will we have to legislate for such enhanced port security measures? Will the Minister of State be introducing such legislation?

I realise that the Acting Chairman, Deputy Glennon, has an interest in enhanced port

security but I was surprised to see Skerries and Balbriggan being treated in a cavalier manner by Dublin Port. The Minister informed one of my colleagues in Fingal county that it was none of his business, that he did not care what happened and that we should discuss the matter with Dublin Port. However, we must take responsibility for security in the country's smaller ports. Whatever can be done to enhance security at the ports of Skerries and Balbriggan should be done.

Many of my constituents are upset that there is no harbour master for Howth. The previous one retired at the start of the Minister of State's period in office, but a replacement has yet to be appointed. Up to 1807, Howth was the main port on the east coast. There has been increased maritime activity there in recent times. What is the problem with appointing a harbour master? The same could also be said for one of the five great fishing ports at Dunmore East. If he is serious about maritime security, the Minister of State should address those matters.

On behalf of the Labour Party, I welcome the Bill and intend to table a few amendments on Committee Stage. Marine terrorism is a matter of concern that we must address, but we should address the causes of terrorism to deal with the matter in a more profound manner. I ask the Minister of State to examine the other issues I raised.

Mr. Morgan: I seek leave to share time with Deputies Finian McGrath and Eamon Ryan.

Acting Chairman (Mr. Glennon): Is that agreed? Agreed.

Mr. Morgan: The main terrorism that I have experienced in my life was at the hands of people in British Army uniforms, who were directed from Whitehall. It is unfortunate that, in the absence of the implementation of the Good Friday Agreement, we do not have legislation here to banish those people from our country.

I have a number of concerns about this Bill. I appreciate that there needs to be proper protection of vessels and marine installations, but I am not satisfied that there is some major new problem that needs to be addressed by a raft of new security legislation. Other speakers have referred to the new dangers that have arisen since the awful events in New York and Madrid, but I am concerned that those events are being used to serve as the pretext for legislation that would not have prevented either of those atrocities. I am reminded of something that was said last year by Ms Irene Khan of Amnesty International when she referred to the fact that the so-called war on terror was being used to curtail human rights, undermine international law and increase the level of fear and suspicion between different peoples.

If we needed proof of that, we need only look at the awful facts that are beginning to emerge from the Iraqi prisons. While states need to protect themselves against threats, they do not have the right to undermine human rights in the process. One of the possible dangers in this legislation is contained in section 7(4)(b) which refers to the provisions of the European arrest warrant. That facility, which was approved by the House a number of months ago, brings an end to the previous situation whereby this State had formal extradition arrangements with other states and puts in place a new situation where warrants can be issued by member state courts and exercised without having to satisfy previous safeguards in another jurisdiction. As we ought to have learned from our experience of the extradition of people between this jurisdiction and those under the control of the British Government, such cases can be fraught with difficulty, especially when dealing with offences that are connected with political problems and conflicts.

I cannot foresee why people might choose to seize a ship of another state in Irish waters. We ought not to prejudge such an event by decreeing in advance that anyone who would do so would automatically be extradited or punished here. What would we do, for example, if people being brought by ship from one country to another to be placed in a concentration camp, were to mutiny in Irish

territorial waters and seize the ship in which they were being transported? Would we arrest and extradite them or would we lock them up in prison here? These may seem like unlikely scenarios, at least in an EU context, but in a world of mass human rights abuses, they surely merit some consideration before we pass blanket legislation such as this Bill.

I am also concerned by section 2(1)(a) which refers to the offence of "seizing or exercising control over a ship or fixed platform by force or threat of force or any other form of intimidation". People could find themselves subject to the rigorous sanctions recommended in this Bill by their participation in legitimate acts of protest. If workers went on strike on an offshore exploration platform and the dispute developed, as industrial conflicts sometimes do, into an occupation, would such persons then be considered to be in contravention of this section and depicted as terrorists? Would it allow companies like Shell or Marathon to invoke this legislation in the event of an industrial dispute offshore?

A similar situation might arise in industrial action on a ship. Last year, non-national employees of a shipping company found themselves in possession of the ship on which they were employed because of a refusal to pay them. If this Bill is passed, will such employers be

[Mr. Morgan.]

able to resort to legislation to have the workers arrested and charged with such serious offences?

In a similar fashion, would people engaged in protest or direct actions against ships carrying war materials or nuclear materials come under the terms of the legislation? I have taken part in protests against Sellafield and Greenpeace has attempted to physically obstruct vessels carrying noxious materials from Sellafield through the Irish Sea. If such an action was successful to the extent of the protesters boarding such a vessel and preventing it carrying its deadly cargo further, would that be considered an act of terror?

Almost everyone has referred to Sellafield. I fail to see how this Bill would prevent the possibility of a terrorist attack on that installation. God forbid that anything like that would ever take place. Surely, however, this misses the point that the danger that Sellafield presents, and the harm that Sellafield does, is that it is there at all. We might not be able to prevent some lunatic deciding to crash an aeroplane into it but we can and should be doing something about the danger it currently poses. We should be pressuring the British Government to close the place down. I happen to hold the view that there are no greater terrorists on the planet than those who operate Sellafield. The sooner we introduce legislation to outlaw its operation and the resultant effects on Irish people, the happier we will all be.

Mr. F. McGrath: This is important legislation for an island nation and should be carefully considered and debated in detail. I welcome the role of the United Nations in providing security on our seas. This is particularly relevant with the use of the sea and boats to import drugs. We cannot turn a blind eye because these drugs are destroying communities and young people.

We must face up to the reality that the smoking ban makes it easier for drug pushers to peddle their wares. Groups of young people having a cigarette outside pubs are now easy pickings for pushers. They do not have to worry about staff or door men, they get their orders via mobile phone and then deliver them to the crowds outside the pubs and clubs. This is a new phenomenon that must be tackled. We must accept the downside of the smoking ban is that it makes it easier for drug pushers to sell drugs to young people.

The purpose of this Bill is to give effect to the United Nations Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 and the Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The convention and protocol are among a set of international instruments against terrorism which member

states of the United Nations are enjoined by Security Council Resolution 1373 of 28 December 2001 to implement as soon as possible. The terms of the convention and the protocol require approval by Dáil Éireann pursuant to Article 29.5.2° of Bunreacht na hÉireann and the Bill must be enacted before Ireland can be a party to them.

It is essential that when we talk about public safety and international terrorism we do not exclude state terrorism. It is being ignored in current debates and written out of history. In recent days I have been meeting the families of the victims of the Dublin and Monaghan bombings who were massacred in 1974 and there are strong indications that the British state was involved in this atrocity. We must open our eyes to the fact that it is not just the small guys who plant the bombs who are terrorists. Everyone has a responsibility, states have been and are involved in terrorism. The activities of the United States and Israel in the last few days demonstrate this point.

The Bill creates specific offences related to the safety of Irish ships, other ships which are in Irish territorial waters and the fixed platforms on the continental shelf. Consequently, on standard lines for extra-territorial jurisdiction, it covers offences committed outside the State in breach of the convention or protocol. There is provision for the apprehension and detention of alleged offenders and the handing over of them to the appropriate authorities along the lines of the provisions of the Criminal Justice Bill 2002 which is currently before the Dáil. That Bill makes the necessary provisions on four other conventions against terrorism.

Section 1(2) makes it clear that any Defence Forces involvement under the Bill is only to be in aid of the civil power at the request of a member of the Garda Síochána of at least inspector rank. That is an important contribution to our security and policing services.

When we are discussing this Bill we should focus on the importance of the bays around Ireland, particularly Dublin Bay. Many of us have been campaigning for the preservation of Dublin Bay for years. We have worked with community groups in the Clontarf area in particular to protect Dublin Bay from the proposed in-fill.

In October 1999, Dublin Port Company Limited applied to fill in 52 acres. This application was rejected in March 2000 after independent consultants found the environmental impact statement was inadequate. On 7 March 2002, Dublin Port Company Limited reapplied to fill in the same 52 acres. The independent consultants reported on the EIS in September 2002 and the application is still current.

Since 1972, Dublin Port Company Limited has tried for other in-fills and we must remain on our guard. I compliment my predecessor, the former

Deputy Seán Dublin Bay Loftus, for his work. In 1972 Dublin Port Company Limited published its long-term plan for the bay and filled in 2,870 acres. In 1980, it published notices applying to fill in 94 acres of the bay and 1988, 1999 and again in 2002 it applied to fill in 52 acres. I raise these questions because the signs coming from the Department of Communications, Marine and Natural Resources are not encouraging. If the Minister gives the go ahead to the company there will be massive opposition from local people.

I commend and thank the people involved in the campaign to preserve Dublin Bay, particularly Dublin Baywatch, which is active in Clontarf. So far it has made presentations on the issue to the Government task force on the use of port land and estates and other presentations on transport and logistics.

It is important that we do not overdevelop some ports while ignoring others. If we want to stop the bottlenecks and traffic jams, we should be more radical, looking around the coast and developing other ports. I want to highlight those issues regarding development. I am not only saying that we should not fill in Dublin bay; I am also putting forward constructive proposals to deal with the situation. The explanatory memorandum reads as follows.

Subsection (7) obliges the court to pay due regard to whether the rights of the person in question can be given effect to in the state requesting the extradition of that person, namely, the right to

(a) communicate without delay with the nearest appropriate representative of the state of which that person is a national or which is otherwise entitled to establish such communication or, if that person is a stateless person, the state in the territory of which that person has his or her habitual residence, and

(b) be visited by a representative of that state.

It continues:

Subsection (9) is a necessary exemption from any liability for any master of a ship or person in charge of a fixed platform who acts in a reasonable way under this Bill when enacted.

Those are extremely important issues to raise under the legislation. Let us consider the section of the Bill dealing with its financial implications. The Exchequer expenditure could arise from mutual assistance, extradition of alleged offenders, and other requirements of the 1988 convention and protocol. While such expenditure is unlikely to be significant, the Dáil approval of the terms of the 1988 convention and protocol is specifically required by Article 29.5.2° of Bunreacht na hÉireann, as well as the entitlement of this Bill. In other words, if we are to be serious

about the legislation, we will have to bring in the necessary resources, particularly to improve the safety of our citizens. We have been slack on the safety and public protection of citizens of this State over several years. Earlier I mentioned the example of the Dublin and Monaghan bombings. Our citizens were totally neglected by successive Governments, and it is important that this issue be constantly highlighted.

Regarding the development of the seas and the fishing industry, I commend those on this island involved in it. I would also defend the interests of the fishermen and others who go out risking their lives daily, making a massive contribution to this economy and the State. I will defend them to the end when it comes to the sometimes negative comments from people about the revenue they earn and their salaries. They deserve every single cent they get, since they work extremely hard at a very difficult job. They also play an extremely important part in the economic development of the nation. We must target this resource and use it more often.

I welcome the overall debate on maritime security, and I hope the amendments tabled at a late stage will be taken into account.

Mr. Eamon Ryan: I was trying to think, sitting here, of what risks to this State might apply regarding some of the events for which we are preparing. Deputy Broughan mentioned how we had fortuitously had a committee meeting last week on port security in this State. I am raising this because I am wondering what circumstances we should be concerned about. One concern to come out of that meeting was the discussion we had with officials regarding safety at Galway city, given the port facility with very large quantities of flammable gas right in the heart of the city. I am not a chemical engineer and cannot state the specific substance, but anyone who knows Galway city centre and the docks area there will know that one regularly sees the loading and unloading of vessels carrying highly combustible explosive materials. It is effectively right in the city centre. If we are to be publicly concerned — personally I do not see much chance of a terrorist attack on Galway — that was one risk highlighted to me at a recent committee, and perhaps the Government might want to address it. The officials raised my concerns at our meeting.

It is interesting that the convention to which we are signing up also addresses the safety of platforms when it comes to possible terrorist attacks. The one other great risk I see here, if someone were sufficiently demented to try to take on such terrorist activities, is in the proposed development of the gas pipeline from the Corrib gas field, which hits the Irish mainland near Pollatomish, County Mayo, before travelling overland for some 9 km. to the proposed processing station. I am told by experts in the

[Mr. Eamon Ryan.]

field that there is no international precedent for such a lengthy pipeline from the shore to the processing point. The very existence of that pipeline in itself poses quite a risk for the area given possible blockages or other damages that can be caused to it. However, in Iraq at the moment, some of the targets most difficult to protect against terrorist activity are those very pipelines.

Yet in this country, for reasons about which I am not very clear, we cannot put a processing plant at a landfall elsewhere or provide offshore processing facilities. I am genuinely concerned that, if someone were sufficiently demented and wished to target this country's offshore facilities, that person would not have to go offshore. He or she could look at those 9 km. of pipeline, which would be almost impossible to guard, and decide that a small device there would do incredible damage to this country. I would be interested in hearing the Minister reply whether, if there are risks in this country, he can guarantee future safety, given whatever circumstances lie ahead. It was interesting to hear Deputy Finian McGrath speak of the Dublin and Monaghan bombings. What effect would a similar bomb along that pipeline have? Can the Minister give assurances that the pipeline is safe from such terrorist attacks?

The third obvious risk to this State, which my colleagues have mentioned already, is a possible attack on the nuclear facilities at Sellafield. I know it does not have a maritime risk; the danger is more from air attack. Out of interest, I can report back to the House that I recently had some discussions with the British members of the nuclear safety authority who were over here showing the very good work they do in trying to keep those facilities safe. I failed to get an answer as to how they could prevent a terrorist attack by a plane going into those facilities or how they might protect against it. The British authorities said they were unable to give details for security reasons. The Irish expert to whom I was talking was interesting. He was hypothesising — having merely thought about it and having some experience in the area — that we would be down to devices which would release smoke close to the reactors to try to hide them if a plane were approaching or the issuing of balloon barrages which would rise up around the reactors. When I heard of those possible precautions, it filled me with nothing but further concern at the possibilities.

However, I have digressed from the Maritime Security Bill 2004, which is before us. My central point is very general and does not necessarily relate to the provisions. We are all concerned about the fight against terrorism world-wide, having seen the atrocities carried out in Madrid, and in New York in 2001. We cannot ignore or

fail to address the threat. However, I strongly believe the current manner of our addressing that terrorist threat is completely wrong. It is interesting to read the Schedule. The 1988 convention was remarkably prescient in recognising some of the threats before us. However, in Schedule 1 to the convention, I am particularly drawn to the fact that it records Resolution 40/61 of the General Assembly of the United Nations of 9 December 1985. That is an extremely important resolution for us to return to in our fight against terrorism.

It makes us recognise that the causes of international terrorism must be tackled. Special attention must be paid to causes such as colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms as well as those involving alien occupation. This House has legislated on several occasions for Bills similar to this to introduce protective measures, where we are trying to put in place tough penalties and stiff sentencing against people who are carrying out terrorist activities. However, we are not addressing the real causes of that terrorism. That is particularly relevant to the present situation in Iraq where, under Resolution 4061 of the United Nations, there is an alien occupation. One has to ask how that is helping the fight against terrorism. Is it contributing to the development of terrorism on a long-term basis? I believe it is.

It is remarkable to see, as referred to by Deputy McGrath, section 3 of Article 7 of the convention provides that if a terrorist is found on a ship we are committed to giving him or her basic protections in our jurisdiction, or indeed any jurisdiction. That is a demand any signatory to the convention would have to follow: such a person would be entitled to a visit from a representative of his or her state, under Article 7, or indeed under Article 10 of the convention such a person would be entitled to have his or her case handled and brought to court without delay and dealt with under the rules of the arresting nation state.

The broad question must be asked about the current activities of the American Government in holding detainees at Guantanamo Bay where the accused terrorists are being refused the right to have a case brought to court. It seems this is in flagrant breach of the spirit as set out in this United Nations convention. I question whether that breach of the UN convention is not adding to global terrorism rather than detracting from it.

Most noticeable at present is the systematic abuse by British and American armed forces and the military police under their jurisdiction in Iraq. Is that flagrant breach of human rights not also a far greater cause of the rise of global terrorism and should the Government not seek to diminish this threat by making our views known to the states in breach of such abuses which are denying

people access to a fair trial? Rather than this House passing one Bill after another trying to patch up laws to provide protection against possible terrorist attacks, would it not be wiser to use our independent voice, which is highly regarded on the international stage, to say, in effect: "We in this country have learned over 30 years how to fight terrorism, and the way is not necessarily by punitive restrictive legislation, it is by promoting the democratic ideals upon which our State and the American and British states were founded."

That is the best course in terms of tackling international terrorism. It is to return to the values that established and form the cornerstone of western liberal democratic tradition. What I fear terribly is that in the struggle to fight terrorism or in the so-called war against terrorism, we are engaging in a war against our own democratic rights and values. We are introducing legal punitive measures which, while individually justifiable or prudent, are collectively leading to an infringement on the very freedoms and rights we cherish.

I hope my attack is not seen as anti-American *per se*. I lived in America for a period in the mid-1980s when, like many people of my generation, I could not find work here. I found the freedom there a remarkable asset. The welcome extended to me as an "illegal" working in America was enormously rewarding. It was an exhilarating state to live in. Friends who have been living in America since that time have remarked on the loss of freedom there in the past 20 years. In a sense the terrorists have been allowed to win. The restrictions being put in place to restrict terrorism are restricting our quality of life and inhibiting our sense of democracy and freedom.

While I welcome the passing of this Bill in the sense that it may possibly provide us with legal measures to take on terrorism linked to ships in international waters and while it is difficult to argue against the legal provisions and the safeguards the convention contains, I have serious questions and doubts about the process we are following, about our apparent eagerness to sign as many measures as possible so that we are seen as "good boys" on the international stage, in the war on terrorism.

In reality Ireland would be better appreciated as a State if we said honestly that it is the current abuse of human rights by a number of Governments that is the real contributor to rising global terrorism. The treatment of prisoners in Guantanamo is the recruitment agency for international terrorism. We know, in this country, what inflames people and encourages them to take up the bomb and the bullet. Having seen it operate in our own country we know how this works so we should know how to stop it.

The Government in its unique role as holder of the Presidency of the European Council of

Ministers is failing to deliver that most valuable lesson that we should have learned in this State over the past 30 years, and I very much regret that.

Cecilia Keaveney: I am delighted, as a person who lives in a house where one can throw a stone into the sea, to address a Bill on maritime security. I am also delighted to see a number of Deputies from Dublin involved in the debate. It is important we use the opportunity to discuss all aspects of marine issues. That is the central core of what I want to say because while this is the Maritime Security Bill 2004 — I could probably be challenged on the minutiae of the legislation — there are a number of issues I want to present to the Minister for clarification.

In general I agree with the previous speakers. Unfortunately, international terrorism needs to be addressed at every level where it represents a potential threat. I know this has been portrayed as merely a technical Bill and that, as the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Browne, said, it is necessary to give effect to the United Nations Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1998 and the Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

I acknowledge, too, what the Minister said when he alluded to the fact that this legislation was not a priority with Governments over the years, since 1998. Presumably, this was because the number of terrorist-type incidents involved in cruise liners and other ships might not have been high and therefore international pressure might not have been placed on the Department of Communications, Marine and Natural Resources or the Government to have Ireland incorporated as a contracting State to the protocol or the convention. I do not agree, however, that we need international pressure to deal with any of the issues that have to do with the sea, whether they have to do with fishing, marine tourism, safety or security, or any other aspect.

The Ministers form a sizeable marine community as they come from areas in which much marine-related activities take place. They include the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, the Minister for Social and Family Affairs, Deputy Coughlan, the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, and the Minister for Agriculture and Food, Deputy Walsh. That short list represents at least one third of the Cabinet. Many Ministers of State have similar connections, for example, the Minister of State at the Department of Communications, Marine and Natural

[Cecilia Keaveney.]

Resources Deputy Browne, the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern, whose constituency includes the navy base, the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Fahey, the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Gallagher, and the Minister of State at the Department of Transport, Deputy McDaid. This is not an exhaustive list of people linked to coastal communities or to electorates. There are many Ministers, Ministers of State and backbenchers who should know about the marine as they come from such locations.

It saddens me on an occasion such as this to see a lack of interest in a Second Stage debate on yet another maritime or marine Bill. I do not believe it is because this is Thursday afternoon. There is a presumption that this issue does not concern individual Deputies. This may be a sweeping and perhaps erroneous statement. This is an island and most constituencies have a coastline but that is not reflected in the interest shown in this Bill, albeit that it is of a technical nature. When any other Department tables a Bill, Deputies use the occasion to explore its substance and highlight issues connected with the general topic. The fact that this is a technical marine Bill should not prevent people coming in to make general points about marine issues. I implore Deputies to show a more active interest in this by insisting on getting time to put on record their feelings about the importance of the marine and coastal communities to their areas. These communities are not confined to fishermen although in my area they predominate. The marine covers many aspects of life.

One may find that a Bill covers issues with serious implications for our areas that have not been discovered until after it comes into force, unless we explore them on Second Stage. I have encountered several issues of concern to me. The simple statement that this is an island has a serious import. Some areas such as Dublin, Cork, Galway and the Shannon region have successfully attracted employment and the areas around Dundalk and Monaghan have also begun to grow. In the less successful areas water offers the way forward. This Bill is designed to ensure it is always accessible and that it will not be exploited by international terrorists whose actions might undermine this nation or any other nation that has signed up to the convention. The fact that Ireland is an island presents us with potential opportunities and challenges. The Bill concentrates on the latter especially in the aftermath of the terrorist attack on the World Trade Centre on 11 September 2001 and the recent bomb attack on the Madrid metro. I offer my sympathies to all those affected by these

attacks. My sister-in-law is from Madrid which makes one grateful that a close friend or family member was not involved. We have experienced enough tragedies on this island to know what the people of New York and Madrid are suffering.

The Bill covers the security of vessels around our coast and the safe passage of cruise liners. In the context of international terrorism it may sound parochial to reduce this discussion to the level of an individual Deputy or constituency but the relevance of this to even a few people has a bearing on the big picture. Surely anyone in a coastal community should have something to say about even the number of cruise liners visiting the constituency, and the level of threat from international terrorism this may entail. They might also aspire to have more international vessels visiting their areas on a social or commercial basis.

Many Deputies whose constituencies would have much to offer cruise liner operators but are not receiving visits from them could use this opportunity to underline the fact that this Bill was not prioritised because it is not as relevant to Ireland as it perhaps should be. Dublin Port is one of a number of large and busy ports but there are many other locations which might present a risk. This may be a strange argument but we do not feel threatened because we do not have as much international trade as we would like. Let us look at how we can maximise our risk in one sense but deal with that risk under this Bill. We should have more maritime traffic and invest in marine infrastructure to ensure that all parts of the island are accessible to the types of vessel central to this Bill.

Marine tourism is a buzzword but the sting is that no one seems to take responsibility for it. The Department of Communications, Marine and Natural Resources says it is a matter for the Department of Arts, Sports and Tourism and *vice versa*. We need to inject this equation with some reality or we could perhaps have left this Bill sitting on a shelf for some time given the lack of development or the advent of factors such as cruise line tourism. We need to extend the definition of tourism to include marinas, water ski-ing, jet ski-ing, yachting, angling and so on. The words “funding”, “investment”, “regulating” and “co-ordinating” are absent from this discussion.

The RNLI recently requested funding for dredging in Lough Swilly. The Department of Communications, Marine and Natural Resources responded that as it was not a fishery harbour it could not fund the dredging. That had serious implications for marine safety, which is not under discussion today. However, had there been a disaster or threat in that region and the RNLI was not able to deal with it who would take responsibility for those deaths? Had there been a security incident further out and boats needed to

be deployed in a similar way, would we be happy to accept the response that they had no money to dredge and were therefore grounded? It does not make sense. When will we realise we are an island and have the resources to do something as basic as dredging that enables us to use our waters and not have a virtual border? Thankfully the situation in Lough Swilly was resolved and I thank the Minister, Deputy Dermot Ahern, the Minister of State, Deputy Browne, and their officials. At this point I will put in a plug for dredging at Greencastle and Portmore piers.

This Bill should not merely be a measure to protect boats that we wave at as they pass around the Irish coast on the way to other destinations. Our location should gain greater significance so that more boats have a reason to land at our ports giving our coastal communities a necessary commercial or tourism boost. I speak as Chairman of the Oireachtas Joint Committee on Arts, Sports, Tourism, Rural and Gaeltacht Affairs which has several associations with this issue. The budget for the Department of Communications, Marine and Natural Resources is reducing annually.

My county has done extremely well through investment by this Government and its predecessor. I saw the complete change in my town as dilapidated structures ceased to be eyesores and became active fishing landing points and active harbours. Many have more aspirations and dreams for future development. Such areas are now experiencing significant increases in turnover and fish catches because of the convenient location of ports. That may sound critical, but investment has been made by the Government and the previous Administration and I want that to continue. I also want to bring maritime events and international ships into Lough Foyle and Lough Swilly. We need to maintain the level of financial support in this area to halt the recent decline that is evident.

In this regard, I encourage the Minister, Deputy Dermot Ahern and the Minister of State, Deputy Browne, to keep fighting their corner, not only with the Department of Communications, Marine and Natural Resources but, more importantly, with the Department of Finance. A strong financial case can be made for a good potential return on any investment in this area. The argument is not based on sentiment, it is one based on economics and the Department of Finance should not ignore it.

The Bill gives rise to the question of who will pick up the tab for the additional security measures that may be required in certain ports. Other speakers alluded to the fact that money is only required for the extradition of people found on boats who are up to no good, and that the sum required would be small. I do not agree with that analysis. There will be a need for additional security measures and, accordingly, there will be a financial implication. What will happen to a

port post-July 2004 that does not get the necessary investment to comply with the regulations, even though it is currently an active port that otherwise would have had a port facility security plan in place and an international ship and port facility code? Will ports that do not currently deal with international cruise liners or international freight traffic but that have plans to do so, be excluded from such a designation following the enactment of the Bill?

What jurisdiction will the Department of Communications, Marine and Natural Resources have regarding ports and port facilities on Lough Foyle? Will a similar approach be taken to the Londonderry port and harbour authority, Greencastle fishery harbour and Carrickarory Pier, Moville? Will they be subject to the same terms as Lough Swilly or Dublin Port?

I trust the Bill will not have a negative impact on, for example, the Foyle ferry. This ferry runs from Magilligan in County Derry to Greencastle in County Donegal and carried 500,000 passengers in its first 15 months of operation. It is one of the strongest legacies of the peace process and links two communities that for years merely looked at each other across Lough Foyle. I trust no nonsense about international ports will be thrown into the equation as, post the Good Friday Agreement, the joint nature of the approach to Lough Foyle is established. Frequently, legislation dealing with international issues inadvertently throw up serious anomalies for Border localities that do not come to light until after the legislation has come into effect. I hope this matter can be addressed in conjunction with the Department of Foreign Affairs, the Department of Justice, Equality and Law Reform and other relevant Departments, including the Secretary of State for Northern Ireland if necessary.

I congratulate the Garda on the significant chemicals find which, if it had not been discovered at this point, would have led to serious suffering for many individuals and families had it been converted into tablets and sold on the streets. The scale of the international movement of this cargo shows what is happening at sea and underlines the need for vigilance and a co-ordinated response.

Many coastal areas offer a potential for illegal activity under the cover of isolation. This raises the issue of whether there is a need to re-man lighthouses so as to have a more pro-active approach to activities taking place at more local level than comes under the remit of the Bill. It is possible for people to transfer from larger ships to smaller craft so as to access more isolated areas. I hope the potential for this taking place is addressed in the Bill.

I am interested in the International Maritime Organisation to which the Minister referred. Does this organisation have a role to play in activity other than international terrorism and does its remit include infrastructural development?

[Cecilia Keaveney.]

Does the Bill have any special significance for Lough Foyle? Has the special status of cross-Border activities currently in operation been taken into account, where there is no security threat? Who will pay for the increased security that may be needed to upgrade ports, given the constraints on the Department's budget? If a facility is not currently designated as compliant, will it be possible to gain compliance in future? Has a national survey been carried out, or will one be commissioned, to assess the financial implications of upgrading all port facilities to offer international docking? Given the need for increased security consciousness, will all maritime centres have equal access to international maritime traffic, in the interests of developing access to all regions?

The naval base is located in Cobh. Given the increased security risk and the distance from one end of the country to the other, has thought been given to the establishment of a temporary base in somewhere like Lough Swilly? It would allow a pitstop on the northern coast from which the service could operate should the need arise. Deputy Eamon Ryan referred to the threat that could be posed to Galway because of the gas pipelines from the Corrib field. When tragedies have occurred in my vicinity it has often taken boats a long time to get to the scene. They have to return to Cobh for refuelling and then return to carry on searches. If a full naval base cannot be installed on the northern coast, I urge that some form of half-way house be developed in an area such as Lough Swilly.

I am interested in the safety of Irish ships in Irish territorial waters and the issue of fixed platforms. I assume this relates to oil and gas facilities. Wind farms have been mooted in Lough Foyle as an off-shore energy source. Many people are not happy to have this project go ahead. The wishes of the people in the area and the needs of fishermen must be taken into account. I look forward to the long-awaited Foyle fishery Bill, another legislative measure relating to the marine area on which we have waited for up to eight years. I trust what I have said will be taken in the spirit in which it was intended. I consider it constructive criticism and would be most interested in receiving answers to the questions I posed. The Minister of State, Deputy Browne, is most helpful in the Department. I wish him well in his portfolio.

Mr. Durkan: I wish to share time with Deputy Neville.

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

Mr. Durkan: I congratulate Deputy Keaveney on a thoughtful and thought-provoking speech, which is appropriate from a Deputy who comes from a maritime county and is deeply conscious of the security needs, fishery needs and the

general marine and maritime needs of her area and the country.

We on this side of the House welcome the Bill. It is long past the time when it should have been introduced. We draw attention to the need for a proper, comprehensive, integrated defence and security plan, onshore and offshore, in respect of this country with particular reference to our involvement in EU defence and security discussions, debates and measures that are likely to be put into operation in the future.

The points raised by Deputy Keaveney clearly illustrate the need for vigilance in terms of marine and maritime security. The *Achille Lauro* was famously hijacked a long time ago. I think it was a Captain Delgado who achieved immortality by seizing a cruise liner on the high seas. Many people have put those events to the back of their minds and presume that such an event could never occur here, that we are universally loved and that nobody would ever attempt to do anything of that nature here, but that is as far from the truth as one can go. We have had experience of various kinds of agitation and terrorism over the years.

I draw a distinction between warfare and terrorism. Warfare is when war takes place and there is a formal declaration, although whether it be formal or informal is immaterial. Terrorism is what takes place when innocent people are used as victims to promote a cause such as a holy war. One can think of the various acts that have taken place over recent years and we do not have to think back so far. We can talk about terrorism in terms of the Omagh bombing. Nobody could ever suggest that bombing was a sacrifice of innocent victims to promote some particular cause, which was not very clear then and is not very clear now.

We can think of the atrocities of 11 September when 2,500 to 3,000 people were sacrificed to promote a cause, but I am not certain what that cause was. I am not certain that the perpetrators of those atrocities were sure about what the cause was other than some peculiar way of using it as a means of revenge for some perceived or real grievances they had. The central issue is that innocent people were sacrificed. Where innocent people are sacrificed, it is up to the democratic community to recognise that such atrocities are not a threat to one country or one administration but a threat to every country and administration and a direct threat to democracy. We in Fine Gael have long since promoted the notion that we need to become involved in a more realistic way not only with European defence and security thinking but in the preparation and enactment of policy.

In regard to maritime security, this island has an extensive coastline which, in European terms, is huge. The problem that exists is that we have not yet given proper recognition to the fact that we live in a peculiar time in a hostile world where democracy is sacrificed on a regular basis and where those who seek to promote a particular cause will seek out the weakest area to target and

will carry out the most publicity-seeking exercise by way of an atrocity.

The recent Madrid bombings were supposed to have been a punishment for the association of the Spanish authorities with the war in Iraq. The perpetrators had a peculiar way of dealing with that problem. They sacrificed a large number of innocent people going to work and about their business. There was no declaration of war, no formal warning; in fact, there was no warning. Those bombings were simply a means of ensuring that terror prevailed, hence the description — terrorism.

I have no doubt there will be instances in the future whereby others will seek out the most vulnerable locations throughout Europe to promote their cause and they will do so in a most spectacular way. I am not being critical, but I question whether the Department of Communications, Marine and Natural Resources is the correct Department to promote this legislation. It would have been more firmly and appropriately based in the Department of Defence because it relates to defence and security.

We have promoted the notion in this House many times that because we are a neutral country, nobody will attack us, that we are safe and secure and can defend ourselves or, if not, others will come to our defence in the event of an emergency, but I am not so certain about that anymore. Given that this country is an economic entity in its own right, it is sophisticated and we can no longer expect to depend on others to come to our defence and others do not expect us to depend on them. We have come to a juncture where we have to be seen to do something for ourselves and to become involved in what is promoted around us as a means of defending not only ourselves but our European colleagues. That may well be anathema to many people but it is a reality. It is something we need to think and talk about if we are to move forward.

This is relevant in the context of the expanding membership of the European Union, which now stands at 25 countries. The Union is a large entity that is growing on a daily basis and will expand further. A responsibility falls on us as a nation and as a Parliament to think to what extent we are prepared to take seriously our responsibilities in terms of European defence and security. My colleagues, Deputies Gay Mitchell and McGinley, have spelt this out on numerous occasions in this House and I reiterate what they have said. It is imperative that we engage in a realistic fashion and with all possible haste with our European colleagues in an effort to identify how best we can contribute to the abolition of terrorism and to the provision of defence and security mechanisms that will ensure our security and defence as well as the defence and security of our European colleagues.

It is long past the day that we can afford to say that nobody is likely to target us and we can bury our heads in the sand and pretend that nobody

will focus their attention on us. The attention has always been focused on what is seen to be the weakest or most vulnerable point. It is not a question of how friendly we are in the world arena or what nice guys or girls we are when it comes to international discussions, debates or negotiations. It comes down to one point, namely, a decision by those involved in terrorism as to whom they will seek out as the next target and how they will do that.

We need to examine how that could happen here and what we need to consider. There is always a danger in the maritime area of a vessel being hijacked on the high seas. That could be done in a number of ways. A cruise liner or an oil tanker could be hijacked. We need only think of the likely consequences of an oil tanker being hijacked and it running ashore on one of our ports. Given our extensive coastline, such an incident would place major responsibilities on us.

Let us examine the mechanisms we have in place to thwart such an attack. Are there sufficient personnel in place or do we have adequate air and sea surveillance to deter an attack of that nature? I do not believe so. We must give serious consideration to how we would react to such an eventuality. Are there sufficient resources in place to deal with an attack on a gas or oil platform? I have serious doubts in that regard.

Mr. Browne: The Deputy is giving away our neutrality.

Mr. Durkan: I am not. Sitting on the sacred cow of neutrality would be a dangerous approach for the Government to take. What concerns me most is that, at some future point, that sacred cow will be violated by people who have no regard for neutrality and, as a result, we may all pay a price.

We need adequate security of our own in the air and on sea and land to respond with speed to a threat from these three locations. When we put such security in place, in line with the concerns of our European partners, we will have done a good day's work.

Mr. Neville: I welcome the opportunity to contribute to the debate on this important Bill. I wish to discuss with the Minister of State the broader role of our ports as part of the development of the Irish economy. I draw his attention to Foynes and the Shannon Estuary in west Limerick and the opportunities that exist for the development of port-related facilities. There exists a marvellous opportunity to develop the Shannon Estuary as one of the main ports servicing north European shipping and transshipping industries.

I was a member of the Foynes harbour trustees, a body that was the forerunner of the Shannon Estuary and Foynes authority. We examined in great detail plans for the development of a transshipment port in the Shannon Estuary. The depth of water in the estuary would facilitate this.

[Mr. Neville.]

In the port of Foynes, ships with capacities in excess of 30,000 tonnes can be facilitated. Vessels with capacities of up to 40,000 tonnes have moored in the port on several occasions. Further down the estuary the water is deeper and it has been determined that, within two to three miles of Foynes, ships with capacities of 80,000 to 90,000 or larger can be accommodated.

We need a planned approach to the development of our sea ports in the context of the development of the economy. However, we must also take into account the development of the European economy and take the opportunity to develop our ports in that context. Not only must we do so in a European context, we must also develop them in a global context. As a result of our maritime tradition and our involvement in commercial shipping, we must offer services to shipping from across the globe. I put it to the Minister of State that the greatest opportunity to develop in both a European and global context lies in the Shannon Estuary. My assertion is borne out by the many reports advanced during a 20-year period, all of which highlight the advantages that would be gained from the development of a transshipment facility in the estuary.

It is stating the obvious to say that Foynes on the Shannon Estuary is the closest European port to the east coast of the USA. It is considerably closer to that country than Scottish and British ports. From an international point of view, that fact may not be recognised. The proximity of the Shannon Estuary and Foynes to the US is a good marketing point which should be promoted.

The research conducted by the former trustees and the Shannon Foynes Port Company indicates that there is a potential market for 70,000 TEU to and from non-EU markets available in the Shannon region alone. In 2002, 40%, or 20 million tonnes, of our total import-export trade was with non-EU markets in the USA and the rest of the world. This is a growth market and we should plan and put in place a facility to take advantage of the opportunities that exist. During my involvement with Foynes port, Rotterdam and other European ports were seen as the main centres for shipments to Europe. We should take the opportunity to proceed with the development to which I refer.

On a selfish note, proceeding with the development of such a facility would create great employment opportunities in west and east Limerick, north Cork, north Kerry and Clare. There has been a great tradition of people working in marine and marine-related industries at Foynes for almost 110 years. An opportunity exists to create several thousand jobs in the hinterland of Foynes and the Shannon Estuary. The same opportunities for job creation do not exist in this area as can be found in other centres such as Limerick or Shannon. There has been a dearth of job creation in areas west of the Limerick hub such as Askeaton and parts of

north Kerry. However, this could change with the development of a transshipment port in the area.

From my understanding of marine matters, transshipment is the future of international shipping and has been the subject of debate for some time. The new generation of deep water transmission services will be developed in the next ten to 20 years. I put it to the Minister of State that we should plan well in advance to ensure that we can seize the opportunities that will arise. We must be ahead of our competitors in the UK and the north-western coast of Europe who are also considering what will happen in this area in the future. This is an opportunity, which cannot be missed, to develop the Shannon Estuary. That opportunity has been the subject of promotion and discussion for many years as the main one of its kind in terms of commercial marine development.

It is disappointing that no such development has taken place in recent times despite the great opportunity for maritime development industries at Foynes. One of the drawbacks is the inadequate services to the area, especially the road. While it is not the Minister of State's responsibility, I would like to point out that an inhibiting factor in the development of Foynes port is the condition of the N69. Limerick County Council has made many requests to have the road upgraded. I urge the Minister of State to convey to his colleague in the Department of the Environment, Heritage and Local Government the necessity to upgrade the road to provide an employment opportunity.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Consumer Affairs.

1. **Mr. O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of the work programme of the consumer consultative panel; the efforts that the panel has taken to be inclusive in its consideration of issues of relevance to consumers; and if she will make a statement on the matter. [14058/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The role of the consumer strategy group, which I established this March, is to advise and make recommendations for the development of a national consumer policy strategy which will: provide consumers with the knowledge, information and confidence to be demanding of quality, service and value; ensure consumers are well informed of their rights and have effective and speedy means of redress in the event that those rights are denied; give consumers a powerful voice and effective

representation and input in the development of policy proposals at national and local level; ensure the views of consumers are heard and taken into account in national debate on relevant business, trade and social policy issues; and promote among product and service providers best practice in the delivery of quality customer service and value for money and an appreciation of the contribution satisfied consumers make to the growth and development of business.

The composition of the group reflects a wide range of experience and expertise and this should facilitate comprehensive consideration of all relevant matters affecting the interests of consumers. The group is due to produce a final report by the end of 2004, but it may also produce such interim reports to me as it considers appropriate. I see the establishment of this group as a significant initiative designed to improve and promote consumer rights in Ireland. I want to encourage and see develop in Ireland a culture where consumers are confident and insistent in demanding value and quality at all times.

Mr. O'Dowd: Does the Minister agree, because it will take nine months from establishment of the committee to the production of a report, that action needs to be taken in the interim, particularly with regard to consumer affairs? Does she also agree that the rip-off culture in Ireland is worsening? The Director of Consumer Affairs reported in her annual report of 2003 that the number of complaints has increased by more than 7,000 in a period of one year from the previous level of 35,000. Does the Minister agree that it is time for her to act directly on the recommendations of the director's report?

The director specifically requested action to be taken to update consumer protection, particularly regarding fines for those who fail to comply with consumer legislation. The current fine is €127 and the recommendation is that this should be increased to at least €3,000. Will it take nine months for the Minister to take that action? Will the Minister also agree that the limit in the small claims court, to which the director also referred and which is set at €1,270, should be changed immediately? What steps is she going to take to address the issue of rip-off Ireland and the specific issues brought to her attention by the Director of Consumer Affairs before the group's report is produced?

Ms Harney: As the Deputy is aware, the rate of inflation has now fallen to 1.3%, which is welcome. That has happened because consumers have become more active, albeit slowly. They are now more likely to make complaints than they would have been a short time ago. That is also the reason the director receives more queries and complaints. The advertising campaign she organised in the latter half of last year also had the effect of increasing activity in her office and of making people more aware of its importance.

The consolidation of the legislation to update the fines is under way, separate from the establishment of this group. Next weekend, an European Council agenda will raise two significant proposals relating to consumer affairs matters which will have to be incorporated in Irish law. In conjunction with all that, we will ensure there is a substantial increase in the fines. It is a matter for the Attorney General to advise how we proceed on fines and summary convictions. There are limits in that regard.

The small claims court does not come under my responsibility. However, I share the view expressed by the director and others that we need to increase its jurisdiction if possible. When the Government, some time ago, agreed to increase the jurisdiction of the Circuit Court, a view was taken that this would encourage awards to go to the new limit which would have the effect of driving up costs. There are downsides as well as upsides with regard to increasing the jurisdiction of the court in so far as financial awards are concerned. We must be careful before we move willy nilly to make a decision in a particular direction. There is some merit in increasing the jurisdiction to some degree as the current limit is extraordinarily small in today's terms.

Mr. O'Dowd: The Minister, while telling us what will happen, is not telling us when she will introduce the change. When will she, as the Minister responsible, insist that the fines increase from €127 to at least €3,000? It is not good enough to say that the recommendation is to increase the limit in the small claims court. That comes after due consideration by the Director of Consumer Affairs and her 60 members of staff. It is not just a figure plucked from the air but is a real recommendation to the Minister. What is she going to do about it? At the moment she appears to be doing nothing other than talking about it.

Will the Minister investigate the other issue raised in the report of the consumers' association, namely, unexplained price differences? The Minister referred to them recently when she spoke about the difference in prices in some countries as opposed to those in Ireland and said there is an unaccountable difference between them. What is she doing to make the companies involved accountable? I put it to her that if she buys a computer or camera in the United States, she pays a dollar price which is far less than the euro price. What is she going to do about that?

What is the Minister going to do about mobile phone charges? The consumer is being ripped off compared with mobile phone charges in the United States where they are significantly less than here. What is the Minister doing about it or what action will she take?

Ms Harney: The difference in costs is often associated with the difference in standards of living and wage costs and, in countries which are less developed, products are generally substantially cheaper. I was in China in March

[Ms Harney.]

where one can buy an extraordinary range of products for substantially less than one would pay in any country in Europe, that I am aware.

Mr. O'Dowd: I was talking about America.

Ms Harney: In the United States there are no restrictions in terms of planning or on the size of retail units. Many people would suggest that the failure to restrict the size of units there has led to other social problems. Everything is not always as simple as it appears. What we are trying to do is to encourage competition throughout the economy, whether in transport, aviation or telephony. Whatever area of the economy has inadequate competition generally has higher prices and a poorer quality of service and consumers lose out.

We had a specific purpose in appointing this group. We have never before put a group of people together with the sole focus of examining the issue from the consumer perspective. In the past we had various lobbies involved in discussions on consumer matters and got disparate views from groups that examined some of the issues. I appointed this group precisely because of my concern that we do not have an effective consumer lobby here. Worthy and all as the consumers' association is, at its last annual general meeting, which I attended, there were fewer than 30 people present. I have said this publicly and do not intend any disrespect towards the association. Dermot Jewell is a member of this group also.

Generally, people only complain when they have a complaint specific to their own experience and do not tend to come together as an effective group in society to lobby on behalf of consumers. I hope that some of the efforts of the group I have put in place will help to kick-start a more effective consumer lobby like, for example, that in the Netherlands which is the most effective consumer lobby of any European country.

Mr. O'Dowd: When will the Minister introduce the new fines?

Ms Harney: As quickly as I can get the legislation together. Substantial fines were imposed on some companies recently.

Proposed Legislation.

2. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment if it is still the Government's intention to introduce legislation to provide for a new offence of corporate killing as recommended by the Law Reform Commission; and if she will make a statement on the matter. [13801/04]

Ms Harney: The Law Reform Commission published a consultation paper on corporate killing in October last. The commission recommended that a new offence of corporate killing be established which would be prosecuted

on indictment, without exclusion of any entity regardless of whether incorporated. The offence would apply to acts or omissions of a high managerial agent, which would be treated as those of the undertaking. The commission also recommended that the legislation should provide for an unlimited fine to reflect the gravity of the offence or in certain circumstances an individual high managerial agent should also be subject to imprisonment of up to five years.

The commission is currently considering submissions on its consultation paper. My colleague, the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Fahey, and I welcomed the recommendations of the commission indicating that we were taking the opportunity, subject to the final views of the Law Reform Commission when its consultation process is complete and to the advice of the Attorney General, to provide for the creation of the new offence in law in the Bill on safety, health and welfare at work which is being drafted.

Consideration was given to the inclusion of a specific provision on corporate killing by the parliamentary counsel and advisory counsel in the Office of the Attorney General. Their conclusion was that it is not appropriate to deal with the general and wider issue of corporate killing in a safety, health and welfare at work Bill.

The Minister of State, Deputy Fahey, will address the matter by proposing to Government a section in the forthcoming Safety, Health and Welfare at Work Bill 2004 on the liability of directors and officers of undertakings to make more explicit an existing provision in the 1989 Act under which directors and managers in companies have in the past been prosecuted for failings in safety and health which resulted in deaths or serious injuries to workers. He intends that this provision will send a clear message to decision makers at board and management levels who carry a special responsibility for safety and health.

The wider issue of corporate killing will be considered by the Government in due course when the final report on the matter is published and when it has the final consideration by the Attorney General.

Mr. Howlin: I am more confused now on this saga. Last October the Law Reform Commission report recommended the creation of a new offence of corporate killing. The Minister and the Minister of State, Deputy Fahey, welcomed it. At the time the Minister of State said it was his intention to establish in law an offence of statutory corporate killing which would be prosecuted on indictment, in essence, an offence which would be defined in terms of gross negligence, manslaughter. That is what he said he would do in October 2003. We have been promised a health and safety at work Bill virtually every month since. It was to be published last month, but we have not yet seen it. Now we are

informed that the offence of corporate manslaughter will not be part of that but some other offence will be created, if I have listened carefully to what the Minister has said, that will give some signal to directors that they must be vigilant.

We are talking about cases where people are killed owing to negligence. Let me ask a very direct question. Is it still the Government's intention to introduce an offence of corporate manslaughter? If that is the intention, why is a watered down offence to be included in the imminent health and safety at work Bill?

Ms Harney: It is certainly my intention and that of the Minister of State, Deputy Fahey, to create an offence of corporate manslaughter. The reason it cannot be included in the health and safety at work Bill is that the Attorney General has advised that it has wider implications which go beyond the health and safety of workers. If a company knowingly leaves a product on the market, for example, a pharmaceutical product which has serious effects and which could kill people, that cannot be dealt with in the health and safety at work Bill. We are obliged to take the advice of the Attorney General. Discussions are ongoing with the Attorney General as to how best we could introduce an offence of this kind into legislation, which we all support.

The existing provision in the 1989 Act relates to the responsibility of a board of a company and directors and managers of a company. It is apparently extraordinarily difficult to succeed in convicting people because of the weakness of the current legislation. That will be substantially strengthened to make it easier for somebody to be prosecuted on indictment or convicted following a prosecution on indictment. That is the intention regarding the legislation. The proposed Bill will go to the Government in the next two or three weeks.

Mr. Howlin: I welcome the Minister's assertion that a new offence of corporate manslaughter will be created. However I must be cynical about timing. We have been promised this since the publication of the Law Reform Commission's report. We were promised it would be incorporated in the health and safety at work Bill. Now, many months later, after the promised publication date, we are informed that it will not form part of that legislation. The mere fact that there will be a strengthening of the previous Act to deal with the issue of negligence causing death indicates that the implementation of the Law Reform Commission's report is very much long-fingered. Specifically when will we see the other legislation to incorporate the crime of corporate manslaughter? Is it the Minister's intention that will happen this year?

Ms Harney: The answer to the Deputy's question must await the conclusion of discussions that are ongoing with the Attorney General as to

which is the most appropriate legislation to make provision for this offence. If it is not the health and safety at work Bill it will have to be special legislation, and it is my intention to introduce such legislation as quickly as possible.

Mr. Howlin: Will it be this year?

Ms Harney: I do not believe it will be possible to introduce it this year. We are half-way through the year and I have not had a chance to discuss this matter with the Attorney General. The Minister of State, Deputy Fahey, has been handling this Bill on a daily basis. I made an effort to speak to the Attorney General today, but he is overseas. I apologise for that. I intend to speak to him in the next few days regarding how we should proceed with this matter. I am disappointed that we cannot do this through the legislation as proposed.

Employment Support Services.

3. Mr. Morgan asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of employment task forces her Department or the agencies responsible to it have been involved in since July 1997; if a cost-benefit evaluation of these task forces has been undertaken by her Department; and the number of jobs created as a result of these task forces in each case compared with the job losses in each case in which a task force was established in response to major company closures or job losses. [13963/04]

Ms Harney: Since July 1997, State agencies under the auspices of my Department have been involved in 22 employment task forces. While no cost-benefit evaluation of these task forces has been undertaken the operational experience would strongly suggest that they were effective in providing a co-ordinated response to major company closures.

Large-scale job losses in an area are always a matter of concern given the impact on individual workers and their families as well as on the broader community. Nevertheless, we must set individual employment losses against continued employment expansion in the overall economy. The focus of the agencies is on finding alternative employment for the workers involved. This process has been facilitated by the success of the broader economy with over 270,000 jobs having been created over the past five years and the unemployment rate among the lowest in the European Union and significantly lower than that in France, Germany, Finland or Sweden. This has been helped in no small part by the Government's economic policies and my Department's support for enterprise through its agencies.

Employment growth and contraction are essential elements of the market economy in which Ireland has performed so well over the past decade. Developing a competitive economy,

[Ms Harney.]

resilient to the toughest competitive pressures, is the optimal approach to sustainable employment growth. The Government is committed to delivering on the competitiveness agenda. For example, it will assess our competitive status every six months to ensure that all appropriate steps are being taken to maintain and improve on our recent achievements. In addition, I expect the enterprise strategy group under the chairmanship of Mr. Eoin O'Driscoll to report shortly on enterprise policy requirements for the decade ahead which will sustain and develop industry and our competitiveness.

Mr. Morgan: My question had three elements to it. The first related to the number of task forces and the Minister answered that. The second related to cost-benefit analyses, but the Minister did not answer that. The third related to the number of jobs created and that was not answered. In the Minister's reply there was an assertion which was made last year that the task forces were effective in providing a co-ordinated response to major company closures. Is that assertion correct, given that without a cost-benefit analysis we do not know how much each job cost or what was the benefit from them? The Minister also stated that we are trying to develop a competitive economy. How can she say what we are doing is competitive when we have no idea of the costs involved?

We know, for example, that the cost of an IDA Ireland job is in excess of €13,000, the cost of an Enterprise Ireland job is €9,000 and enterprise board jobs cost €4,500. We have no idea how much these task force jobs cost nor how many jobs are created by them. Are any task forces still in operation? Are they answerable to the Department of Enterprise, Trade and Employment or anybody else? For how much longer are they likely to operate?

Ms Harney: The Deputy misunderstands what the task forces are supposed to do. They are established following major closures to assist workers, in particular, to access training or find alternative employment. Huge logistical issues arise for workers and their families after a major closure. The view of the trade union movement and all those who have participated is that the task forces have been extraordinarily successful. Many of the forces have had a wider remit to make recommendations. For example, the Donegal task force was asked to suggest what needs to happen to encourage investment in that county. The recommendations related to all aspects of government, such as infrastructure and education, as well as issues relating to my Department.

Some of the task forces are still in place. They were not established as alternative State job creation agencies. Over 400,000 additional people are in work, compared to 1997. Almost 45,000 more people have joined the workforce in the

past year. The economy is continuing to generate new, high-quality, alternative jobs. In common with the most successful economies in the world, we go through times when jobs are lost and others are created because some companies cannot survive, restructure or scale back their operations. Task forces have an important role to play in respect of such logistical issues.

We have not done a cost benefit analysis of the task forces. The actual direct cost of the forces was negligible because they are generally composed of individuals who participated on a voluntary basis, staff from enterprise development agencies or representatives of local authority management. None of the individuals were paid for their work on the task forces. The only expenses that were incurred related to consultancy, for example, or the hiring of premises. I can give the Deputy figures about the actual costs. We did not do a cost benefit analysis, which is a different issue.

Mr. Morgan: I thank the Tánaiste for her offer to submit the relevant figures to me. I would appreciate it if I could see them. Does the Tánaiste intend to establish more task forces? I note that no task forces have been established in recent times. For how long does she envisage that the task forces that are still in operation will continue? Will they continue indefinitely? Are they likely to be wound up?

Ms Harney: Task forces are wound down when they have passed their sell-by date and achieved the task that was given to them. I cannot remember when we last established what I would call a task force because we have not had a major closure in recent times.

Mr. Morgan: We have had a few.

Ms Harney: We have to keep an open mind about the most suitable mechanisms to put in place when large numbers of people in a particular area, especially a peripheral location where easily accessible alternative jobs are not available, find themselves out of work. When large numbers of people are made redundant, we usually bring together State agencies such as FÁS to interact with the company and the workers to try to establish alternative employment or training. Such measures have been particularly successful. I have on many occasions met individuals who used to work as operatives on factory floors and were then trained in computer skills. In many instances, they are now working in better jobs and are earning substantially more money. We have had terrific success in obtaining alternative employment for many people.

Social Partnership.

4. **Mr. F. McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason only 38% of small businesses believe social partnership benefits them while 24%

believe it is not beneficial and 38% have no opinion; and if she will make a statement on the widespread dissatisfaction with the process. [13964/04]

Ms Harney: The fact that 24% of small and medium sized enterprises believe that social partnership is not beneficial, whereas 38% believe that it benefits them, does not suggest “widespread dissatisfaction with the process”.

Social partnership has made a significant contribution to the economy in the past 17 years. The social partnership agreements since 1987 have facilitated and encouraged Ireland's economic development and brought benefits to employers, employees and the country. Unemployment now stands at 4.4%, compared to 17% in 1987 when social partnership began. The debt-GDP ratio has fallen from 125% in 1987 to 32.8% at the end of 2003. The rate of inflation was an average of 12% in the ten years to 1987, but it was measured by the CPI in March of this year at 1.3%. The real earnings of workers increased by 40.3% during the period of social partnership. Some 700,000 additional people are working in Ireland today, compared to 1987.

I believe in social partnership, which grew from a consensus among the key economic and social actors in the economy that a single group could not satisfactorily address the challenges facing Ireland in the mid-1980s. Social partnership has a track record in delivering social and economic benefits for all. It has served the country well.

Mr. F. McGrath: I thank the Tánaiste for her response. Does she accept that we have a duty to listen to those involved in small businesses? I refer in particular to the 24% of people involved in such businesses who feel left out. Will the Tánaiste acknowledge the major contribution made by such people to society and the economic development of the State? Such people often feel that the employment contributions of their businesses are forgotten by those who are more interested in huge companies and large international corporations.

As legislators, we have a duty to ensure that small businesses get the maximum possible support. It is likely that major problems will emerge as large corporations move to low-cost countries where labour costs are half ours. Does the Tánaiste agree that small businesses, particularly indigenous industries which have more loyalty to the State and are more anchored to Irish society, can play a major part in the strategic and economic development of the country?

Is the Tánaiste aware that some small businesses contribute some of their profits to voluntary and community organisations, as well as paying their regular taxes? Such companies' progressive acts of generosity are often not recognised. We have a duty to listen to the dissatisfaction of such companies with the process. We should face the reality that just 38%

of those involved in small businesses are happy with social partnership.

The Tánaiste mentioned that unemployment has dropped to 4.4% nationally. Unemployment is running at 14% in some communities, however, such as parts of the north side of Dublin. If we are serious about investment in this area, we have to face up to the reality that some communities are being left behind despite the country's economic wealth. Other groups who feel left out of the partnership process include groups working to combat unemployment, poverty and the problems of persons with disabilities. Such groups have major concerns. They feel that although 70% of the people seem to be moving on, a constant 30% of the people are not sharing the wealth as much as they deserve. I would like the Tánaiste to address my questions.

Ms Harney: The Deputy may be surprised to learn that I agree with most of what he said. When I initially read Question No. 4, I had to recheck the name of the Deputy who submitted it as I was surprised that it had been tabled by Deputy Finian McGrath.

Mr. Morgan: Deputy McGrath should join the Progressive Democrats.

Ms Harney: I am sure Deputy McGrath is aware that the main reason ISME was dissatisfied with social partnership was that it was opposed to benchmarking. Small business is the backbone of the economy. Most businesses are small and most people who work in the private sector are employed by small businesses. Equally, businesses established by foreign direct investment are extraordinarily important because they account for 70% of our exports and an even higher percentage of our corporate taxes. It is not a question of “one or the other”. Many large businesses have helped to generate smaller supply businesses.

Social partnership includes representatives of the tourism and construction industries. The Small Firms Association has 8,000 members and the chambers of commerce have 11,000 members. I do not agree with the claim that the voice of small business is not represented. I would welcome the participation of ISME in the social partnership process. We came close to achieving its inclusion some years ago, but it did not transpire because ISME was not prepared to participate if it could not be involved in pay negotiations. I look forward to the day when it can participate.

Everything we have done — reducing the burden of tax, minimising the amount of regulation, developing our infrastructure, decentralisation and making things happen in the regions — has been done with a view to helping small businesses.

Mr. Howlin: They will all happen one day.

Ms Harney: Yes. If Deputy Howlin and I meet for a drink 20 years from now — I doubt if any of us will want to be here then because we will have passed our sell-by dates — we will reflect on all the wonderful things that happened in Ireland in recent years. We will say what great things happened and point at what has taken place in Wexford, Clare, Louth and everywhere else. Deputy McGrath might complain if some of his constituents leave Clontarf, but generally it will be good for the country.

The Deputy can be assured that small business is close to my heart. As someone who started a small political business I know what it is like to compete with the multinationals.

Mr. Howlin: The Deputy was in a niche market.

Job Losses.

5. **Mr. Rabbitte** asked the Tánaiste and Minister for Enterprise, Trade and Employment the figures for the level of industrial employment at the latest date for which figures are available; the way in which this compares with the equivalent date in each of the previous five years; the steps that are being taken to counter the decline in industrial employment; and if she will make a statement on the matter. [13835/04]

Ms Harney: Rather than go through the figures for average annual level of industrial employment for each year between 1998 and 2002, I will give the Deputy the figures I know he will want to comment on. In 1998, the figure was 257,900, and the latest provisional figure at December 2003 was 244,100. That is a job reduction of 13,000 or so. In each of those years from 1998, the figure was falling by about 2,000 or so.

Mr. Howlin: If I had the figures I would not have asked the question.

Ms Harney: Industrial employment is a key element of our economy and will continue as such well into the future. Nevertheless, we have to set the decline in industrial employment against continued employment expansion in the broader economy. In the time period to which the Deputy's question relates, between 1998 and 2003, more than 270,000 jobs have been created and Irish unemployment is among the lowest in the European Union and significantly lower than that in France, Germany, Finland or Sweden. This has been helped in no small part by the Government's economic policies.

While industrial employment has reduced in recent years, employment in international and financial services has displayed remarkable resilience despite international difficulties. Among firms within these sectors supported by the development agencies, employment has grown consistently from 39,800 in 1998 to more

than 67,000 in 2003. Employment in these sectors remained relatively stable last year, which is quite an achievement given what happened in the global economy.

The development agencies are targeting more resources to underpin the competitiveness of companies by encouraging them to move into higher order functions such as research and development, pumping more effort into innovation and developing more complex or customer driven services. Increasing enterprise competitiveness in high-margin activities will give companies the sustainable competitive advantage required to survive in the evolving aggressive cost driven, global business world.

In this regard I have asked the enterprise strategy group to recommend and prioritise new strategies and policies to ensure that the prosperity we enjoyed in the past decade will continue into the future. The group is examining the issues that I and my Government colleagues will need to take to strengthen our enterprise environment, to promote an innovation and knowledge driven economy and help sustain those industries already providing employment here. The group is working towards submitting a report to me by the end of this month.

Mr. Howlin: I tabled this question to discover the Tánaiste's attitude to the decline now evident over a number of years in industrial employment. It is a very important issue, and I am taken aback by the apparent complacency the Tánaiste has shown. Does the Tánaiste accept that the proportion of people in industrial employment here will continue to decline? Does that ring alarm bells with her? Will she accept that industrial employment is a bedrock that spins off service jobs, and that if we continue to erode our industrial employment base, this will have critical impact across the entire economy? Will she accept that as *The Irish Times* indicated in an analysis done at the end of last year, one of the consequences is a reduction in the average earnings per hour towards the end of last year? The analysis showed that average earnings per hour fell by 0.7% over the final quarter of last year, and average weekly earnings fell by 0.2% over the same period.

Many of the service jobs now being vaunted are in the lower wage category. It reminds me of a comment made in the United States to the effect that thousands of additional jobs had been created, and the respondent agreed, saying he had three of them — "because I need three to survive".

Ms Harney: Deputy Howlin asked if the decline will continue. Unfortunately, I believe it will. This matter took up a great deal of attention at our recent informal EU Council meeting, and a paper from the European Commission will be

discussed next week at our Council meeting in Brussels on relocation or de-industrialisation. The matter is a concern of every European country. Some 70% of EU employment is in services, which also account for 70% of the EU GDP, a figure which will probably grow over time. The reason Deputy Howlin supplied his own answer is that many of the industrial jobs are in basic manufacturing, and there are many areas of the world, such as China, Morocco, Brazil and Mexico, where wage costs are very significantly lower than in Europe and in the United States. This is also an issue in the United States in the context of the election. All developed economies are experiencing a decline in industrial employment, and companies are now acting on a global basis, and restructuring very rapidly. They are moving jobs very quickly to places where not only wages but cost bases are substantially lower.

That is why we are putting such huge emphasis on alternative forms of employment. I accept that not everyone will be a scientist or a highly-skilled employee, but there will be many jobs in services and in higher value-added activity as far as manufacturing is concerned. The hope is that employment opportunities will be generated for everyone who is available to work in Ireland. That means we must move everyone up to the next level.

Notwithstanding what I have said, I have seen fantastic examples of Irish companies in textiles, engineering and in basic activities which against the odds, because of imaginative in-house policies, are doing extraordinarily well, and increasing employment.

National Irish Bank Investigations.

6. **Mr. Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment the costs incurred by the State, at the latest date for which figures are available, arising from the various inquiries instigated by or on behalf of her Department; the element of these costs that have been recovered from any of the other parties involved; and if she will make a statement on the matter. [13841/04]

51. **Ms Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position in regard to each of the inquiries being carried out by or on behalf of her Department; the projected date for the conclusion of each such investigation; the inquiries in respect of which reports have been referred to the DPP; and if she will make a statement on the matter. [13840/04]

Ms Harney: I propose to take Questions Nos. 6 and 51 together.

Sixteen investigations into company law matters have been initiated by me since I first came into office as Minister for Enterprise, Trade and Employment. In three cases, the High Court appointed, on an application by me, inspectors

under section 8 of the Companies Act 1990. The Inspectors appointed to Ansbacher (Cayman) Limited presented their report to the High Court on 10 June 2002. The report was subsequently published and has been passed to the Director of Public Prosecutions. Section 8 inquiries into the affairs of National Irish Bank Ltd and National Irish Bank Financial Services Ltd are continuing. I understand the final report of the inspectors is expected to be presented to the High Court on or before 31 July 2004.

One investigation under section 14 of the Companies Act 1990 was completed in 1998. The report on this has been passed to the DPP. Eleven investigations were initiated by me under section 19 of the Companies Act 1990. Six of these have been concluded. Of the six investigations completed, two of the reports were passed to the DPP. A number of summary prosecutions have since been successfully concluded in one case. One report provided an input into the successful application to the High Court for the appointment of inspectors under section 8 while the fourth report was passed to the relevant High Court inspectors. One report was completed in September 2002 and a further report was completed in March 2003. Both reports have been referred to the Director of Corporate Enforcement.

Three investigations under section 19 are ongoing. The authorised officer has recently indicated to me that he is now unlikely to meet his previous estimate of mid 2004 for completion of his reports of these investigations. I am not in a position at this stage to say when the authorised officer is likely to have completed his work.

Two investigations were held up in legal appeals. These inquiries are now the responsibility of the Director of Corporate Enforcement. One investigation was undertaken under section 59 of the Insurance Act 1989. The report on this has been referred to the DPP.

The costs incurred since 1997 on company investigations initiated by or on behalf of my Department currently amount to approximately €10.3 million. This amount does not include the salary costs of civil service staff working on a number of these investigations or the legal costs which are primarily being borne by the Vote of the Chief State Solicitor. Most of this €10.3 million derives from the costs to date of the High Court inspectors appointed under section 8; €5.3 million in the case of National Irish Bank and €3.5 million in the case of Ansbacher.

The question of recovering costs from the section 8 investigations does not arise until such time as the inspectors complete their investigations. In the case of the Ansbacher inquiry, the High Court proceedings taken by the State to recover the costs of the inquiry were settled out of court for the sum of €1.25 million in favour of the State. Section 19, as originally

[Ms Harney.] enacted, did not provide for the recoupment of costs. This has now changed with the enactment of the Company Law Enforcement Act 2001.

Mr. Howlin: My party tabled a question similar to this more than two months ago and received an answer that was virtually identical, except for the completion of the investigations under section 19. The three investigations under section 19 which were expected to be completed by mid-2004 are still ongoing.

Does the Tánaiste agree there is a legitimate public expectation that the investigations will come to some conclusions and that there will be accountability on foot of them? Does she agree that there is a lack of confidence in the outcome of these investigations and that the only people being enriched from the process are the lawyers? When will these matters come to a conclusion? Why has nothing happened in the past two months other than the extension of the timeframe for the investigations under section 19? Was the commitment given by the Minister for Finance at the Fianna Fáil Ard-Fheis on 6 March 2004 to bring in specific measures to reduce the costs of these inquiries all guff? Are there specific proposals? Will the Tánaiste propose specific measure that will retain public confidence in the supervision of company policy and law and a mechanism that will hold people to account?

Ms Harney: It would be unfair to say that nothing has happened. A new independent office, the Director of Corporate Enforcement, is fully resourced with key professionals from the law and accounting, and members of the Garda Síochána. One of the significant complaints from corporate Ireland is the vigorous manner in which company law is being enforced. In fact some Deputies have spoken to me privately about it because of the change from the previous *laissez-faire* attitude to an aggressive one. The director has had a significant number of successful prosecutions, but that does not seem to get the attention one would have expected.

In response to the question on the inquiries that Mr. Gerard Ryan is completing in my Department, I had hoped they would be completed. I had a meeting with the officer and the legal adviser recently and I am due to have another meeting shortly. I hope the inquiries will be completed by the end of the summer. Much of the work in which he has been involved involves passing on a great deal of documentation to both the Moriarty and Mahon tribunals. Worthy information has come to light which is more within the remit of those bodies than it is a matter for the officer in charge of company law investigations.

What remains in my watch is what Mr. Gerard Ryan does. From here on, all the other inquiries

are the responsibility of the independent Director of Corporate Enforcement. I am happy to say that he is doing an outstanding job in enforcing company law. That was the purpose of the legislation. We did not wait for the outcome of the particular inquiries.

From the information available, I expect that the High Court inspectors in the NIB case will report to the High Court by July of this year. If adverse conclusions about any individual are being drawn, they are required to make those individuals aware of the adverse conclusion, under natural justice, to give them an opportunity to respond. They did that some considerable time ago and are now in a position to finalise the report and present it to the High Court by July.

Mr. Howlin: I welcome the establishment of the Office of the Director of Corporate Enforcement and will watch how it develops. What concerns me is bringing the inquiries already in train to a conclusion in a way that ensures there is public confidence that we have not only a legal framework but also a mechanism for enforcement. On the ancillary matter of costs, the subject of comments by the Minister for Finance, is there any progress in Government on that matter or was it simply a kite?

Ms Harney: In recent weeks the Cabinet has had a number of discussion on the costs of tribunals but, generally, all inquiries are very expensive where the legal process is involved. It does not come cheap. The views expressed by the Minister for Finance, which I share, is that we must find a better, more effective and speedier way of bringing matters to a conclusion.

Mr. Howlin: When will we see it?

Ms Harney: I understand he is about to bring a proposal to the Cabinet. Certainly we have discussed the matter on at least three occasions in the past six weeks or so. I understand the Minister for Finance is working with the Attorney General on the matter and that the proposals are imminent.

Export Controls.

7. **Mr. Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she expects to receive phase two of the report from economic consultants (details supplied) Export Licensing for Military and Dual-Use Goods; if it is intended to publish the report; and if she will make a statement on the matter. [13842/04]

Ms Harney: A report on Ireland's export controls was submitted to me by Forfás on 30 April. The report contains a number of legislative and non-legislative recommendations aimed at improving Ireland's export control system. The

report has been received by my Department and I will publish it shortly.

Mr. Howlin: The Tánaiste has announced that she intends to publish legislation on the matter. She established the Fitzpatrick review. I presume that is the report she is expecting. I understand that a previous report commissioned by the Minister warned that UK-based arms brokers may decide to locate in the Republic to facilitate the arms trade. A number of newspaper articles indicate that this country is being used for the brokerage and sale of arms.

When will legislation be introduced to address the use of the country as a brokerage for the arms trade? Has the Minister specific proposals on foot of the initial consultant's report? What is the timeframe for the Fitzpatrick report?

Ms Harney: We have just received the Fitzpatrick report, which is phase two of the process and looked at best international experience and what happens in four different countries. I intend to publish the report, but it is a logistical issue. The report recommends that we need new dedicated primary legislation on arms control if we want to come up to best practice internationally. The report suggests that we need to strengthen the legal base for establishing and enforcing the controls in Ireland. It also suggests that we must fill the gaps in the Irish system, including meeting existing EU commitments on the control of brokering activities. We are not in compliance with EU commitments in that regard. I hope to publish the report in the next few days and I will see to it that the spokespersons get a copy in the first instance.

The official involved with the legislation is very involved with World Trade Organisation talks process with the Presidency, but as soon as the Presidency is over we will begin drafting the relevant legislation.

Mr. Howlin: Is there a commitment to introduce the primary legislation? Since the prime officials are otherwise engaged, will the Minister give an indicative timeframe for the legislation because it is of great concern to a number of people? What are the specific terms of reference of the phase two consultancy examination?

Ms Harney: Phase two is the Fitzpatrick report and the consultants were asked to talk to interested parties and to engage in a public consultation process. They met 40 different groups. They were asked to examine what happens internationally and make recommendations for change. That is what they have done. Should the Deputy wish, I will give him my briefing note. The consultants suggest that new legislation is required. While I have not brought this formally to the Government, I do

not anticipate any difficulty. They suggest that responsibility be left with the Department of Enterprise, Trade and Employment, and that a new licensing process, a reporting regime and an enforcement regime is necessary. It is quite detailed.

To be helpful, I will give the Deputy a copy of the summary I have at my disposal. I do not know how detailed or complex the legislation will be but, obviously, we will do this as quickly as possible because we have international commitments to meet and it is a sensitive and important area.

Price Displaying.

8. Ms Lynch asked the Tánaiste and Minister for Enterprise, Trade and Employment when she intends to make an order under the Consumer Affairs Act to require doctors, dentists and allied health professionals to publicly display their prices; and if she will make a statement on the matter. [13831/04]

Ms Harney: The Prices Acts require that prices being displayed by order must be shown as a charge. Making an order for a profession where the cost of a procedure may legitimately vary for objective reasons — for example, in dentistry, a crown on a front tooth may cost considerably less than one on a large back tooth — will require careful drafting. We are currently involved in a consultative process with the Office of the Attorney General. I hope to have the necessary regulations drafted by the autumn.

Mr. Howlin: This is an issue on which I do not see why there should be a delay. The Tánaiste announced in January that she would order dentists and doctors to display their prices, or at least that is what the headlines in the national newspapers in January said she would do. Yet there is now a complication. No more than any other service, why should there be a difficulty requiring these professions to have an indicative list of their prices?

Is the Tánaiste aware that there is a growing practice of dental tourism whereby people go abroad to have dental work done? Even in Northern Ireland, dental procedures, in some instances, are a fraction of the cost charged in the Republic. Does the Tánaiste agree that, particularly in the area of dentistry, real competition is required and that it will necessitate transparency in terms of understanding prices? If she agrees there is no transparency in that market at present, what specifically will she do?

Ms Harney: I gave a commitment following the recommendation of the Director of Consumer Affairs, Carmel Foley, that we would do so. My Department has consulted the dental association and the medical organisation, which is normal in such circumstances and a good thing. We are now

[Ms Harney.]

in the process of drafting the legislation. Price lists would probably have to state “crowns from” rather than “crowns at”. We need to compare like with like.

I agree with the Deputy that there is much dental tourism. On an Aer Lingus flight last week I read an advertisement for Budapest which stated, “Have a holiday and have your teeth done for one third of the price.” I am not certain going to the dentist is compatible with a holiday. An Irish mobile telephone number was given. I understand that many people are going to Budapest, Northern Ireland and Cape Town. If that puts pressure and brings in more competition, that is great. However, we must inform people so that they have a chance to at least shop around and know what they might be expected to pay. Crowns vary in price from €150 to €700 and fillings vary from €60 to €200.

Mr. O'Dowd: Will the Tánaiste not consider an inquiry into why prices are so high in the South? That is the nub of the issue. It might be nice to go to Budapest or South Africa, but why are prices on one side of the Border significantly cheaper than the other? It is a cost issue. Obviously, there are significant profits to be made in the South which are not being made in the North. That is the nub of the issue into which there should be an inquiry.

Ms Harney: There are huge variations even in the South. If one talks to dentists, they will tell one that the job they do is far superior to any job done elsewhere. There are huge differences in prices in the Irish market. If we give people the information, at least it will allow them to compare prices.

Mr. Howlin: There is a phrase “talk is cheap”. We agree we need transparency and a more competitive market in regard to professional services, but what will the Tánaiste do about it? Her announcement in January that she would make an order requiring dentists to display their prices was welcome but five months later, that order has not been signed. There is a tardiness there which must be addressed. When will this order be signed?

Ms Harney: I have instructed my officials to draft the order. The policy decision has been made. I understand the reason for the delay is that it is more complex than anticipated. My officials are in discussions and negotiations with the Office of the Attorney General because clearly we must have an order which stands up legally. One of the difficulties they brought to my attention is that it is not as easy as comparing the price of drink. A pint is a pint, whether it is a pint of Bass, Guinness or whatever.

Mr. Howlin: That can vary too, as can the quality.

Ms Harney: The prices, and maybe the quality, can vary but a pint is a pint of the product.

Mr. Howlin: That is a woman who does not drink pints.

Ms Harney: We will probably draft an order stating “crowns from” and so on. I understand that will be the legal way around it. It will be done as quickly as possible.

Price Increases.

9. **Ms Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to reports that a number of pubs in Dublin significantly raised prices in the period around Ireland's triple crown match in Lansdowne Road; the action she intends to take to prevent such exploitation of consumers; if, in view of reports of some pubs systematically increasing prices for special occasions, she will consider the imposition of a maximum prices order; and if she will make a statement on the matter. [13813/04]

Ms Harney: I am pleased the Director of Consumer Affairs has highlighted the fact that certain pubs in Dublin increased their prices for a recent international rugby match. While there was no breach of consumer protection legislation as the pubs in question displayed the increased prices they were charging, nonetheless the director's survey has highlighted the need for better consumer vigilance. The best way of ensuring that markets for goods or services are delivering value for money to consumers is through increased competition and greater consumer awareness. That is the objective towards which all our policy interventions in the field of competition and consumer policy are directed.

Mr. Howlin: By and large, I agree with the Tánaiste that information provided to the consumer is the best mechanism to ensure competition, but does she accept that there are occasions when a more direct intervention is required? If there is a clear example of exploitation of a special occasion and of a captive market in a confined geographical area, is there not a case, in those exceptional circumstances, for a maximum prices order? Will she open her mind to that prospect if there is a continuation of clear exploitation of a captive market on a special occasion?

Ms Harney: The answer is “no” because maximum orders tend to encourage everybody to go to the maximum. During the weekend concerned, hotels and flights were more

expensive. Earlier today I spoke to an upset member of my staff who had booked tickets on the airline that went to the wall yesterday. She was trying to find alternatives to get her to her destination. She said that last week's flights on Aer Lingus cost so much but that this week, they cost more. That is the way companies operate——

Mr. Howlin: That is capitalism.

Ms Harney: When there is much business and demand, that is what people do and I do not believe any law can get around that. Many pubs in Dublin did not increase their prices. Tourists will go wherever they most enjoy being. We all know that when we are tourists, we often go to more expensive places because they are more convenient. I hope locals are more discerning. If they are regulars, I hope they make their views known by perhaps withdrawing their business, albeit temporarily. I know many of the well-known hostelrys around here frequented by Members of this House also engaged in price hiking that weekend. I do not believe there is a legislative way around it. The fact that the director highlighted it will make people less likely to increase prices on the next occasion. The publicity was certainly bad for those who engaged in it. That might discourage this activity from happening on other occasions.

Mr. O'Dowd: The Director of Consumer Affairs named and shamed those people. Does the Tánaiste agree it is time to appoint a consumer affairs enforcer who would set up a website to name and shame organisations ripping us off day after day? Is that not the way forward? Would her Department support the setting up of such a website and league tables of the best and worst in each area?

Ms Harney: The director has the power to name and shame, as the Deputy said, and to bring whatever information she collects as a result of investigations into the public domain in whatever ways she believes appropriate. She did so effectively on this occasion and it got extensive publicity. Before Christmas, the director of consumer affairs at the Irish Financial Services Regulatory Authority, Mary O'Dea, did the same in regard to insurance. She showed a huge variation for similar profiles. I believe there was an eightfold or more difference between the lowest and the highest. There was a huge variation in the cost of motor insurance.

Naming and shaming is the way to encourage people to reduce their prices. I hope it will also encourage consumers to be more vigilant and supportive of those who have behaved responsibly.

Mr. Howlin: Would the Tánaiste not accept that the attitude she has displayed to this question is giving the green light to publicans to repeat the process on the next rugby weekend or another special occasion? She said she will do nothing other than let the market take its course, and she has invited people to shop around. That is no consolation, however, particularly for the tourism sector because such weekends attract fans from neighbouring nations. Is it the Tánaiste's view that if visitors are ripped off on their weekends here, it is an issue for the market? If they leave Ireland with the impression that we are an exploitative and costly country, does she intend to do anything about it?

Mr. O'Dowd: Would the Tánaiste consider a proposal for the Director of Consumer Affairs to distribute a logo to businesses that are not ripping people off, rather like the logo for guaranteed Irish promotions in shop windows? Would she consider that a good idea?

Ms Harney: As regards Deputy Howlin's question, I said that I would not introduce a maximum prices order because the experience in the past was that everybody goes to the maximum and feels that is the allowable threshold or acceptable rate. I made the point that hotels charge more for busy weekends and airlines charge more for tickets at such times. Generally, businesses tend to scale their activities to suit demand and, while we may not like that, it is the reality. In this case, the Director of Consumer Affairs undertook an investigative survey and put it into the public domain. Hopefully, that will succeed in frightening people into not doing this again. Whatever about airlines and hotel rooms which often have empty spaces during slack times when people are not travelling, pubs tend to do good business all year round. The name and shame approach is probably the most effective way of dealing with this, rather than by legislation.

As regards Deputy O'Dowd's question, I do not think the Director of Consumer Affairs could get involved in saying "X" is good and "Y" is bad.

Mr. O'Dowd: Why not?

Ms Harney: I do not know how many staff she would need to operate a system of that kind. One would have to constantly inspect a few hundred thousand businesses throughout the country.

Mr. O'Dowd: We could start with pubs.

Ms Harney: To have a State agency deciding what is good value is not the way to go about it.

Mr. O'Dowd: If they are giving good value, why not do it?

Ms Harney: The approach the director has taken in this case is the appropriate way to go. Hardly any country in the world has price control legislation because it is impossible to enforce. It is not a way of reducing prices for consumers or of delivering better value for money.

Industrial Development.

10. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the criteria which apply to the IDA and Enterprise Ireland on the nature of companies they can support; if restrictions exist for either agency on the basis that their client companies have to be engaged in a certain percentage of exporting activity; if it is possible for companies involved in import substitution to meet such criteria; and if not, if she will consider a review of such arrangements. [13895/04]

Ms Harney: The decision whether to provide funding to a company is a day-to-day matter for the State agencies. Enterprise Ireland and IDA Ireland operate in accordance with the provisions of the Industrial Development Acts and within the policy framework established by my Department.

Enterprise Ireland is the agency that has primary responsibility for the development of indigenous sector. A small or medium enterprises is considered to be a company employing between ten and 250 staff. The types of service that may be eligible for Enterprise Ireland support are scheduled in the Industrial Development (Service Industries) Order 2003. Enterprise Ireland also has responsibility for Irish-based food and natural resource companies that are overseas-owned or controlled. IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland.

Enterprise Ireland works with companies in its portfolio to assist them in growing their sales and exports, and to improve innovation in order that they can compete on world markets. It also supports entrepreneurs with the ability to initiate projects that can compete in international markets. It is not true that potential clients must be engaged in export activity. However they must be able to demonstrate that export activity is a real possibility for the company and that the company has an ambition in this regard. The key focus of Enterprise Ireland's policy is to work with companies which have the potential to develop sustainable export sales, and to qualify for support, a company should demonstrate clear potential to do this.

It may be possible for Enterprise Ireland and IDA clients involved in import substitution to meet support criteria as the business development plans of such clients are considered on their merits. Import substitution can

contribute to the viability of a new or growing enterprise and, to that extent, it is a valuable and welcome constituent part of the client's target market and can be a component of a client's business plan. However, import substitution by itself is typically considered insufficient to justify significant resources. It is important for companies to recognise that Ireland operates within the single European market and that supplying the domestic market will be carried out in competition from suppliers in other European countries.

Mr. Morgan: Import substitution could be effective in helping Irish industry to improve performance in many areas. I am thinking of the fish sector, for example, which is seasonal. As some fish products are plentiful at certain periods, their price could be maintained at reasonable levels if blast freezers were made available in ports. It would also create additional employment, albeit for a short period initially. The increase in turnover would help the companies concerned to expand into other areas beyond the realm of import substitution. Research and development also applies in this regard. Does the Tánaiste consider this area to be worth examining?

Ms Harney: Import substitution clearly has a role to play, but it depends from where the imports come. We cannot support import substitution from taxpayers' money if the competitor is another European company from within the enlarged EU. If the company was Chinese or American, import substitution might have a role to play. This market is very small with a population of less than four million. Companies must focus on wider markets and must look at export potential, rather than substituting imports. We are trying to grow companies to succeed in selling products, not just in nearby markets but in far away ones also. The second largest market for Irish companies, after the United Kingdom, is the United States. The EU is now bigger than the US, but the US has emerged as a successful market for our new technology companies.

As the Deputy knows, I do not have responsibility for the food and fisheries sector. The food sector falls within the remit of the Minister for Agriculture and Food while the fisheries sector is the responsibility of the Minister for Communications, Marine and Natural Resources. I would like to see greater value being added in both those sectors through more processing rather than some of the activities being engaged in whereby fish from Ireland is sold in Spain. We could get much greater value from our fishing industry than we may have realised to date.

Safety on Farms.

11. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of deaths and serious accidents in the past three years from the use of tractors and farm machinery; and if she has further proposals on safety. [9070/04]

Ms Harney: Under the Safety, Health and Welfare at Work Act 1989, the Health and Safety Authority is the State body charged with overall responsibility for the administration, enforcement and promotion of workplace safety and health.

The breakdown of the number of deaths from the use of tractors and farm machinery is as follows:

	1999	2000	2001	2002	2003 (provisional)
Machinery-related	4	6	1	2	2
Tractor-related	6	0	11	3	6

There is no specific data available on the level of non-fatal accidents in the sector from the use of tractors and farm machinery. The Health and Safety Authority set up a farm safety action group in February 2002. Its terms of reference include “the development of a national action programme, co-ordinating the actions of the representative organisations and assigning tasks”. In April 2003, the group published the Farm Safety Plan 2003-2007. This plan sets specific targets against a base year of 2001, including a reduction by 50% in farm fatalities with no child fatalities, a reduction in the farm accident rate to less than 1,600 per annum and an increase to 50% of farmers complying with health and safety legislation.

The plan recognises the need for a range of activities to achieve these targets and has adopted an approach based on engineering controls, enforcement, and education and training. Central to the success of the plan is the development of a “safety partnership” between all of the interested parties to develop and co-ordinate the approach contained in the plan and for the parties to have given a written commitment to their contribution to the implementation of the plan. The Health and Safety Authority, as part of its commitment, is to undertake a minimum of 1,000 farm inspections in 2004, with appropriate enforcement action and follow up inspections being taken where necessary.

Following the publication of the plan, the Health and Safety Authority has established the farm safety action group as a standing committee of the board of the authority and the farm safety partnership advisory committee to ensure that the plan is progressed and kept under review.

Additional information not given on the floor of the House

As indicated in the farm safety action plan, a series of surveys conducted by the Teagasc national farm survey since 1991 gives an estimate of accident trends during that period. In the Teagasc surveys a farm accident was defined as an event associated with farming activity, which impacted on normal work routine. An accident, therefore, must lead to an injury and must be associated with a farming activity. Data from the 1991, 1996 and 2001 farm surveys show both the number and the distribution of accidents per 100,000 people employed in farming as follows.

Distribution of accidents in farming for 1991, 1996 and 2001.

Year	No. of Accidents	No. of Accidents per 100,000
1991	5,000	1,970
1996	2,000	896
2001	3,100	1,805

While the overall number of accidents fell between 1991 and 1996, the accident level increased substantially again between 1996 and 2001. There were 1,805 accidents per 100,000 employed in farming in 2001, which is close to the 1991 figure of 1,970 accidents.

I am very disturbed by the figures quoted. However, I urge all those in farming to pay the utmost attention to all aspects of safety and where there are any questions in the minds of farmers in regard to any aspects of farm safety, they should seek the advice of the Health and Safety Authority.

Mr. O’Dowd: I welcome the work of the Health and Safety Authority. I agree fully with the Tánaiste that the increased vigilance and inspection rates on farms can only help to avoid further serious and fatal accidents. In the past ten years, 43 children have died on farms, which is a frightening figure. Comparing the statistics in construction to those in agriculture, agriculture is a more dangerous sector. What further steps can we take to improve safety? The current television advertisements are effective and are helping to make people aware of the hazards that exist, particularly for young children.

Ms Harney: As someone who grew up on a farm, I know farmers take enormous risks with young children. Part of the problem arises because the residence and the workplace are together and children are close by. Inspections and enforcement are crucial roles for the State, but education and awareness are also vital. Often people take chances with children that they do not think about and, as a result, we have seen so many tragedies that could have been avoided.

There should also be more emphasis on health and safety clothing and equipment. People go out on tractors without head gear and do not wear

[Ms Harney.]

protective clothing while using chemicals and other dangerous substances. The farming community must be involved to a greater extent in an awareness and education programme and that is what the Health and Safety Authority is trying to achieve. It is involved in the stick approach of enforcement and the carrot approach of encouraging people to change their behaviour.

Mr. Howlin: While I welcome the advertising campaign and its positive impact, does the Tánaiste accept that the Health and Safety Authority is already stretched when it comes to providing staff for on-site inspections in the construction sector, much less on every farm in the State? Does she see a role for the local authorities in this area? Could building regulations have a role, with a separation in planning terms between areas of a farm for industrial uses and the accommodation uses? Does she accept that many of the accidents that occur involve visitors who are less aware of the dangers? There should be physical barriers to ensure inexperienced visitors are protected.

Ms Harney: The separation of building controls is worthy of consideration for new dwellings on farms. Many of the accidents occur on existing farms and many farmers are earning low levels of remuneration for their activities and we do not want to involve them in increased expenses. If people are cautious and aware of the dangers, it will go a long way towards minimising the risk. I agree with Deputy Howlin — many of the accidents on farms involve relatives or visitors and the onus is on the owner of the property or the driver of the tractor to do everything possible to keep young children away from farming activities and machinery.

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 of the Member in each case: (1) Deputy Morgan — the necessity for the Minister to outline the efforts she is making to attract industry to Ardee in light of the decision of Galen Pharmaceuticals to withdraw from its proposed development there; (2) Deputy Deenihan — the importance of retaining the *Jeanie Johnston* sailing vessel in public ownership; (3) Deputy Costello — if the Minister for Health and Children will outline his Department's policy in relation to the health of prostitutes and state the steps he has taken to protect their health and guard against sexually transmitted diseases; and (4) Deputy Burton — the ongoing crisis at James Connolly Memorial, Hospital, Blanchardstown, and the failure of the Government to fully commission the new building including the

accident and emergency unit, theatres and the intensive care unit.

The matters raised by the Deputies have been selected for discussion.

Adjournment Debate.

Industrial Development.

Mr. Morgan: The announcement by Galen Pharmaceuticals that it is not now going to develop a factory in Ardee is not a surprise to me. The company's financial position has been less than inspiring of late and there are rumours that its plant in Coleraine is in financial trouble. Nevertheless, the announcement is a blow to the people of Ardee and that is why I am raising the issue.

The Tánaiste should outline what is being done to bring employment to the County Louth town of Ardee. What efforts has she, her Department or its agencies been making? Can we expect success in this regard in the near future? Ardee has no substantial industrial base and has been neglected for decades by successive Governments. Will the Tánaiste visit Ardee and by doing so demonstrate to the people of the area that she at least knows where it is located? The town council has issued an invitation to the Tánaiste on three occasions without even a reply, much less a visit.

It is important to set the record straight about the issues of planning permission which arose for Galen Pharmaceuticals in Ardee. Concerns arose about emissions from the proposed factory and local residents rightly expressed concern about how such emissions would be monitored. It was their legal right and, arguably, their obligation to protect the environment, their health and the health of their children. These citizens are in no way responsible for the decision taken by Galen Pharmaceuticals and to say otherwise is to undermine our appeals process and excuse a pharmaceutical company from its obligations to the entire community. The judicial review was due to be heard on 6 May but was postponed until 26 May because An Bord Pleanála was not in a position to proceed. Does anyone believe that a decision due in less than two weeks would cause a company to pull out? I certainly do not.

Now that Galen Pharmaceuticals has left, it is the urgent responsibility of the Tánaiste to attract jobs to Ardee. These need not be from the transnational companies sector. Greater assistance to indigenous companies and business might yield greater and longer lasting results for the town which so badly needs increased employment opportunities for its residents.

Minister of State at the Department of Health and Children (Mr. Callely): I thank Deputy Morgan for raising this matter. I would like to

clarify some issues for him and he may be able to assist in finding a satisfactory conclusion.

In April 2001, IDA Ireland approved grant support towards a new project from Galen Pharmaceuticals for approximately 200 jobs in Ardee, which involved a €45.7 million investment and the construction of a 153,000 sq. ft. facility on a 52 acre green field site at Ardee, County Louth. The facility was planned to produce a range of female health care products and would require a 21 month construction and fit out-validation timeframe. The company planned to be in production and delivering products to the market by October 2003.

In making its planning application for the construction of the new facility, there were a number of objections which continue to be heard in the High Court. Deputy Morgan could perhaps help to resolve some of these issues.

Meanwhile, Galen Pharmaceuticals continued to be under pressure to deliver products to the marketplace in line with the growth in demand. To facilitate this, a suitable facility became available in Puerto Rico and, to enable the company meet its market objectives, Galen has now acquired this facility. I note that Deputy Morgan said that there had been an announcement by Galen not to proceed. That strikes me as news, unless Deputy Morgan has information not available to me. My information, which I am sure Deputy Morgan will welcome, is that Galen has not decided to abandon its plans for Ardee.

Mr. Morgan: Deputy Kirk said that.

Mr. Callely: I am only trying to be helpful.

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

Mr. Callely: Galen is continuing with the planning process through the High Court, and further discussions with IDA Ireland and the company will take place on the outcome of the High Court decision. IDA Ireland has maintained close contact with Galen management. In the past few years, conditions in the global economy have been difficult, and Irish firms have had to win business against a backdrop of declining external demand, pricing pressures and an increasingly competitive international environment. However, the labour market is strong and unemployment has remained low at 4.7% by European standards. An improvement in the global economy now seems likely. Since our economy is so open to world trade flows, we are likely to benefit more from accelerating global growth than from indications that more positions have been advertised in the media.

IDA Ireland is currently developing a new business and technology park adjacent to the south Drogheda intersection. In addition, it has received planning permission for three office blocks on the new park. The agency is also

actively marketing several units provided by private developers at Dunore, Newgrange and other business parks. In Dundalk, IDA Ireland has engaged consultants to prepare a plan in conjunction with other State and private partners for its considerable land holdings to the south-west of the town. It is hoped that it will become a significant campus for new investment, once again capitalising on Dundalk's status as a gateway under the national spatial strategy, with which my good friend and colleague, the Minister, Deputy Dermot Ahern, has been closely associated.

IDA Ireland has received planning permission for five buildings in total at Finnabair Business Park. The agency is also marketing units at the Science Services Centre at Finnabair and at Blackthorn Business Park. Enterprise Ireland's activity is focused on the creation of new jobs through supporting entrepreneurs with high potential start-up companies, the creation and retention of new jobs in existing companies and enhancing the innovation capability of Ireland at national and regional level through support and research in companies and third level institutions.

In September 2003, the Tánaiste announced that Ardee Community Development Company Limited had been approved a capital grant of €250,000 towards phase 2 of its enterprise centre under the Enterprise Ireland community enterprise centre programme 2002, with which I understand Deputy Kirk has been closely associated. Work on the extension of the existing centre is expected to commence shortly. Enterprise Ireland supports the third level college in the region to foster links with industry, thereby encouraging it to increase its use of technology.

Under the Government's major decentralisation programme announced in the budget, 300 jobs are to be relocated to County Louth. That move demonstrates the Government's commitment to balanced regional development and will provide a further boost to enterprise development in the County Louth area. I assure Deputy Morgan that the State development agencies under the aegis of the Department of Enterprise, Trade and Employment in co-operation with local interests and public representatives will continue actively to promote Ardee town and County Louth for investment and job creation. I hope that I have been of help.

Heritage Projects.

Mr. Deenihan: I thank the Ceann Comhairle for allowing me to raise this matter on the Adjournment this evening. The *Jeanie Johnston* project was initiated in 1995 with the aim of providing a replica of the *Jeanie Johnston* sailing ship which transported emigrants to the USA during the Famine. It was first intended as a Famine commemoration project and the plan was to sail the replica vessel to the USA in 1998 to mark it. However, construction of the vessel

[Mr. Deenihan.]

turned out to be more complex and expensive than originally planned. The completion date was put back to 2000, with the intention of making it a millennium project. However, that deadline became impossible because of financial and technical difficulties. In May 2002, the project was taken over by a company comprising representatives of Kerry Group, Shannon Development, Tralee Town Council and Kerry County Council under the chairmanship of Denis Buckley of Kerry Group and the project's chief executive officer, Denis Reen.

The board of directors completed the original objective of the *Jeanie Johnston* project by undertaking a very successful transatlantic voyage in 2003. In the course of the American voyage, the replica Famine ship was enthusiastically received in 14 US and seven Canadian ports, attracting more than 100,000 visitors on board the ship. It generated extensive media coverage and public awareness, reaching far beyond the Irish diaspora in the US and projecting a very positive image of Ireland today. In the course of its American voyage, the *Jeanie Johnston* demonstrated its potential for sail training. Under the international fund for Ireland Wider Horizons programme, 93 young people from both sides of the Border and from Unionist and Nationalist communities in Northern Ireland completed a sail training programme on board the *Jeanie Johnston*.

At a meeting of the *Jeanie Johnston* board last Friday, a summer programme for the replica ship was agreed which will include a return voyage to North America. However, in a statement released after the meeting, the board announced that, in the absence of Government interest in acquiring the ship, it would have no alternative but actively to pursue a sale option for the tall ship. I agree with the board in its conviction that, under Government ownership, the *Jeanie Johnston* can have a successful future as a high-profile ambassadorial ship for the promotion of Irish tourism, sail training and cross-Border initiatives, maintaining the project's important North-South dimension.

The ideal home for the *Jeanie Johnston* is with Coiste an Asgard, which operates the sail training vessel *Asgard II*. An Coiste receives an annual lottery grant for its operation. That amounted to €693,000 for 2004. The grant could easily be increased, with funding from the national lottery, to include the running costs of the *Jeanie Johnston* in the event of An Coiste taking over ownership and management of the vessel. I understand that the *Asgard II* is overbooked, especially during the summer months. It makes an average of 24 sailing trips each year, with 20 trainees on each trip. As I said, during the summer months in particular, it cannot meet the demand. The *Jeanie Johnston* can take up to 40 trainees and has the capacity to sail to any part of the world, something I understand the *Asgard*

II is unable to do. Some years ago it had to be taken to Australia in a container ship.

The board is convinced, and I agree, that under Government ownership the *Jeanie Johnston* can have a very successful future. I understand that next Tuesday the Minister will meet the board. I strongly appeal to him to direct Coiste an Asgard to take over ownership of this very fine sailing vessel. Otherwise, the board will have no option but to sell it off to some private investor. It would be a major loss to this country and a major embarrassment if the board had to do so. I appeal to the Minister of State to ensure that the Minister is aware of the case that I make this evening and acts accordingly next Tuesday.

Mr. Callely: I thank Deputy Deenihan for raising this matter on the Adjournment and for his compassion and desire to preserve public ownership of the *Jeanie Johnston*. My colleague, the Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, regrets being unable to take this debate this evening. He would like to have been able to do so but he has other commitments.

I concur with much of what Deputy Deenihan said regarding the importance of retaining the ship in public ownership and the benefits that could accrue therefrom. In light of the fact that Deputy Deenihan mentioned the training courses on the *Asgard II* vessel, my son, who has a great interest in the marine, is currently enjoying a seven-day training course on it.

As regards the *Jeanie Johnston*, we all know the project and are aware of some of the difficulties associated with it. The project was commenced in 1996 and is being run by the board and management of the *Jeanie Johnston* (Ireland) Company Limited. The Department of Communications, Marine and Natural Resources first became involved in June, 2000 when the then Minister agreed to provide grant aid of up to €2.54 million to enable completion of the project. However a due diligence report commissioned by the Department identified that additional funding would be required for the completion of the project and, following the drawing up of a rescue plan, the Minister sought and obtained Government approval in April 2001 to provide additional funding, bringing the total allocation by the Department to this project to just shy of €4 million.

Since the Government decision in April 2001, the primary role of the Department of Communications, Marine and Natural Resources in the *Jeanie Johnston* project has been to oversee the allocation of the Government's grant funding to the project to ensure that construction of the vessel was completed to the highest possible standards of safety and quality and that it undertook its planned transatlantic voyage to North America.

Following a High Court re-structuring of the *Jeanie Johnston* (Ireland) Company Limited in

5 o'clock

late 2002, a consortium comprising Kerry County Council, Tralee Town Council, Shannon Development and Kerry Group plc took over ownership of the *Jeanie Johnston* replica famine vessel. At the time, my colleague and Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, welcomed the decisions taken by Kerry County Council and Tralee Town Council to take over the project in partnership with the Shannon Development Company and the Kerry Group plc. In doing so, the Minister recognised that this initiative provided the only real alternative to an unstructured liquidation of the project, and that it might well be the final chance to preserve the use of the vessel for the tourism and heritage purposes for which it was originally intended.

The Minister also recognised that despite its troubled existence, the *Jeanie Johnston* project has continued to receive vigorous support from politicians of all political persuasions North and South. Due to my own marine interests, I took the opportunity to visit and board the *Jeanie Johnston* and I congratulate all who have been involved in the project to date.

Under its new ownership structure, the ship completed its successful maiden voyage to the US and Canada during 2003 where it illustrated the historical famine era links between Ireland and those two countries and generally demonstrated the nature of and cultural and social contribution made by Irish emigration during that period.

All the grant funds allocated by Government to the *Jeanie Johnston* project have now been paid by the Department of Communications, Marine and Natural Resources. The Minister is aware that the current owners of the vessel have recently announced that they intend to undertake a return visit with the ship to the US this year but that they have made it clear that they do not intend to operate the vessel on an ongoing or long-term basis.

I also understand that, following this trip, the owners would like to offer the vessel as a gift to the State given the large amount of Exchequer funding which went into its construction. Their belief is that this ship should remain as an asset to the State to be utilised mainly as a sail training facility and maritime tourist attraction, both at home and abroad, in the years to come.

The Deputy will no doubt be aware that the State's direct involvement in sail training in Ireland comes under the auspices of Coiste an Asgard, which is chaired by the Minister for Defence, Deputy Michael Smith, and that responsibility for tourism matters comes under the remit of the Minister for Arts, Tourism and Sport, Deputy O'Donoghue. While I can fully understand and support to a certain extent the expression of his views by Deputy Deenihan, I will ensure this matter is brought to the attention of both of my colleagues. We will report back to Deputy Deenihan on what progress can be made on the issue.

Sexually Transmitted Diseases.

Mr. Costello: This is a serious health issue that has not received as much attention as others. I attended a packed meeting last Tuesday night in St. Bricin's, Arbour Hill, on the extent of prostitution in the general area of Montpelier, Arbour Hill, St. Bricin's and surrounding areas in the Oxmanstown and Stoneybatter part of Dublin. It was quite clear that there has been a considerable escalation in the incidence of prostitution in that area alone. Last month I tabled a question to the Minister for Justice, Equality and Law Reform. Arising from that he had two gardai specifically appointed to patrol the area and to focus on prostitution and how to deal with it. Many young women and even children have been accosted by the clients of prostitutes, and even local residents have been accosted by the women and insulted if they said anything to them.

There is a serious problem. The statistics the Minister gave me on that occasion showed that there had been 115 arrests in 2002 and 117 in 2003 and that these were being processed. Last Tuesday night, the meeting heard that the two gardai designated to deal with the matter had been effective in arresting 38 in the month of April alone. If this is multiplied by 12 that would be 456, which would be a fourfold increase on the numbers arrested either in 2002 or 2003. Once gardai were dedicated to dealing with the issue, many more people were arrested. Clearly the issue is much broader than people had originally thought. It has undoubtedly escalated.

That is one side of the matter. The other side is the question of health. We know there is a considerable amount of sexually transmitted disease and that HIV, drugs and prostitution go together. The health of the clients must also be considered. They can be infected or, in turn, infect some of the women plying their trade. There is a major health issue to be considered and it remains under a shadow in terms of being effectively dealt with because the law criminalises prostitution and those associated with it.

Has the Minister of State a health treatment centre or liaison unit in place that would be proactive and outgoing and that could meet with prostitutes in a non-confrontational context to enable them to receive the health treatment they often need but may be afraid to seek out or which might not be available in the normal manner that health services are usually available? We need something of this nature to ensure the necessary checks and screenings for disease take place so that the health of the women is regularly reviewed and that a system of protection against sexually transmitted disease is in place. I would like to know what steps are being taken by the various health boards or the Department of Health and Children or the hospitals and whether individual local units or services are available. What is in place on a policy scale in broader terms to deal with this particular health problem?

Mr. Callely: Irish policy is that health care is available to all. The health boards have statutory responsibility for delivering these services. Deputy Costello focused on an area at the centre of the city so I will refer to the services being provided by the Eastern Regional Health Authority which has in place a women's health project whose aim is to promote the health and well-being of women involved in prostitution. The Deputy said this should be provided in a—

Mr. Costello: In a non-confrontational manner.

Mr. Callely: That is the manner in which it is provided. The women's health project provides a wide range of services including user friendly drop-in clinics, sexual health screening with contraception advice and provision, cervical smear screening, STI screening, hepatitis C, and HIV testing with pre-test counselling, vaccinations, addiction services, community welfare advice, outreach services, training and most important, education. The women's health project liaises with other agencies to identify the specialist needs of women trafficked into the country for sexual purposes to assist in developing appropriate services. The project is represented on the eastern regional committee on violence against women and on the ERHA working committee to deal with needle exchange and health promotion for the national drugs strategy. The ERHA also provides funding for Ruhama, a religious voluntary organisation that works with women involved in prostitution and trafficked women. It provides a full range of services to women involved in prostitution to ensure full utilisation of health board facilities or other services as appropriate.

It is important to recognise that it is not just women who are involved in prostitution. In this regard, the ERHA funds the Gay Men's Health Project which promotes sexual health among gay, bisexual and other men who have sex with men. All men attending for the first time are encouraged to have a full STI screen and blood tests for HIV, and other sexually transmitted diseases. Outreach and counselling services are an important function of GMHP. The service provides one-to-one support and advice on sexual health, STIs and screenings, isolation and relationship problems. Education is a very important aspect of raising awareness of the dangers of engaging in risky sexual behaviour which could result in a sexually transmitted infection. Health boards undertake information and awareness activities at regional level and among the issues addressed is the prevention of sexually transmitted infection. The ERHA is developing a sexual health strategy which focuses on prevention and management of STIs. One of the recommendations of that strategy will be that support for services available to those working in prostitution should continue to be provided.

The health promotion unit of my Department in conjunction with the Crisis Pregnancy Agency

has commissioned a national survey of sexual knowledge, attitudes and behaviours. This survey will provide robust and comprehensive data to effectively plan sexual health policies and strategies and to inform effective approaches to promoting positive sexual health messages. This information will assist efficient allocation of resources and provide quality baseline data for future surveys to monitor change over time and allow for long-term planning. In addition the HPU continues to invest in ongoing education and awareness strategies, for example, the convenience advertising campaign which runs nationwide in pubs, clubs, colleges and places of entertainment. The HPU is also working with the CPA to deliver integrated sexual health messages, most of which specifically target the 18-35 age group. There are specific services in place to protect the health of those involved in prostitution and I am confident these services make a difference to the lives of the people concerned.

Hospitals Building Programme.

Ms Burton: I welcome the Minister of State who spoke on this matter on 9 October 2003. If the Minister for Health and Children, Deputy Martin, and his Ministers of State, Deputies Lenihan and Callely, were subject to penalty points on this debacle they would be long off the road and their ministerial cars would have been taken from them. Equally if they were contestants in this weekend's Eurovision Song Contest their score would be "nul point" for failing to manage public resources properly. A total of €105 million has been spent on the new building and the new wing for Blanchardstown hospital. Despite being ready for more than nine months, beyond an extended snag list period the new, state-of-the-art accident and emergency unit remains empty while staff work next door in prefabs that would shame a developing country.

The new operating theatres, costing many millions of euro, lie dark and unused as do the intensive care unit and many of the new surgical beds. Blanchardstown, Dublin 15 and the areas of County Meath served by James Connolly Memorial Hospital are among the fastest growing areas in Western Europe. The latest consequence of the failure to commission fully the new buildings in the hospital is that other hospital facilities are under severe strain. For example, since yesterday the Northern Area Health Board refuses to clarify the future of the drug dispensing and treatment service at James Connolly Memorial Hospital for people with drug addiction.

This drugs dispensing service may be transferred to the Mountview health centre in the heart of Lohunda and Mountview parish. The health board seems to be about to pull community welfare staff out of this building and instead convert the building to a drugs treatment centre for the whole of Dublin 15. This is despite

the fact that the Mountview health centre is located in a spot notorious for anti-social behaviour and vandalism, is beside a primary school, two youth clubs, a neighbourhood family centre and the local church. Were the new hospital building to be fully opened, there would be no need to relocate the drug dispensing services which have been carried on for several years successfully in the grounds of James Connolly Memorial Hospital. I was one of the politicians who negotiated that extremely successful arrangement with the community and now it is to be upended because of this Government's total failure of management and ineptitude.

On 9 October, 2003, the Minister of State, Deputy Callely, speaking on behalf of the Minister for Health and Children, promised that the new facilities would be open within a matter of months and he said, in good faith:

The Eastern Regional Health Authority, Northern Area Health Board and management of James Connolly Memorial Hospital are also finalising arrangements to transfer existing accident and emergency services to the new facility upon its anticipated completion in November. I understand the completion date is within four weeks. We expect the building will be in use in November.

To date, there is one small department dealing with rheumatology and a couple of medical beds open simply for the optics. They are welcome but the rest of the building lies unused. I want the Minister of State to apologise on behalf of his senior Minister to the people of Blanchardstown and Dublin 15 for such a blatant mis-statement of the truth. Last week the Government acknowledged the waste of €52 million on the e-voting debacle. It is outrageous that elderly people are waiting on trollies in James Connolly Memorial Hospital and that in last week's report of the treatment purchase fund, the James Connolly Memorial Hospital is listed as one of the four hospital black spots for waiting lists in the Dublin area.

The dedicated staff of doctors and nurses there have said over and over again, and as recently as last week in response to that report that many hundreds of new procedures could be performed if the theatres, ICU and surgical beds in the new unit were fully commissioned. Fianna Fáil and the PDs have refused to commission these desperately needed facilities for the sake of a €5 million operating deficit. Ironically, €1 million of this deficit arises from a "fine" imposed on the hospital for lack of efficiency in the turnover of patients. We are living in Alice in Wonderland when a hospital housed in Dickensian conditions can be fined for inefficiency. I thought Fianna Fáil was so clever at politicking that the Minister for State would be out with the Taoiseach and the Minister for Health and Children cutting the ribbon on the new hospital. It would be a political stroke but I would have accepted it. The Minister

of State does not seem to be able or willing in this case to perform that stroke. It is a disgrace.

Mr. Callely: Deputy Burton has responded to her final comments about political strokes. It is not our business to trade in that fashion.

I am pleased to have an opportunity to respond to the debate and to put on record the innovation, commitment and dedication of those involved in the health board in driving forward the project for the development of James Connolly Memorial Hospital. Many other people had an opportunity to develop this hospital but failed to do so. The hospital provides acute medical and surgical services to the catchment area of Dublin north west, north Kildare and south County Meath, which has a population in excess of 250,000. There are currently 348 beds at the hospital, 110 of which are extended care beds, and some 1,000 staff are involved in the provision and delivery of excellent professional services.

Ms Burton: In Third World conditions.

Mr. Callely: Accident and emergency services are provided in James Connolly Memorial Hospital 365 days a year on a 24 hour basis as part of the eastern accident and emergency service regional network.

The major development at the hospital is being jointly funded by the Northern Area Health Board, through the sale of surplus lands, and the Department. The projected full project cost of the development in the hospital is over €100 million.

Ms Burton: Some €105 million has been spent to date.

Mr. Callely: Deputy Burton stated that only a small part of the unit is utilised and the rest lies idle. The information I have available——

Ms Burton: I was out there yesterday and——

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

Mr. Callely: The coronary care unit, formerly located in unit 7, has already moved to the new hospital together with 35 medical-cardiac beds. In addition, the therapeutic psychiatry of old age unit has moved to its new location on the ground floor of the new facility. The rheumatology service has also transferred to the new building.

Ms Burton: I mentioned that earlier.

Mr. Callely: That is the only one to which the Deputy referred.

An Ceann Comhairle: It is not in order for Deputy Burton to go beyond the time allotted and then to try to take the Minister of State's

[An Ceann Comhairle.]
time as well. I will adjourn the House if she interrupts once more.

Mr. Callely: When fully commissioned the capacity of the hospital will be significantly increased with the provision, for example, of two additional theatres, 12 extra beds, including ten day beds and two intensive care unit-coronary care unit beds, a new and expanded accident and emergency department and a new acute psychiatry unit.

The further commissioning of the development is under consideration by the Eastern Regional Health Authority, in consultation with the Department. As one would expect, it is my desire, and that of my ministerial colleagues, to progress the commissioning of all the facilities involved in this significant investment of €105 million as quickly as possible.

Ms Burton: One year later.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 18 May 2004.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 11, inclusive, answered orally.

Job Creation.

12. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she will take to remove outstanding obstacles to the provision of investment for the creation of much needed employment in the former Comerama factory in Castlecomer, County Kilkenny; and if she will make a statement on the matter. [13757/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The sale of the Comerama facility in Castlecomer was a private matter and was the sole responsibility of the receiver appointed. There was a tender process but I had no involvement in that.

I understand, however, that a number of bids were received and certain obstacles were then encountered. As far as I am aware, these obstacles have now been resolved and a company will acquire the former Comerama building and create employment in Castlecomer starting in June. I very much welcome this badly needed boost for Castlecomer and the surrounding area.

Community Employment Schemes.

13. **Mr. Ring** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the number of projects for the community employment programme will be reduced in 2004; if the policy to reduce the number of participants has been implemented; and if she will make a statement on the matter. [13766/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The total number of community employment projects is likely to reduce slightly from the 1,368 in operation at year-end 2003. However, there are no reductions planned in the overall level of places available on the community employment programme in 2004. FÁS encourages projects that might otherwise not be renewed due to insufficient numbers of participants to amalgamate with neighbouring projects and thereby form a viable entity that can continue to provide a service to the local community.

In line with the Government decision in 1999, the phased reduction in community employment participation rates has been implemented to a stage where there were 19,848 participants on the programme at the start of the year. No further reduction in participation levels is planned. In fact, there may indeed be scope for a slight increase in the participation rate during the year

based on the overall budget allocation of €351 million provided for FÁS employment programmes in the Estimates for 2004.

Professional Services.

14. **Mr. Perry** asked the Tánaiste and Minister for Enterprise, Trade and Employment her Department's views on the percentage fee structure charged by many professions; if her Department intends to review this issue; her views on whether legislation to restrict this practice in favour of a flat fee structure is worthy of consideration; and if she will make a statement on the matter. [13769/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Competition Authority is currently studying the market for professional services. While the authority's study includes an analysis of professional fees and the manner in which they are set, that is only one element of the review. The study also covers barriers to entry into professions, restrictions on who may supply professional services and various other issues.

There are eight separate professions being examined — engineers, architects, veterinarians, dentists, optometrists, medical practitioners, barristers, and solicitors — and the authority intends to complete its study later this year. I will decide whether legislative measures are required when I have considered the authority's findings.

As regards fee structures generally, the important requirement is to ensure that there is genuine price competition between members of professions in the same way as for any other economic undertakings. The auctioneering profession is to be examined separately by a working group being established by the Minister for Justice, Equality and Law Reform. My Department, the Competition Authority and the Office of the Director of Consumer Affairs will be represented on the working group.

Departmental Investigations.

15. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the belief of a person (details supplied) that an alleged fraud perpetrated by an NGO on her Department, of which she was informed, never took place; her further views on the fact that, despite this information being available to her Department, the chief executive of that NGO was dismissed; and if she will make a statement on the matter. [13756/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): In June 1996, my Department approved grant assistance of 104,000 ECUs, or approximately £83,000, under the EU-funded small business operational programme for a project proposed by the organisation concerned. In accordance with the normal procedures for the relevant measure, an initial grant of 50% of the total approved was made at

[Ms Harney.]

that time, while a further grant of 30% was issued in September 1997, following the submission of a progress report on the project by the organisation.

On 29 January 1999, the organisation wrote to the Department advising it that it appeared to the organisation that it had received an overpayment from the Department in respect of expenses amounting to £16,500 on foot of which a grant had been paid at the rate of 75%. At a meeting with the Department on 5 March 1999 to discuss this matter, the organisation advised the Department that it had decided to alert the Garda fraud squad to suspected irregularities in relation to the claims submitted to the Department for funding for the project. The Department was advised that the fraud squad had been alerted to the organisation's concerns about invoices in the amount of £16,500 received from a supplier of services to the organisation which had been used to support the drawdown of funds from the Department. The Department was advised that the organisation's auditors had also been informed about the matter and that the Department would be kept informed about developments. At that stage, the Department suspended any further payments in respect of this project pending the conclusion of the investigations into the matter.

On 23 June 2000, the organisation wrote to the Department and confirmed that an extensive investigation by their auditors had found no evidence of fraud and that, following a fraud squad investigation, a file had been referred to the Director of Public Prosecutions, who had decided that there were no grounds for action. The organisation indicated that it had accepted the results of these investigations and, accordingly, the invoices, which had been the subject of the investigations were paid by the organisation on 23 June 2000.

I would like to stress that I have not, and never had, any role in relation to the individual's employment with the organisation or the termination of his contract by the organisation. These are matters between that individual and the organisation. Furthermore, it should be clear from the foregoing that the Department was only advised about the outcome of the Garda and auditors' investigations in June 2000, that is, more than a year after the organisation took the decision to terminate the individual's contract in May 1999. As I indicated in my reply to Deputy Quinn on Tuesday, 6 April 2004, my Department does not have any issue or concern to pursue with the individual to which the question refers.

FÁS Training Programmes.

16. **Mr. P. Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of employees in FÁS classified as grade seven or above in respect of December

1997 and December 2003; and if she will make a statement on the matter. [13765/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): FÁS had 289.5 staff at grade 7 and above at the end of 2003 and 170 at the end of 1997. These management grades, 1 to 7, are spread throughout head office and the eight FÁS regions.

The increase in numbers at these levels is as a result of a major programme of change agreed in FÁS in 1996 negotiated under the auspices of the then FÁS mediation panel and agreed in the context of the Programme for Competitiveness and Work; the growth in training centre activity especially due to the growth of the apprenticeship programme; the transfer of staff and functions from the National Rehabilitation Board to FÁS in 2000; and adjustments relating to a strategic review of its operations carried out by FÁS in 2002.

As part of the Government decision to reduce public sector numbers, FÁS is required to reduce overall staff numbers by 150 by the end of 2005.

Carbon Tax.

17. **Mr. Gogarty** asked the Tánaiste and Minister for Enterprise, Trade and Employment the analysis her Department has undertaken on the possible implications for industry here of the introduction of a carbon tax; if her attention has been drawn to a World Bank investigation (details supplied) of 103 cases of the introduction of such taxes, which showed that in 73% of cases there was a positive influence on employment, in 24% of cases a negative influence and in 3% no influence; and her views on the matter. [13905/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The proposed introduction of carbon tax is in response to our international obligations under the Kyoto Protocol to reduce emissions of greenhouse gases. The Minister for Finance signalled the introduction of a general carbon tax from the end of 2004 in his budget speech in December 2002. A consultation paper on proposals for a carbon energy tax in Ireland was published by the Department of Finance in July 2003 and the submissions received as part of this consultation process were published on that Department's website in February 2004.

My Department provided a submission as part of the consultation process and has made it clear that, in developing the tax framework, a crucial consideration must be the minimisation of any negative impacts on the enterprise sector, including possible impacts on competitiveness and employment. The green tax group, a subgroup of the tax strategy group which has representatives from a range of Government Departments, is progressing work on the design

of the proposed tax and my Department is fully involved in this process.

Forfás, in conjunction with my Department, had studies undertaken in 2002 to assess how best to achieve the greenhouse gas reduction targets specified for the enterprise sector as cost effectively as possible and in a way that would minimise the effects on competitiveness. Indecon International Economic Consultants and Environmental Resource Management, ERM, were appointed to undertake these studies which focused on taxation, negotiated agreements, emissions trading and investment in international greenhouse gas reduction projects. This work, and other work both at national and international level, has been contributing to the development of policy for emissions reductions in the enterprise sector and is a useful source of information in developing a framework for carbon taxation.

The potential implications for industry of the introduction of a carbon tax in Ireland will depend on factors such as the level of the tax, whether revenue from the tax is recycled and whether there will be provisions to exempt companies from the tax who are engaged in other greenhouse gas emissions reduction measures such as emissions trading and negotiated agreements.

The Deputy refers to a study on the predicted impacts of various types of environmental taxes in different countries. My Department has seen the article in question which is one of many reports on this issue. The study is interesting but does not specifically focus on the subject of carbon tax; moreover, it makes the point that simulation results remain uncertain and should not serve as the only guide to policy making.

Personal Injuries Assessment Board.

18. **Mr. O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position with regard to the operation of the Personal Injuries Assessment Board; the number of staff recruited to date; when she expects that the board will be operational; and if she will make a statement on the matter. [13825/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Personal Injuries Assessment Board was established by ministerial order on 13 April 2004. From 1 June 2004, all personal injury claims arising from workplace accidents, where an employee is seeking compensation from his/her employer, must be referred to the Personal Injuries Assessment Board before legal proceedings are issued.

The structure and staffing levels of the PIAB have been agreed. The PIAB, when fully operational, will have a staffing complement of up to 85 in addition to the CEO. The PIAB will also utilise an out-sourced service centre to assist injured parties in completion of their claim

submissions and ensure a comprehensive, fair and independent service is provided.

The actual recruitment of staff is an operational matter for which the CEO of the Personal Injuries Assessment Board has responsibility. However, I understand a significant recruitment campaign is under way and a number of key management and assessor positions have been filled.

The establishment of the PIAB is a significant milestone in the Government's insurance reform programme which will lead to reduced insurance premia to the benefit of both consumers and businesses alike. By eliminating the need for litigation costs where legal issues are not in dispute, the PIAB will significantly reduce the cost of delivering compensation. The PIAB will also offer speedier assessments to the benefit of genuine claimants.

Health and Safety Regulations.

19. **Ms O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position with regard to her consultation with the social partners on proposals to increase penalties for breaches of the health and safety legislation, especially in view of the ongoing level of death and injury being caused to workers; and if she will make a statement on the matter. [13827/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Safety, Health and Welfare at Work Bill is at final stages of drafting. I will be bringing it to Government shortly for approval to introduce it in the Oireachtas and to publish it. I have consulted the social partners and I have taken account of their comments in framing the Bill.

In relation to penalties, I am proposing to Government two levels of prosecution for offences under the Bill as follows: summary prosecution in either the District or Circuit Courts for relatively minor offences for which the maximum fine will be €3,000; and prosecution on indictment in the Circuit Courts for very serious offences for which the penalty will be a heavy fine or imprisonment or both.

European Council Meetings.

20. **Mr. Sargent** asked the Tánaiste and Minister for Enterprise, Trade and Employment the persons who attended the recent informal meeting of the EU Council of Competition Ministers in Dromoland Castle; and the agenda for the meeting. [13909/04]

34. **Mr. M. Higgins** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the meeting of EU industry and competitiveness Ministers in Dromoland Castle. [13819/04]

35. **Mr. M. Higgins** asked the Tánaiste and Minister for Enterprise, Trade and Employment

[Mr. M. Higgins.]

if she will expand on her comments made at the recent informal meeting of EU Ministers in Dromoland Castle that the European Union means lighter regulation of business and industry; and if she will make a statement on the matter. [13820/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 20, 34 and 35 together.

The challenges facing European industry including the concerns of many European leaders relating to trends in exports, jobs, lacklustre productivity performance and how Europe can address these problems formed the focus of discussions of an informal meeting of the EU Competitiveness Ministers and industry representatives in Dromoland Castle, County Clare on 25 and 27 April 2004. The meeting examined Europe's productivity performance and suggested how Europe's performance in this regard could be strengthened by becoming more innovative. The object of this debate was to identify practical initiatives for creating a better environment for industry in Europe, and thereby creating more jobs and prosperity for EU citizens.

The agenda for the meeting included two thematic areas. The first session addressed the issues of creating a culture of innovation — staying competitive in a global market. The second session looked at frontiers in innovation — converting knowledge into value and research and industrial development.

In addition to Ministers from the 15 member states and three EU Commissioners, the ten new member states, together with representatives from Bulgaria, Turkey, Romania, Norway, Iceland and Liechtenstein, were also invited. International business leaders and experts in research and innovation also attended and participated in discussions.

The structure of the meeting provided the opportunity for business leaders and Ministers to exchange ideas and explore strategies to improve European competitiveness. The proceedings of the meeting will help to inform and prioritise the work of the EU Competitiveness Council of Ministers and will go forward to the agenda of a formal Competitiveness Council in Brussels next week. A summary of the proceedings in Dromoland is available on the Irish Presidency website at www.eu2004.ie.

EU countries are naturally concerned about the impact of rising competition from developing countries on the competitiveness of Europe and its companies. This has led to concerns in many EU states about the relocation of industrial activities and jobs to more competitive locations, the so-called “de-industrialisation” process. Indeed, these concerns relate not just to low-skilled assembly activities, but also to higher-skilled and knowledge-intensive research and services activities.

The key message from industry leaders to the EU was that investment decisions will be influenced by the business climate that exists in the European Union and particularly in the different member states. According to the business representatives the European Union needs lighter regulation of industry and business, and speedier decision-making for those operating in a global marketplace. Ministers and industry leaders agreed that excessive and burdensome regulation together with gaps in the internal market leads to weak competition in Europe. Better regulation and the delivery of a true European Single Market in goods, services, people and capital is probably the single most important tool available to EU policy makers to support faster EU productivity growth.

The contribution of better regulation at European and national levels to improving competitiveness and productivity was acknowledged by the Heads of State and Government at the spring European Council in March earlier this year. The European Council invited member states to commit to accelerated implementation of national regulatory reform initiatives. The EU Competitiveness Council, which I will chair next Monday, will further examine progress on measures to improve the regulatory environment including strengthening the regulatory impact assessment process, simplification of legislation and examining the cumulative impact of regulation on industry.

Job Protection.

21. **Mr. McCormack** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will make a statement on the paper prepared by her Department in April 2004 and presented to EU Industry Ministers which warned against a pre-occupation with the threat of jobs moving to low cost locations; and if this represents a policy shift by the Government to seek no longer to protect the jobs of those who do not work in the high skilled sector. [13771/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The agenda for Dromoland and the paper prepared by my Department for the meeting were drawn up in the context of concerns within the Union about the issue of de-industrialisation, the extent to which it represents a threat to the EU's competitiveness and how the Union might respond to it. In addition to the Presidency paper entitled *Forging Productivity Growth in Europe*, the EU Commission introduced a new Communication entitled *Fostering Structural Change: An Industrial Policy for an Enlarged Europe*. The Commission communication similarly addresses the issue of structural change in European industry.

The Irish Presidency paper prepared for the Dromoland conference was designed as a contribution to the debate now under way within the European Union on how best to meet the

challenges that the Union faces in light of increased global competition.

The Irish Presidency paper argued that there is a danger that a pre-occupation with de-industrialisation as a result of competition from lower cost countries could lead to inappropriate policies. “Stopping” industrial relocation is not feasible in an increasingly globalised economy. What is required is a range of policies that will lead to increased productivity and innovation within the European Union, including providing education on an ongoing basis to ensure that European workers have the requisite skills; that the Union is innovative in the creation of new products and services; and that the Union responds to the challenge of changing technology by promoting its ability to facilitate restructuring of industry.

The Commission’s view, as set out in its communication, is that there is no evidence, at this stage, that a general process of de-industrialisation has been taking place in the European Union but that this gives no grounds for complacency. The communication also notes the Commission’s view that weak productivity growth, insufficient innovation and investment in R& D, in a context of intensifying international competition and de-localisation, are challenging trends which, if sustained, could severely undermine the competitiveness of industry with serious consequences for the EU.

The Commission paper concludes that we have to face up to the challenges posed by international competition and suggests action on three fronts — improving the regulatory environment, optimising synergy between different EU policies and tailoring industrial policy to meet particular sectoral needs. The importance of promoting innovation, R& D, investing in human capital, the application of ICTs and robust competition policy are identified as key policy areas to help underpin the competitiveness of European industry.

This set of prescriptions mirror the view of this Government for some time now that the best way to safeguard sustainable employment growth both now and in the future is to create an environment that encourages entrepreneurship, stimulates company growth and promotes innovation.

FÁS Training Programmes.

22. **Mr. Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment if FÁS continues to host courses offering introduction to computers; the number of persons in the scheme; the financial outlay involved; and if she will make a statement on the matter. [13767/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): FÁS continues to provide many introductory level courses nationally as part of its services to the unemployed. These programmes are variously offered as European computer driving

licence, ECDL, introduction to basic computers, and introduction to keyboard and computer skills. Sometimes such courses are discrete courses in their own right or sometimes they are delivered as modules within a return to work training programme.

In 2003, the number of unemployed persons trained under the introduction to computers categories above was 2,176. The cost was €6,359,000.

23. **Mr. Neville** asked the Tánaiste and Minister for Enterprise, Trade and Employment the placement rate of FÁS scheme participants from the live register who have participated in non-apprenticeship training courses; and if she will make a statement on the matter. [13762/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The latest published follow-up survey of FÁS participants was carried out by the ESRI and published in 2003. It was based on asking a sample of FÁS trainees that left their FÁS programme in 2001 about their status in autumn 2002.

The survey estimated that 45% of live registrants that completed FÁS training courses were in employment at the time of the follow-up survey. A further 20% had progressed to another FÁS programme or returned to education. Just over a quarter, 27%, were unemployed. Hence, for every four persons who came off the live register to attend training, only one was unemployed at the time of the follow-up survey.

National Minimum Wage.

24. **Mr. Costello** asked the Tánaiste and Minister for Enterprise, Trade and Employment when it is intended to review the level of the national minimum wage; her views on the call from IBEC that there should be no increase in the minimum wage for the second half of the Sustaining Progress deal; and if she will make a statement on the matter. [13860/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The national minimum wage can only be increased following a recommendation contained in a national agreement or, where no national agreement is in place, any organisation which the Labour Court is satisfied is substantially representative of employees or employers can request the Labour Court to examine the national minimum hourly rate of pay, not earlier than 12 months after the Minister last declared a national minimum hourly rate of pay. The Labour Court can then make a recommendation to the Minister.

In the current national agreement, Sustaining Progress, the social partners recommended that the national minimum wage be increased to €7. I accepted this recommendation and signed an order which gave effect to this rate from 1 February 2004.

[Mr. Fahey.]

In the context of discussions with the social partners at national level it would not be appropriate for me to comment on the views of any of the social partners on this issue.

Work Permits.

25. **Mr. Murphy** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department has plans to undertake a review of the work permit scheme for immigrant workers; and if she will make a statement on the matter. [13759/04]

41. **Mr. Murphy** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the potential for abuse of the current work permit system for immigrant workers by employers who fail to treat their employees fairly; and if she will make a statement on the matter. [13758/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 25 and 41 together.

On the question of workers rights, all workers are treated equally under Irish law. The labour inspectorate of my Department is responsible for monitoring certain employment conditions for all categories of workers in Ireland, including immigrant workers. Inspectors pursue allegations of worker mistreatment and when evidence of non-compliance with the relevant employment rights legislation is found, the inspectorate seeks redress for the individual-s concerned and, if appropriate, a prosecution is initiated. The inspectorate operates without any differentiation with regard to worker nationality as statutory employment rights and protections apply to emigrant workers in exactly the same manner as they do to native Irish workers.

In addition, where employers seek work permits to employ non-EEA nationals, my Department requires the statement of the main functions of the job, salary-wages, deductions, other than statutory, other benefits and hours to be worked per week. Both the proposed employer and the proposed employee must sign this statement. Work permits are not granted unless there is compliance with minimum wages legislation. Applications for renewals require confirmation that the stated wages have been paid; P60 and other sources are used. Work permits are not granted for sectors such as domestic employment where it is believed that such employment can be met from the Irish-EEA labour market.

I am satisfied that there are sufficient procedures in place and an appropriate level of inspection activity to ensure, as far as possible, that rights and entitlements under Irish law are being observed for all workers. If there is evidence that particular employers are exploiting emigrant workers I would ask that it be brought

to the attention of the Labour Inspectorate for investigation and further action.

Various changes and developments are taking place in regard to the work permit system. From 1 May 2004, nationals of the ten new EU member states have full freedom of access to the Irish labour market. As a result, Ireland expects to be able to meet most of its overseas labour needs and all of its needs for low and unskilled workers from within the enlarged EU. This means that applications for work permits will be considered by reference to the high-level job requirements and explicitly identified high-level skills. The onus will be on the employer to provide job specifications which show the specific job requirements and prospective employee specifications showing that the employees in question have those skills. Where employees with such skills cannot be sourced within the enlarged EU, after a genuine effort and at a realistic wage, work permit applications will be considered. My Department will continue to refer employers to local FÁS offices and will develop, in consultation with relevant agencies, clear guidelines on testing the EU labour market and appropriate ranges of pay. Where training and up-skilling of Irish and EU workers is not an option, for stated reasons the employer will be required to demonstrate that this is so.

Work permit applications will continue to be considered for high skilled occupations such as those covered by the working visa/work authorisation system and other skilled jobs that are in short supply providing the prospective employees are adequately skilled and equality legislation is not breached.

Recently, my Department has undertaken a fundamental review of the current work permit system aimed at developing a more effective and efficient service with additional cross-checks and follow up. A new IT system to deliver this service is in course of being designed. Also, it is proposed to develop an on-line service for users of the system.

My Department is developing closer links with other Departments and agencies with an involvement in the issue of economic immigration and is proposing a review of alternative systems of such immigration with a view to making recommendations.

Job Losses.

26. **Mr. Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department has been formally notified by a company (details supplied) of its intention to make more than 200 workers redundant; and if she intends to use the powers available to her under the Protection of Employment Act 1977 to require the company to enter into consultations with her on the proposed redundancies. [13817/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

On 27 April 2004, the company concerned wrote to my Department giving full notification of the proposed collective redundancies under section 12 of the Protection of Employment Act 1977. It also stated that the employee representatives had been consulted — sections 9 and 10 of that Act.

If the employees concerned are in any way unhappy with the consultation and provision of information provided by the company they can make a complaint to a Rights Commissioner under section 6 of the European Communities (Protection of Employment) Regulations, 2000, S.I. No. 488 of 2000. The Rights Commissioner will then hear evidence from both parties and make a decision which will do one or more of the following: declare that the complaint was or was not well-founded; require the employer to comply with the provisions of the 1977 Act concerned and for that purpose to take a specific course of action; or order the employer to pay the employee/s concerned compensation of a maximum of four weeks remuneration. There is a time limit of six months for bringing such complaints to a Rights Commissioner.

To obtain more information about their statutory employment rights, the employees concerned could contact the employment rights information section of my Department. Based at Davitt House, 65A Adelaide Road, Dublin 2, their telephone number is (01) 6313131 and their Lo-Call number is 1890 201 615. Information is also available from the Department's website, www.entemp.ie For specific information on the Protection of Employment Act 1977, as amended, please see www.entemp.ie/publications/employment/2001/protectionofemploymentactguide.pdf For information on Irish labour law generally, please see www.entemp.ie/publications/employment/2003/guidetolabourlaw.pdf

Employment Rights.

27. **Mr. Rabbitte** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has satisfied herself that there are a sufficient number of inspectors to carry an adequate level of workplace inspections; if she has plans to increase the numbers; and if she will make a statement on the matter. [13836/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The labour inspectorate of my Department is part of the employment rights enforcement section. At present, the inspectorate has a complement of 17 inspector posts supported by a further seven administrative posts. The employment rights enforcement section comprises three inter-linked units which, apart from the inspectorate, incorporates the employment rights information unit — ten staff members — and the legal services unit — a further five staff members.

In 2001, as part of a continuing process to strengthen and modernise employment rights enforcement, a major business process re-engineering exercise was undertaken in the

employment rights enforcement section. That exercise looked across the support activities to the labour inspectorate in the area of employment rights enforcement, that is, the employment rights information unit, where enhanced customer service standards including lunch time opening were introduced; the prosecution and enforcement units, where procedures and linkages with the Chief State Solicitor's office were improved. In addition, a new fully integrated IT system to support the broad enforcement effort was launched in mid-June 2003.

I am satisfied that this level of investment together with the ongoing implementation of appropriate streamlined procedures is sufficient to provide for adequate inspection and enforcement activity so as to ensure, as far as possible, that employment rights and entitlements of workers working in Ireland are protected. There are no plans, at this stage, to increase the number of inspectors further.

It should be noted also that in many cases employment rights legislation has provisions whereby workers who believe that they have been denied their entitlements, or otherwise unfairly treated, should, and do, take the matter before a commissioner in the rights commissioner service of the Labour Relations Commission.

Sunday Trading.

28. **Mr. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the call from the trade union Mandate for action to outlaw trading by major stores on Easter Sunday, Christmas Day and St. Stephen's Day, particularly in view of the decision of one chain to open on Easter Sunday in 2004, which had been one of the few days on which all major stores closed; her views on the call made; and if she will make a statement on the matter. [13814/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The law on trading hours is the Shops (Hours of Trading) Act 1938. This Act was introduced for the purpose of controlling competition in the retail sector through the making of regulations which controlled the closing time for shops in specific areas and for specific sectors. As regards Sunday trading, a statutory instrument made in 1938, S.I. No. 188 of 1938, exempts the whole country from any restrictions on Sunday trading. I have been made aware of some limited opening of shops on public holidays but I have no powers under the Act to close shops completely on specific days. Neither can I regulate trading hours on public holidays under the Act.

There is, however, protection for employees under the Organisation of Working Time Act 1997. Under this Act employees have rights in respect of nine public holidays during the year. The options open to employees who have to work

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on public holidays are an additional day's pay, a paid day off within a month of the day or an additional day of paid annual leave.

Community Employment Schemes.

29. **Mr. Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position with regard to the various reviews or studies of community employment commissioned or undertaken by her Department; the main findings of each; if she intends to publish the reports; and if she will make a statement on the matter. [13829/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Law Reform Commission published a consultation paper on corporate killing in October last. The commission recommended that a new offence of corporate killing be established which would be prosecuted on indictment, without exclusion of any entity whether incorporated or not. The offence would apply to acts or omissions of a high managerial agent, which would be treated as those of the undertaking.

The commission also recommended that the legislation should provide for an unlimited fine to reflect the gravity of the offence or, in certain circumstances, an individual high managerial agent should also be subject to imprisonment of up to five years. The Commission is currently considering submissions on its consultation paper.

Both my colleague, the Minister of State, Deputy Fahey, and I welcomed the recommendations of the commission indicating that we were taking the opportunity, subject to the final views of the Law Reform Commission when its consultation process is complete and also subject to the advice of the Attorney General, to provide for the creation of the new offence in law in the Bill on safety, health and welfare at work being drafted.

Consideration was given to the inclusion of a specific provision on corporate killing by Parliamentary Counsel and Advisory Counsel in the Attorney General's office. Their conclusion was that it is not appropriate to deal with the general and wider issue of corporate killing in a safety, health and welfare at work Bill.

The Minister of State, Deputy Fahey, will be addressing the matter by proposing to Government a section in the forthcoming Safety, Health and Welfare at Work Bill 2004 on the liability of directors and officers of undertakings to make more explicit an existing provision in the 1989 Act under which directors and managers in companies have in the past been prosecuted for failings in safety and health, which resulted in deaths or serious injuries to workers. He intends that this provision will send a clear message to decision makers at board and management levels who carry a special responsibility for safety and health.

The wider issue of corporate killing will be considered by the Government in due course when the final report on the matter is published.

EU Council Meetings.

30. **Mr. Sargent** asked the Tánaiste and Minister for Enterprise, Trade and Employment the nature of the recent talks she had with the US trade representative, Mr Bob Zoellick; if common agreement was reached on a possible return to negotiations on the stalled Doha trade round; and the position the European Union is taking with regard to the pursuance of the Singapore issues and development issues in the attempts to restart multilateral talks. [13910/04]

32. **Mr. Cuffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the special issues relating to EU-US co-operation in the field of scientific research which were discussed in her recent meeting with the US Energy Secretary, Mr. Spencer Abraham. [13904/04]

44. **Mr. Gilmore** asked the Tánaiste and Minister for Enterprise, Trade and Employment the matters discussed and conclusions reached at her meeting in Washington on 22 April 2004 with senior members of the US administration; and if she will make a statement on the matter. [13818/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 30, 32 and 44 together.

The challenges facing European industry, including the concerns of many European leaders relating to trends in exports, jobs, lacklustre productivity performance and how Europe can address these problems, formed the focus of discussions of an informal meeting of the EU Competitiveness Ministers and industry representatives in Dromoland Castle, County Clare on 25 and 27 April 2004. The meeting examined Europe's productivity performance and suggested how Europe's performance in this regard could be strengthened by becoming more innovative. The object of this debate was to identify practical initiatives for creating a better environment for industry in Europe, and thereby creating more jobs and prosperity for EU citizens.

The agenda for the meeting included two thematic areas. The first session addressed the issues of creating a culture of innovation — staying competitive in a global market. The second session looked at frontiers in innovation — converting knowledge into value and research and industrial development.

In addition to Ministers from the 15 member states and three EU Commissioners, the ten new member states, together with representatives from Bulgaria, Turkey, Romania, Norway, Iceland and Liechtenstein, were also invited. International business leaders and experts in research and innovation also attended and participated in discussions.

The structure of the meeting provided the opportunity for business leaders and Ministers to exchange ideas and explore strategies to improve European competitiveness. The proceedings of the meeting will help to inform and prioritise the work of the EU Competitiveness Council of Ministers and will go forward to the agenda of a formal Competitiveness Council in Brussels next week. A summary of the proceedings in Dromoland is available on the Irish Presidency website at www.eu2004.ie.

EU countries are naturally concerned about the impact of rising competition from developing countries on the competitiveness of Europe and its companies. This has led to concerns in many EU states about the relocation of industrial activities and jobs to more competitive locations, the so-called “de-industrialisation” process. Indeed, these concerns relate not just to low-skilled assembly activities, but also to higher-skilled and knowledge-intensive research and services activities.

The key message from industry leaders to the EU was that investment decisions will be influenced by the business climate that exists in the European Union, and particularly in the different member states. According to the business representatives the European Union needs lighter regulation of industry and business, and speedier decision-making for those operating in a global market-place. Ministers and industry leaders agreed that excessive and burdensome regulation together with gaps in the internal market leads to weak competition in Europe. Better regulation and the delivery of a true European Single Market in goods, services, people and capital is probably the single most important tool available to EU policy makers to support faster EU productivity growth.

The contribution of better regulation at European and national levels to improving competitiveness and productivity was acknowledged by the Heads of State and Government at the spring European Council in March earlier this year. The European Council invited member states to commit to accelerated implementation of national regulatory reform initiatives. The EU Competitiveness Council, which I will chair next Monday, will further examine progress on measures to improve the regulatory environment including strengthening the regulatory impact assessment process, simplification of legislation and examining the cumulative impact of regulation on industry.

National Competitiveness Council.

31. **Ms Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made by the monitoring process established to consider and track progress in implementing the recommendations of the National Competitiveness Council's annual report for 2003; and if she will make a statement on the matter. [13832/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): My Department recently chaired an interdepartmental meeting to discuss the implementation of the National Competitiveness Council's, NCC, recommendations with the relevant Departments concerned. My Department is preparing the first report to the Government arising from their decision of 25 November 2003, at which they agreed that Ireland's competitiveness status, including the implementation of the National Competitiveness Council's recommendations, would be considered by them every six months. It is intended that this report will be presented to Government for their consideration in June of this year.

Question No. 32 answered with Question No. 30.

Decentralisation Programme.

33. **Dr. Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her Department has carried out a risk assessment of the decentralisation plans announced on budget day, in so far as they may impact, either directly or indirectly, on her Department or on any agency or body operating under the aegis of her Department; when she expects to receive the risk assessment; and if she will make a statement on the matter. [13844/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): As part of the decentralisation programme announced by the Minister for Finance in his Budget 2004 speech, 250 staff of my Department are to decentralise to Carlow. Four agencies operating under the aegis of my Department — FÁS, the National Standards Authority of Ireland, the Health and Safety Authority and Enterprise Ireland — will also be relocating to a number of areas around the country. A decentralisation implementation committee has been established within my Department to develop the decentralisation proposals and to drive the process across the Department and its agencies.

My Department and the relevant agencies are, along with all other decentralising public bodies, engaging with the Department of Finance in a series of seminars developed by them to assist decentralising bodies in the preparation of their implementation plans, as required by the Report of the Decentralisation Implementation Group, or the Flynn group, and due to be completed by the end of this month. Further details on the risk assessment exercises will be contained in these implementation plans.

In parallel, a risk assessment framework, which will assess direct and indirect risks, threats to, and opportunities for the synergies between my Department and its agencies following decentralisation, is in preparation within my Department. This will be used as a framework within which a risk assessment in the areas of the

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Department which are to be decentralised will be carried out. A separate business process re-engineering exercise will also be undertaken, where appropriate. While it is not yet possible to provide an exact timeframe for the completion of this risk assessment, I am satisfied that a thorough risk assessment will be prepared as soon as possible.

The agencies have indicated that they will undertake separate risk assessments within their own organisations to identify possible issues with regard to their own operations.

Questions Nos. 34 and 35 answered with Question No. 20.

Migrant Workers.

36. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on whether he State's failure to ratify the UN convention on the rights of migrant workers and their families is indicative of the lack of priority which the Government has given to the prevention of exploitation of migrant workers; and if she will make a statement on the matter. [13854/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): Ireland has not signed and is not a party to the International Convention on the Protection and of the Rights of all Migrant Workers and Members of their Families.

The convention, which was adopted by the UN General Assembly in December 1990, entered into force on 1 July last, following its ratification by the requisite number of states, 20. However, although the convention on migrant workers has been open for signature and ratification since December 1990, to date only 22 states have ratified or acceded to the convention. The convention has not acquired universal recognition as a standard for the protection of the rights of migrant workers. No European Union member state has as yet signed or ratified the convention, nor have any indicated an intention to do so.

Ireland's position in regard to the ratification of international instruments generally, including the convention on the rights of migrant workers, is constantly reviewed in light of prevailing circumstances and in the context of the ongoing assessment and prioritisation of Ireland's international commitments.

Where Ireland wishes to ratify or accede to an international instrument, the Government must first ensure that our domestic law is fully in conformity with the agreement in question. The Government must therefore make any necessary legislative changes, or be satisfied that none are required, before ratification takes place. As signature of an instrument is an indication of an intention to ratify it, the Government would consequently also have to have a firm intention

to ratify and, be taking steps to do so, before signing an international instrument.

The convention on the rights of migrant workers has been examined by my Department. It would appear that, in order for Ireland to ratify the convention, significant changes would have to be made across a wide range of existing legislation, including legislation addressing authorisation to stay and to work, education-training and integration, family reunification, social security, transfer of income and taxation, housing, health and medical care and electoral law. These changes would also have implications for our relations with our EU partners, none of whom have signed or ratified the convention — or have signalled an intention to do so — and possibly for the operation of the common travel area between Ireland and the UK.

There are no plans at present to introduce the changes in the areas above which would be necessary before Ireland could ratify or consider signing the convention.

It should be noted that the rights of migrant workers and their families are already comprehensively protected under existing legislation. In addition, the human rights of migrant workers and their families are protected under the Constitution and by Ireland's commitments under international human rights instruments to which the State is party.

Where employers seek work permits in order to employ non-EEA nationals, the Department requires the statement of the main functions of the job, salary-wages, deductions, other than statutory, other benefits and hours to be worked per week. Both the proposed employer and the proposed employee must sign this statement. Work permits are not granted unless there is compliance with minimum wages legislation. Applications for renewals require confirmation that the stated wages have been paid; P60 and other sources are used. Work permits are not granted for sectors such as domestic employment where it is believed that such employment can be met from the Irish-EEA labour market and where there is a greater risk of exploitation.

Persons from overseas working in Ireland have the same protection under employment law as do Irish employees. Instances of any breaches of employment or work permit legislation, if brought to the attention of my Department, will be acted-upon.

Consumer Affairs.

37. **Mr. English** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made to date on the consumer strategy group; the number of times it has met; the matters it has discussed; the recommendations it has made; and if it has plans to issue an action plan in the near future. [13764/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Since I

established the consumer strategy group last March, the group has been provided with a secretariat by Forfás. The group has met on two occasions. To date, it has consulted with a number of interested parties including the Director of Consumer Affairs. It would not be appropriate at this stage to detail the matters it has discussed which are the subject of the deliberative processes of the group.

The group is due to produce a final report by the end of 2004 and it may also produce such interim reports to me as it considers appropriate. I see the establishment of this group as a significant initiative designed to improve and promote consumer rights in Ireland. I want to encourage and see develop in Ireland a culture where consumers are confident and insistent in demanding value and quality at all times.

County Enterprise Boards.

38. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment the plans she has to review the eligibility criteria for funding from county enterprise boards; and if she will make a statement on the matter. [13753/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The city and county enterprise boards, CEBs, can assist the establishment and/or development of eligible new and existing enterprises, from individuals-sole traders, companies and community groups, in the traded services, manufacturing and tourism sectors. In order to be eligible for such support projects must be in the commercial sphere, demonstrate a market for the product-service and, most importantly, have a capacity for growth and new job creation.

CEBs give priority to projects in manufacturing or internationally traded services which over time can develop into strong export entities and graduate to the Enterprise Ireland portfolio and tourism projects aimed predominantly at overseas visitors. In addition, they may support locally provided services promoted by the unemployed and those recently made redundant, and women re-entering the workforce, provided the projects supported do not give rise to concerns about dead-weight or displacement.

A recent review of the CEBs, conducted by Fitzpatrick's Associates, largely endorsed the role of the boards, including the existing eligibility criteria, though it did recommend, *inter alia*, a greater focus on the core enterprise and enterprise culture mission. I am currently considering the implications of this report.

Consumer Affairs.

39. **Mr. Gormley** asked the Tánaiste and Minister for Enterprise, Trade and Employment the role of her Department in overseeing the work of the Office of the Director of Consumer Affairs. [13908/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Under section 9(5) of the Consumer Information Act 1978, the Director of Consumer Affairs "shall be independent in the performance of his functions". Within this context, both my officials and I meet and liaise regularly with the director and her officers.

In so far as the Deputy is referring to current investigations into foreign exchange charges at Allied Irish Banks, under section 149 of the Consumer Credit Act 1995, credit institutions were obliged to notify the director of all customer charges. I am informed by the director that her office has been in contact with the Irish Financial Services Regulatory Authority, IFSRA, and I look forward to the outcome of IFSRA's investigation. The Deputy will be aware that in May 2003 the Central Bank and Financial Services Authority of Ireland Act 2003 came into force transferring responsibility for many of the provisions of the Consumer Credit Act from the director's office to IFSRA.

Company Investigations.

40. **Mr. Howlin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the latest information available to her regarding when the report of the High Court inspectors into the affairs of companies (details supplied) will be published; and if she will make a statement on the matter. [13811/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): The investigations into the affairs of National Irish Bank Ltd., and National Irish Bank Financial Services Ltd., are being conducted by inspectors appointed by the High Court, on application by me, under section 8 of the Companies Act 1990. I understand from press reports that the final report of the inspectors is expected to be presented to the High Court on or before 31 July 2004. The question of publication of the inspectors' report is a matter for the court to decide.

Question No. 41 answered with Question No. 25.

Personal Injuries Assessment Board.

42. **Mr. Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason for the delay in the establishment of the Personal Injuries Assessment Board, particularly in view of the fact that the board was due to start hearing cases in January 2004; and if she will make a statement on the matter. [13770/04]

92. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the additional costs that businesses here have incurred as a consequence of her delay in commencing the operations of the Personal

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Injuries Assessment Board; and if she will make a statement on the matter. [14059/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 42 and 92 together.

Following enactment of the Personal Injuries Assessment Board legislation in December 2003, a significant amount of work has been carried out to put in place systems and resources to facilitate the operation of the Personal Injuries Assessment Board. A number of these tasks could not be carried out until the legislation was passed.

I am delighted to inform the Deputies that the Personal Injuries Assessment Board was established by ministerial order on 13 April 2004. From 1 June 2004 all personal injury claims arising from workplace accidents, where an employee is seeking compensation from his or her employer, must be referred to Personal Injuries Assessment Board before legal proceedings are issued.

The establishment of the Personal Injuries Assessment Board is a significant milestone in the Government's insurance reform programme which will lead to reduced insurance premia to the benefit of both consumers and business alike. By eliminating the need for litigation costs where legal issues are not in dispute, the Personal Injuries Assessment Board will significantly reduce the cost of delivering compensation. The Personal Injuries Assessment Board will also offer speedier assessments to the benefit of genuine claimants.

Public Holidays.

43. **Mr. S. Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of public holidays enjoyed by workers here and the way in which this compares with the EU average; if she has any plans to increase the number of public holidays; and if she will make a statement on the matter. [13838/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The Organisation of Working Time Act 1997 provides for the entitlement of employees to the following nine public holidays per year. These are 1 January, New Year's Day; St. Patrick's Day; Easter Monday; the first Monday in May; the first Monday in June; the first Monday in August; the last Monday in October; Christmas Day; St. Stephen's Day. The average public holiday entitlement in the EU at present is approximately 11 days annually. I have no plans to increase the number of public holidays in Ireland.

Question No. 44 answered with Question No. 30.

Research Funding.

45. **Mr. P. Breen** asked the Tánaiste and Minister for Enterprise, Trade and Employment

the action she intends to take to ensure that Ireland increases its expenditure on research and development (details supplied) to the EU target of 3% by 2010; and if she will make a statement on the matter. [13772/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): At the European Council in Barcelona in 2002, the Heads of State agreed that overall spending on research and development in the EU should be increased from the current EU average of 1.9% to approximately 3% of GDP by 2010, and with two thirds of this new investment coming from the private sector. The target of 3% is for Europe as a whole, rather than each individual member state, reflecting that some countries such as Sweden and Finland are already above the 3% figure.

In April 2003, I established a high level cross-departmental group to assess and agree policy priorities, which Ireland should pursue as its contribution towards the creation of a European research area and the 3% target, taking account of Ireland's industrial structure, current research and development performance and potential. The group established a number of working groups involving representatives from industry, venture capitalists, universities and institutes of technology, Departments and semi-State agencies. Its work is now well advanced and I expect it to report by mid 2004.

The Government is committed to transforming Ireland into a leading research and innovation intensive knowledge-based economy and society. However, I do not believe that we should be overly focused on targets for their own sake, but rather on putting in place policies which support firms and public institutions to enhance the quality and scale of their research efforts.

The National Development Plan 2000 — 2006 aims for a significant increase in support for research and development. In my Department, expenditure on research and development rose from 8.9% of gross public expenditure in 1999 to over 21% in 2003. In particular, Science Foundation Ireland's investments have made a significant impact in marking Ireland out as an attractive location for excellent researchers from around the world. Similarly, within the education area, the programme for research in third level institutions has impacted strongly on bringing the research infrastructure in our universities up to the standard expected for carrying out world-class research and development.

In addition, the Finance Act 2004 for the first time provides for the introduction of an research and development tax credit. The credit provides an effective incentive to industry to increase research and development and help enhance our competitiveness as a location for new internationally mobile research-related investment.

I am confident that the range of existing initiatives, together with the recommendations which should emerge from the cross-

departmental group, will allow Ireland to contribute further towards the EU 3% target.

FÁS Training Programmes.

46. **Mr. Neville** asked the Tánaiste and Minister for Enterprise, Trade and Employment the proportion of non-apprentice employees who are in FÁS training centres; the proportion of these who are taken from the live register; and if she will make a statement on the matter. [13763/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

The latest published follow-up survey of FÁS participants was carried out by the ESRI and published in 2003. It was based on asking a sample of FÁS trainees that left their FÁS programme in 2001 about their status in autumn 2002. Trainees were asked about their employment status in the month before coming on training. In the 2002 survey, 26% stated that they were in receipt of unemployment benefit, 17% in receipt of unemployment assistance and 3% were signing-on for credits. These three categories made up the live register figure of 46%. A further 2% were in receipt of lone parent's allowance and 2% in receipt of a disability payment. FÁS training courses are open to all job-seekers. Two significant groups not on the live register are early school leavers, aged 16 years or 17 years, who are not eligible to sign on and women returning to the workforce after a period on home duties.

Job Protection.

47. **Mr. Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she intends to take to counter the growing trend of jobs being transferred to lower cost countries; and if she will make a statement on the matter. [13834/04]

74. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she has taken or proposes to take to minimise job relocation to low wage economies; and if she will make a statement on the matter. [13874/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 47 and 74 together.

The Irish economy has been undergoing substantial change which has impacted on both the manufacturing and service sectors. A fundamental shift in our strengths and competitive advantages has taken place and the economy is now one typified by high output and productivity together with high returns to labour in the form of wages, salaries and better living standards. Ireland has become a more prosperous and wealthy economy, converging with the broad income and prosperity levels of other EU member states.

The change taking place across our enterprise base will continue and is inevitable. With this, some plant transfers and other adjustments are bound to come. However, relocation to date has largely been limited to relatively low technology, labour intensive activities. In an open Europe, with no restrictions on where people can work or where investors can do business, there will always be competition for investment.

Figures released in March by the Central Statistics Office show a growth in total employment of more than 60,000 jobs between the end of 2001 and the end of 2003, a strong performance given global economic conditions in the same period. One of my key objectives is to develop a competitive economy that will be resilient to the toughest competitive pressures, either from within the EU or elsewhere. However, it is not the Government but businesses that make these investment decisions. Consequently, I am committed to making sure that when companies decide to invest, Ireland has the reputation as a secure world class investment location to meet the most demanding business requirements and where our citizens have the skills to blend creativity and adaptability with the resourcefulness needed by knowledge businesses.

Both at national and EU level, my Government colleagues and I are working to ensure this happens. Arising from the most recent work of the National Competitiveness Council, the Government has decided that it will assess our competitive status every six months. My Department's focus on helping generate sustainable employment growth complements work that I am pursuing at a European level. As president of the EU Competitiveness Council, I am acutely aware that we have to work together with other member states to reinforce our national objectives. Items on the agenda that must be progressed include entrepreneurship, strengthening the internal market and putting in place EU framework conditions to deliver greater and more effective research, development and innovation. I am chairing a further meeting of the EU Competitiveness Council next week and will ensure that all Ministers will engage in detailed discussions about the direction of European competitiveness and employment growth.

Last July, I set up the enterprise strategy group to be the architect of new enterprise policies for the coming decade. I asked its chairman, Mr. Eoin O'Driscoll, to specifically look at what is needed for a competitive, knowledge-based enterprise economy. The group was also asked to specifically take account of international trends in globalisation and EU enlargement. I expect to receive this report around the middle of the year.

Trade Union Recognition.

48. **Mr. Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the fact that trade union recognition is a fundamental right of all workers which must

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be enshrined in law; if she will bring forward legislation for the recognition of trade unions; and if she will make a statement on the matter. [13855/04]

53. **Mr. Crowe** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she will bring forward legislation for the recognition of trade unions in the State. [13856/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): I propose to take Questions Nos. 48 and 53 together.

The system of industrial relations in Ireland is essentially voluntary in nature. In line with this voluntarist approach, a high level group, chaired by the Department of the Taoiseach, comprising representatives from IBEC, the ICTU, and various Departments and semi-State agencies, was established under Partnership 2000 to consider proposals submitted by the ICTU on the recognition of unions and the right to bargain.

This group recommended that two distinct procedures be put in place for the resolution of disputes where negotiation arrangements are not in place and collective bargaining does not exist — a voluntary procedure and a legislative fall back procedure. These recommendations were implemented through the Industrial Relations Act 1990 (Code of Practice on Voluntary Dispute Resolution) (Declaration) Order 2000 (SI 145 of 2000) and the Industrial Relations (Amendment) Act 2001.

During the negotiations between the Government and the social partners on the partnership programme, Sustaining Progress, the need to enhance the effectiveness of these procedures was agreed. A number of measures, which have resulted in significant improvements to the procedures, have been put in place earlier this year by means of the Industrial Relations Act 1990 (Enhanced Code of Practice on Voluntary Dispute Resolution) (Declaration) Order 2004 (S.I. No. 76 of 2004), the Industrial Relations Act 1990 (Code of Practice on Victimisation) (Declaration) Order 2004 (S.I. No. 139 of 2004), and the Industrial Relations (Miscellaneous Provisions) Act 2004. These measures include the introduction of timescales to the process of dispute resolution in situations where it is not the practice of the employer to engage in collective bargaining negotiations in respect of a particular grade or group of employees.

Industrial Development.

49. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has identified the issues contributing to price hikes and lack of competitiveness in the economy; her proposed action to deal with the situation; and if she will make a statement on the matter. [13873/04]

81. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she or her Department has monitored increasing costs to industry here; the efforts she has made to combat these issues; and if she will make a statement on the matter. [14016/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 49 and 81 together.

The Government is committed to providing a pro-business environment, which will enhance the competitiveness of the Irish economy. A pro-business environment with low inflation will stabilise firms' costs and provide them with a solid competitive business environment from which they can successfully compete on both domestic and international markets. The Government has made concerted efforts to achieve the goal of the partnership programme, Sustaining Progress, to create a virtuous circle of low inflation, moderate wage growth and higher productivity. This in turn provides firms with a competitive business environment from which they can successfully operate.

Examples of these efforts include the establishment of an anti-inflation initiative. As part of this initiative, a group was created to examine ways of addressing domestic inflationary pressures. The group published its first progress report in November 2003 and in response to their recommendations, the Government has agreed new management and control arrangements designed to keep public expenditure on target. The 2004 budget avoided inflation-fuelling increases in indirect taxes thus minimising the Government's contribution to inflation. These efforts coupled with the depreciation of the dollar have resulted in the steady decline in Ireland's inflation rate. The most recent inflation figures from the consumer price index show an inflation rate of 1.3% in March 2004. This is a decrease from 1.7% in February and is the lowest level in more than four years.

Price increases in the area of insurance have been a particular concern. I have referred on many occasions to the programme of reform I have initiated to tackle the issue of high premia, which have had a detrimental effect both on consumers and on business competitiveness. I am pleased that the Personal Injuries Assessment Board will commence dealing with employer liability cases from the 1 June 2004. By eliminating the need for litigation costs where legal issues are not in dispute, the Personal Injuries Assessment Board will significantly reduce the cost of delivering compensation.

I have stated on several occasions that the principal method for reducing costs and maintaining them at an acceptable level is to increase competition in all sectors of the economy. We cannot afford to have sheltered sectors of the Irish economy immune from price competition. The Competition Authority is

charged with combating anti-competitive practice in the economy. It is undertaking several studies in key areas of the economy such as the banking and insurance sectors. The Government looks forward to the publication of the authority's reports into these key sectors later this year. Competition in all sectors must be encouraged to ensure goods and services are provided at an efficient and affordable price.

My Department is preparing a report into the implementation of the National Competitiveness Council recommendations for submission to the Government in June. The report will set out progress to date in implementing the recommendations set out in the National Competitiveness Council's 2003 report, Competitiveness Challenge, and will enable the Government to evaluate Ireland's competitiveness, as it intends to do twice yearly in accordance with the Government decision of the 25 November 2003.

Grocery Industry.

50. **Mr. S. Ryan** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she intends to publish the results of her review of the 1987 groceries order which forbids below cost selling; and if she will make a statement on the matter. [13837/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): My review of the groceries order is ongoing and I hope to conclude my consideration of the matter in the near future.

Question No. 51 answered with Question No. 6.

Nitrogen Éireann Teoranta.

52. **Mr. Kehoe** asked the Tánaiste and Minister for Enterprise, Trade and Employment if, following the liquidation of Nitrogen Éireann Teoranta, all creditors have been paid; and if she will make a statement on the matter. [13761/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Nitrogen Éireann Teoranta is not in liquidation. Nitrogen Éireann Teoranta is the holding company for the State's interest in Irish Fertiliser Industries Limited, which went into liquidation in November 2002, and it is assumed that the parliamentary question refers to the liquidation of Irish Fertiliser Industries Limited.

I understand that the liquidation of Irish Fertiliser Industries Limited is progressing in an orderly and efficient manner and that considerable progress has been made in relation to the realisation of the company's assets. However, while the company's principle properties at Arklow and Marino Point have

been placed on the market, I am advised that it may take some time to sell them.

I also understand that the company's obligations to secured creditors have now been settled in full while payments to preferred creditors, which would include some amounts due to former employees, have been or are in the course of being made. Unfortunately, it is unlikely that any payments will be made to unsecured creditors until the main property assets are sold, which could take some time.

Question No. 53 answered with Question No. 48.

Asylum Applications.

54. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment if it is her intention to enter into discussions with her colleagues at the Department of Justice, Equality and Law Reform to ensure the right to work of all asylum seekers whose application of asylum is at least six months old; and if she will make a statement on the matter. [13858/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Policy and legislation regarding persons who seek asylum in this State is the responsibility of the Minister for Justice, Equality and Law Reform. Persons seeking asylum in Ireland are currently prohibited from taking up employment in the State under the Refugee Act 1996. I am not aware of any plans to amend this legislation, and the provisions contained therein, at this time.

County Enterprise Boards.

55. **Mr. Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will provide additional funding to efficient county enterprise boards; and if she will make a statement on the matter. [13752/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): In determining the allocations for individual city and county enterprise boards this year, my Department adopted a systematic approach to ensure the maximum degree of objectivity and equity of treatment. This approach involved the provision of a basic allocation to each board as well as an additional allocation that was determined mainly by population. It also took account of issues such as unemployment, capacity to spend, existing commitments and regional spread. I do not expect to be in a position to provide any additional funding under any heading to any board this year.

With regard to the issue of efficiency my Department, in partnership with the county enterprise boards, continually monitor and evaluate the level of service provided by the

[Ms Harney.]

boards to their client base. There is both a formal procedures manual and operating agreement in place between the Department and the boards to ensure that the efficient delivery of services by all county enterprise boards is standardised.

Trade Union Recognition.

56. **Mr. Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of all meetings she has had in the past five years in which the issue of trade union recognition was raised in a substantive way; if she has been lobbied by IBEC or representatives of IBEC to block the introduction of legislation to provide for trade union recognition; and if she will make a statement on the matter.

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I have examined my diaries covering the last five years. This examination indicates that the issue of trade union recognition was on the agenda at one meeting I attended. The meeting took place in June 1999 with representatives of a number of foreign hi-tech companies. The issue of trade union recognition has also been raised at other multi-purpose meetings such as the national partnership negotiations, where both trade union and employer representatives have the opportunity to state their positions.

An examination of my records indicate that I have not been lobbied by IBEC, or representatives of IBEC, to block the introduction of legislation to provide for trade union recognition.

Unemployment Levels.

57. **Mr. Crowe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress that has been made on the national anti-poverty strategy commitment to eliminate long-term unemployment as soon as circumstances permit but in any case not later than 2007; and if she will make a statement on the matter. [13857/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Long-term unemployment has been reduced dramatically during the last seven years. In 1998 long-term unemployment amounted to 63,500, which represented 3.9% of the labour force. By 2002 the numbers had fallen by over 40,000 to 21,600 — 1.2% of the labour force. There was a small increase to 26,900 during 2003, resulting in an end of year rate of 1.4%. The EU average rate, by contrast, is 3%.

In support of the national anti-poverty strategy, FÁS is providing a range of training and employment programmes for the long-term unemployed. These include skills training,

foundation training and employment programmes such as community employment and the job initiative. FÁS statistics show that in the first eleven months of 2003 a total of 27,954 long-term unemployed persons started FÁS programmes.

To increase the focus on long-term unemployed persons, FÁS introduced two new initiatives in 2003. The employment action plan process, involving referral by the Department of Social and Family Affairs of unemployed persons to FÁS for help in gaining access to training or employment, was extended to long-term unemployed persons on a regional basis. By the end of 2003, the process was operational in six of the eight FÁS regions including Dublin. It will become operational in all regions during this year. The process had already been shown to be successful in four pilot areas, so there is every reason to expect that it will now be successful on a state-wide basis.

In addition a high support process was officially launched early last year. The process provides additional funding to help purchase specific training courses to meet individuals' needs and helps them rejoin the workforce. The target group includes long-term unemployed clients and, last year over 450 persons were referred to the process.

Organisation of Working Time Act.

58. **Ms McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has satisfied herself with the level of implementation of the Organisation of Working Time Act 1997; and if she will make a statement on the matter. [13821/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The Organisation of Working Time Act 1997 came fully into effect on 1 March 1998. If an employee considers that his or her employer has contravened the provisions in this Act governing holidays, rest breaks, rest periods and maximum average weekly working hours he or she may refer the matter to a rights commissioner for adjudication.

The labour inspectorate of my Department has a limited role in the keeping of records of provisions of the Act. In this connection, when inspectors are pursuing complaints concerning alleged infringements of other employment rights entitlements, they will also check that an employer, in accordance with the prescribed format required by the 1997 Act, is maintaining relevant records. During 2003, inspectors undertook 1,005 such inspections and the figure, to date in 2004, is 336.

In all of the circumstances, I am satisfied with the level of implementation of the Organisation of Working Time Act 1997. The number of cases

referred to the rights commissioner service under the 1997 Act in the period 1998 to 2003 is set out in the following table.

Number of Cases referred to the Rights Commissioner Service under the Organisation of Working Time Act 1997.

Year	Number of cases referred to Rights Commissioners under the Organisation of Working Time Act 1997
1998	395
1999	526
2000	620
2001	740
2002	967
2003	631

Community Employment Schemes.

59. **Mr. Ferris** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on the instigation of increased mainstreaming of community employment schemes providing services for persons with disabilities. [13870/04]

90. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of requests she has received for extra funding to enable FÁS continue with existing and new community employment schemes; and if she will make a statement on the matter. [14025/04]

91. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of community employment schemes that have been discontinued due to lack of funding; and if she will make a statement on the matter. [14026/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): I propose to take Questions Nos. 59, 90 and 91 together.

In accordance with the Government's decision in 1999 to restructure community employment schemes, participation levels have gradually been reduced in line with a strategic shift in policy in favour of training and other more appropriate supports. The number of community employment projects reduced from 2,274 in January 2000 to 1,368 in January 2004. This was due to the reduction in overall participation levels during this period. There were 19,848 participants on community employment at the start of the year and no further reduction in participation levels is targeted during 2004. There may be scope for a slight increase in the participation rate during the year based on the overall budget allocation of €351million provided for FÁS employment programmes in the Estimates for 2004.

Community groups submit proposals on an ongoing basis for additional community employment places or renewal of individual schemes. These submissions are passed to FÁS for consideration. Of most concern to many

sponsor organisations is the difficulty that they encounter in recruiting eligible unemployed people to replace those who have finished their term on the programme. There are no longer large numbers of long-term unemployed persons willing and eligible to take a place on community employment.

As provided for in the PPF, consideration has been given to the mainstreaming of certain essential services provided through community employment. In this regard, approximately 4,500 community employment places in schools have been mainstreamed over the past number of years. In addition, in the region of 2,300 places have been provided on the social economy programme. Detailed discussions took place during 2002 involving the Department of Health and Children, health boards, FÁS and sponsor groups, with regard to the possible mainstreaming of health sector places. However, due to the amount of additional funding required by the Department of Health and Children to mainstream these positions, and having regard to other major demands on the health budget, it was not possible to proceed with mainstreaming.

The future structure of the community employment programme remains under review by a group of senior officials and FÁS, and this group will report to Ministers on the outcome of their deliberations shortly. Decisions on any future adjustments in the structure and the terms and conditions of community employment participation will be taken when the review process has been brought to a conclusion.

EU Presidency.

60. **Mr. Cuffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will provide the minutes of the recent Agenda 133 committee meeting in Dublin Castle. [13903/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): Minutes of the meetings of the Article 133 Services Committee, including that held recently in Dublin Castle, are internal to the work of the committee. The reports are based on discussions conducted in the context of international multilateral trade negotiations. Documents circulated for consideration at the Article 133 committee contain information communicated in confidence to officials within an international institution representative of all EU member states.

Services Sector.

61. **Ms Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she intends to take in regard to her comments at the recent conference in Dublin Castle, Promoting Competition for the Benefit of Consumers, that there are too many barriers to entry to the professions and that such

[Ms Burton.] impediments are costing the consumer; and if she will make a statement on the matter. [13812/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Competition Authority is studying the market for professional services and the study aims to identify any unnecessary or disproportionate restrictions to entry to the various professions under examination.

The authority engaged Indecon Economic Consultants to carry out initial work on the study which it published a report in 2003. The Indecon report found that there were three types of restriction common across the eight professions examined. Indecon found entry restrictions in seven of the eight professions examined comprising academic requirements, professional education and training requirements and character requirements. It also found that professions impose restrictions on the transfer of qualified practitioners from other countries into the Irish market. The eight professions under examination are engineers, architects, veterinarians, dentists, optometrists, medical practitioners, barristers, and solicitors. The authority intends to complete its study later this year.

Older Workers.

62. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she has taken to implement the recommendations of the NESF report, Labour Market Issues for Older Workers, published in 2003; and if she will make a statement on the matter. [13869/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The National Economic and Social Forum report — whose project team included representatives from my Department — examined labour market participation issues for older workers. Changing demographics have resulted in ageing populations in many EU countries and this poses threats for their labour markets. For each pensioner in Europe there are on average 3.5 workers who contribute to the retirement income of that pensioner. By 2020 this ratio is expected to be 2.5:1. In Ireland, the situation is less pressing. Currently the ratio here is five people of working age, 15-64, to every one pensioner aged 65 years and over and this ratio is not expected to reach 3:1 until the year 2025.

As the demographic situation changes over time the position of older workers in the labour market will become increasingly important. It will be essential that we focus on the training and employment needs both of older workers and of the older workers of the future. The NESF report's findings focus on a variety of topics encompassing training, work-life balance, pensions and employer attitudes to older

workers. The recommendations are addressed to a number of bodies including the social partners, a number of Departments and their agencies. Those addressed to my Department and agencies will continue to contribute to employment and training policy development.

Many of the recommendations were reflected in FÁS Irish Labour Market Review 2003. They are also addressed in Employment Action Plan 2003, which is Ireland's response to the European employment strategy. This commits Ireland to a policy of active ageing which will be addressed in the medium to long term through changing employers' attitudes, up-skilling and re-skilling the labour force, improving flexible working arrangements and reviewing social security and tax provisions to ensure those who wish to extend their working lives can do so. The NESF report, together with an OECD thematic review of policies to improve the labour market prospects of older workers in Ireland, due to commence this year, will continue to inform policy changes in the future.

Health and Safety Regulations.

63. **Ms O'Sullivan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the recent study carried out by the Health and Safety Authority suggesting that safety regulations introduced in 1995 have had no impact on the type of accidents occurring on building sites; the action she intends to take to address this situation; and if she will make a statement on the matter. [13828/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): I would not agree that the Safety, Health and Welfare at Work (Construction) Regulations 1995 and their replacement regulations in 2001 have had no impact on preventing accidents occurring on construction sites. The significant resources dedicated to inspecting construction sites by the Health and Safety Authority and the co-operation of the major players in the industry in the construction safety partnership have contributed to a steady reduction in fatality rates from a high of 11 fatalities per 100,000 at work in the construction sector in 1999 to six per 100,000 in 2003. However, this rate remains twice that of the economy as a whole. This is unacceptable and requires that vigilance and continued effort be made in the prevention of accidents in the sector.

I assume the Deputy is referring to studies entitled *An Examination of Dutyholder Responsibilities: Fatal Construction Accidents 1997 — 2002*, published December 2002, and *Fatal Accidents in the Construction Industry 1991 — 2001: A Survey of Contributory Factors*, published December 2003, which are both available in PDF format on the HSA website. This clearly indicates that more than 25% of the underlying factors behind fatal accidents are due to failures at the pre-construction stage. The

Health and Safety Authority has recommended further updating of the Construction Regulations 2001, which seek to address this issue by making existing obligations upon clients, designers and those responsible for co-ordinating safety and health throughout construction projects more specific. The legal drafting of those regulations is now in train and I hope that they will be ready for signing later this year.

Decentralisation Programme.

64. **Dr. Upton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of any survey that has been undertaken to establish the number of persons employed in her Department and in boards or agencies operating under the aegis of her Department who are willing to move to the new locations announced in the 2004 budget, in regard to proposals for decentralisation; the results of any such survey; and if she will make a statement on the matter. [13843/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Following the announcement of the Government's decentralisation programme, under which 250 staff of my Department will decentralise to Carlow, a survey was conducted within the Department with a view to establishing the numbers of staff interested in decentralising to locations outside Dublin. A total of 503 staff responded to the survey, 69 of whom indicated that they would be prepared to transfer to Carlow and 160 of whom indicated a willingness to decentralise to other locations outside Dublin. With regard to the agencies under the aegis of the Department who will be decentralised, surveys have been carried out in FÁS, which is decentralising to Birr, and the Health and Safety Authority, which is decentralising to Thomastown.

Out of the 413 Dublin-based FÁS staff who were surveyed, 30 expressed an interest in decentralising to Birr. In January 2004 the staff of the Health and Safety Authority were asked in the context of the Government decision on decentralisation whether they were interested in moving to Thomastown, County Kilkenny as part of the decentralisation of the authority. Out of the 110 staff surveyed, 15 said yes, 90 said no and there were two maybes. The National Standards Authority of Ireland, which will be decentralising to Arklow, and Enterprise Ireland, which will be decentralising to Shannon, have not conducted a survey of their staff on the issue of decentralisation.

Work Permits.

65. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the new rules announced by her on 18 February 2004 in regard to the new arrangements for spouses of skilled non-EEA

nationals will come into operation; and if she will make a statement on the matter. [13823/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The new arrangements for spouses are designed to give greater ease of access to employment for the spouses of non-EEA nationals working in the State under specified schemes and facilities. These arrangements are already in operation for some weeks now. Some 40 work permits have already been issued in respect of eligible spouses. A detailed set of guidelines, outlining the eligibility criteria and procedures relating to these arrangements, have been available on my Department's website since April. They have also been circulated to a range of Departments, health bodies and other relevant organisations to promote as wide a circulation of this information as possible.

EU Directives.

66. **Mr. Sherlock** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of EU directives for which her Department has responsibility which have yet to be implemented; the number in respect of which the deadline for implementation has passed; if she has satisfied herself with the rate of compliance by her Department; the number of cases in which legal actions have been notified or commenced by the EU Commission arising from a failure to implement a directive; and if she will make a statement on the matter. [13839/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The current position in relation to the transposition of EU directives for which my Department is responsible indicates a total of 22 directives to be implemented, including six for which the deadline for implementation, in full or in part, has passed. Details of the directives, including, in as far as it has been decided, the proposed transposition instruments, are available on my Department's website at www.entemp.ie/trade/eudirectives. The website also contains information on directives in respect of which infringement proceedings have been commenced. A number of these directives have been transposed but are still the subject of legal proceedings by the EU Commission.

With regard to one of the directives that has not yet been transposed and for which the deadline has passed, a letter of formal notice under Article 226 of the treaty has been issued by the European Commission. In the case of another three of the directives for which the deadline for implementation has also passed, reasoned opinions have been issued by the Commission. To date this year a total of seven directives have been transposed. I am satisfied that my Department is giving all due priority to the task of implementing EU directives in light of the available resources.

Work Permits.

67. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures she will take to address the plight of migrant workers who find that they are illegal through no fault of their own; and if she will make a statement on the matter. [13859/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The question of the immigration status of workers from overseas is primarily one for my colleague, the Minister for Justice, Equality and Law Reform. To the extent that work permits are an issue, experience has shown that each case must be considered on its own merits. Some employees have undoubtedly been misled by unscrupulous employers and my Department has generally been able to adapt a flexible and constructive approach. However, some employees are also capable of portraying themselves as victims when it suits them, for example when persons come for a holiday and simply stay on with every intention of working, regardless of whether they have permission to work. I assure the Deputy that my Department will continue to judge each case in light of the available evidence.

Social Economy Programme.

68. **Mr. P. McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress of the social economy programme; the number of persons in the programme for the years 2000 to 2004 inclusive; and if she will make a statement on the matter. [13768/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The Social Economy Programme, SEP, was launched in September 2000 with a view to generating 2,500 jobs for the long-term unemployed and other disadvantaged people. The number of people supported by the SEP for the years 2000 to 2004 inclusive are:

Year	Numbers
2000	0
2001	101
2002	1,889
2003	2,370
2004	2,374 (as at 7 May 2004)

The programme is funded by FÁS from its employment programme budget. A total allocation of €351 million is being provided in 2004 to support up to 25,000 places across the three FÁS employment schemes — community employment, job initiative and the social economy programme. Of this, over €40 million is earmarked for the SEP. This compares with funding of €6.6 million in 2001, €20.5 million in 2002 and €36 million in 2003. A review of the SEP was undertaken and is being considered at present by FÁS and the Department. The review

will inform the future direction of the programme.

Insurance Industry.

69. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress made to date with regard to the implementation of her action plan for the insurance industry; and if she will make a statement on the matter. [13824/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The insurance reform programme that I announced on 25 October 2002 comprises a comprehensive set of inter-related measures designed to improve the functioning of the insurance market. I chair a ministerial committee established to drive the co-ordinated implementation of the reform programme across the relevant Departments and other bodies concerned. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help tackle the high cost of insurance.

The key measures include the following: implementation of the recommendations in the motor insurance advisory board action plan within a target timeframe — to date, 32 of the recommendations have been fully implemented, four have been partially implemented and work is in progress on the implementation of the other recommendations; establishment of the personal injuries assessment board — the Personal Injuries Assessment Board Bill 2003 completed its passage through the Houses of the Oireachtas on 19 December 2003 and was signed into law on 28 December 2003. The board was established and the members were appointed on 13 April 2004. It is intended that PIAB will commence dealing with employer liability cases from the 1st of June 2004; the undertaking by my Department and the Competition Authority of a joint study into the insurance market — the study will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. The bulk of the study was completed in 2003 and a preliminary report and consultation document on competition issues in the non-life insurance market was published on 18 February 2004. Following a two-month consultation period, a final report will be published which will contain recommendations based on its findings.

Significant progress has been made by the Department of Transport in the implementation of the road safety strategy. The Government has given approval to the Minister for Transport for the drafting of the heads of a road safety Bill. It is intended that this Bill should be enacted in this Dáil session. The Minister for Justice, Equality and Law Reform published the Civil Liability and Courts Bill on 11 February 2004 and it is currently before the Houses of the Oireachtas. The Bill contains measures to streamline the law relating to personal injury claims, including

measures to deal with fraudulent and exaggerated claims.

While EU law prohibits the imposition of price control on insurance I have made it clear that I consider there to be an onus on the insurance industry to ensure that the reforms to be taken will have the effect of significantly reducing the cost of premiums to consumers and businesses. Indications to date are that the reform programme is having its desired effect. The CSO publishes monthly indices of costs for a number of classes of insurance. These statistics show that there was a reduction of 12.9 index points, 12.1% , in motor insurance between the months of October 2002, when the programme was launched, and March 2004. This is the latest figure available. The reduction in premiums between March 2003 and March 2004 is 14.4 index points, 13.3%. This is a bigger decrease as premiums had continued to rise for some months after the launch of the programme before its effects were evident.

As implementation of the reform programme continues, I expect further reductions to occur in all forms of insurance. I am also confident that the measures the Government is putting in place to reform the Irish insurance market will attract new players into the market, leading to further downward pressure on premiums.

Consumer Strategy Group.

70. **Mr. Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the role of the recently established consumer strategy group; when it is expected that it will publish a final report; if interim reports are expected; and if she will make a statement on the matter. [13830/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The role of the consumer strategy group, which I established this March, is to advise and make recommendations for the development of a national consumer policy strategy which will provide consumers with the knowledge, information and confidence to be demanding of quality, service and value; ensure consumers are well informed of their rights and have effective and speedy means of redress in the event that those rights are denied; give consumers a powerful voice and effective representation and input in the development of policy proposals at national and local level; ensure the views of consumers are heard and taken into account in national debate on relevant business, trade and social policy issues; and promote among product and service providers best practice in the delivery of quality customer service and value for money and an appreciation of the contribution satisfied consumers make to the growth and development of business.

The consumer strategy group is due to produce a final report by the end of 2004. The group may produce such interim reports to me as it considers appropriate. I see the establishment of this group

as a significant initiative designed to improve and promote consumer rights in Ireland. I want to encourage and see develop in Ireland a culture where consumers are confident and insistent in demanding value and quality at all times.

Job Creation.

71. **Mr. Quinn** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of new jobs announced during 2003 from new investments or expansion of IDA backed plants; the expected level of announcements during 2004; the steps that are being taken to promote job creation; and if she will make a statement on the matter. [13833/04]

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 its regions. In 2003, 32 greenfield and expansion job creation projects were announced by IDA Ireland with a projected total job content of nearly 5,600 jobs. This result was achieved against the backdrop of two consecutive years of falling global inflows of foreign direct investment. In 2002, for example, global FDI inflows declined by one-fifth to \$651 billion — the lowest level since 1998. The main factor behind the decline was slow economic growth in most parts of the world, a phenomenon that had an inevitable impact on a small, open, trade-dependent economy such as Ireland.

Looking to 2004, IDA believes that this year will be its best since 2000 in terms of new investments into Ireland and of growth in the value and scale of activities in overseas companies operating here. This view is based on contacts with client companies and strong indications of a substantial recovery in growth in the global economy and consequent increased flows of FDI. IDA is now competing for some very significant, high-value investments. Vigorous pursuit by IDA Ireland of its main policy objectives is the best response to the current challenging environment.

Key features of this approach are as follows: continuing investment promotion activities to generate new flows of FDI into Ireland — this involves pursuing high quality sustainable projects that are in keeping with the competitive characteristics of the Irish economy today and seeking out niches of business in which Ireland can carve out world market leadership to continue the growth and development of the economy; limiting the immediate impact of the global downturn by working closely with foreign owned companies already located in Ireland — this involves concentrating more resources on helping to underpin the competitiveness of these companies by identify new investment opportunities and encouraging them to move up the value chain into higher value products and services and into higher order functions, such as research and development; and working to

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maximise investment levels from sectors less affected by the global economic downturn, such as health care and pharmaceuticals.

As the ultimate decision regarding where to locate a project rests with overseas investors it is difficult to predict the exact number of IDA-supported investment projects announcements that might be made in 2004. However, I am confident that the strategies and policies being pursued by IDA, together with the ongoing commitment of Government to regional development, will bear fruit in terms of maximising new investment and jobs.

Health and Safety Regulations.

72. **Mr. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the maximum distance and time span for a replacement vessel to be available if a company (details supplied) replaces the current two vessel standby/supply boat cover at the Kinsale Head gas field with a single self-relieving dual purpose standby/supply boat, in the event of a breakdown of this single vessel service; and if she will make a statement on the matter. [10235/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): Day-to-day responsibility for the administration and enforcement of occupational safety and health legislation, including the Safety, Health and Welfare (Offshore Installations) Act 1987 and the Safety, Health and Welfare (Offshore Installations) (Emergency Procedures) Regulations 1991, made under that Act, is a matter for the Health and Safety Authority. The regulations provide for the availability of adequately equipped stand-by vessel.

I am informed by the Health and Safety Authority that the company referred to owns two fixed production platforms/installations in the Kinsale Head gas field. One of these platforms has become what is termed a normally unmanned installation and therefore it only presents a risk to personnel when they are on board for maintenance and so on. Processing of gas takes place on the platforms, on one of which personnel are located. As a result, a standby vessel is required to render assistance if required in the event of an emergency. The company currently has a contract for two full-time vessels — one standby vessel and one support vessel. The standby vessel serves the two platforms. The support vessel is also certified and equipped to be a stand-by vessel. Standby boats have crew, medical supplies, medic or paramedic and other supplies on board and two rescue boats attached.

I understand that the company has recently tendered to have a single self-relieving dual purpose stand-by/supply boat vessel. I am informed that there will also be one certified temporary standby vessel capable of carrying supplies and cargo available. When a crew change is needed at a platform, normally every two to

three weeks, the certified standby boat will come out from port and replace the original standby vessel while it goes into port to change crew and get supplies. This temporary standby boat will be certified to be a standby vessel. The Health and Safety Authority has informed me that this arrangement will satisfy regulation 13 of the Safety, Health and Welfare (Offshore Installations) (Emergency Procedures) Regulations 1991, as at all times there will be a certified standby vessel in the vicinity of both platforms which are approximately three nautical miles from each other.

As regards arrangements in the event of breakdown of the single self-relieving dual-purpose stand-by/supply boat vessel, I am informed that the following would apply. The standby vessel has spare replacement parts for the vessel on board, so the likelihood of the standby vessel being down for long is low. Notwithstanding that, each platform has its own self-contained lifeboats capable of reaching Cork harbour on their own. Even if the standby vessel breaks down, it has two fast rescue craft it can launch itself which can be at the installation within minutes. Helicopter backup from Cork Airport or the platform would also be put on a higher state of alert in the event of a standby vessel breakdown.

Unemployment Levels.

73. **Mr. F. McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will give an update on strategies to deal with the high unemployment rate of between 12%-14% in some parts of the State; and to outline any plans to deal with social exclusion. [8888/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): The quarterly national household survey released by the CSO in December 2003 shows that 86,500 persons or 4.6% of the workforce were unemployed. The long-term unemployment rate was 1.4%. Employment growth continued in the third quarter of the year to bring the total number of persons in employment to 1.82 million. In view of the slowdown in global economic growth over the last two to three years, this performance demonstrates retention of a significant job creation capacity in the Irish economy.

With regard to IDA-assisted companies only, there was a net reduction in employment of just over 3,000 in 2003. The work of IDA in attracting FDI and encouraging new rounds of investment from within the existing population of overseas firms in Ireland is just one part of the complex set of activities that Ireland must undertake to underpin the job creation capacity of the economy in a way that will help ensure that in the round, job gains will exceed job losses. The national development plan, national spatial strategy, regulatory and competition policy,

indigenous industry and relevant implementing bodies and agencies also play a key role in this process.

Enterprise Ireland has primary responsibility for indigenous manufacturing and internationally traded services companies employing more than ten people, as well as for inward investment in the food and natural resources sector. Through its network of eight regional offices, Enterprise Ireland aims to ensure that both start-up opportunities and the expansion of existing firms can be achieved with maximum benefit to the regions and their communities. Funding packages for entrepreneurs and business projects in the BMW regions include additional financial supports and incentives to further encourage growth outside of the greater Dublin area.

Enterprise Ireland also works with companies to assist them in improving competitiveness. One such example is Enterprise Ireland's competitiveness fund 2003, which is designed to help small and medium enterprises overcome distinctive competitiveness difficulties. The fund is now closed, with 97 applications, to the value of €11,904,636, having being approved. Under its community enterprise centre programme, Enterprise Ireland supports communities in the provision of local business infrastructure to foster the setting up of new businesses which have the potential to grow. A total of €26 million has been committed to support local communities in providing their own enterprise space over the past four years. In the previous 15 months, capital grants from Enterprise Ireland were approved for 35 communities throughout the country.

FÁS undertakes a range of activities that address the needs of socially excluded groups and long-term unemployed people. Such categories of people participate in the full range of FÁS training and employment programmes and avail of their guidance and advisory services. In addition to availing of mainstream services, FÁS has specific targeted approaches to this category of client.

The national employment action plan, NEAP, adopted by the Government as its response to the European employment guidelines, includes a commitment to a more systematic engagement of employment services with the unemployed. The core orientation of the employability pillar in the EU guideline, which is based on a preventative strategy, is focused on early and systematic intervention with unemployed people, re-integrating them into the labour market as quickly as possible, *inter alia*, by providing them with the necessary skills to improve their employability. The aim of the action plan is to reduce unemployment and prevent the drift into long-term unemployment by assisting unemployed people to return to employment by actively engaging with them at an early stage. Under the NEAP the Department of Social and Family Affairs refers all persons reaching certain thresholds of unemployment for interview by

FÁS. The referral threshold for those aged 25-54 was reduced from nine months to six months in March 2003.

The NEAP is now being rolled out on a phased basis to all persons who are more than six months on the live register and have not been selected for inclusion in the process previously. The process commenced in Dublin in May 2003, followed by the west, the north-west and the midlands in October 2003, with the remaining two regions — south-east and north-east — commencing by the end of 2003. In Dublin some 9,000 persons should benefit from this process over the next 18 months, with an additional 27,000 persons approximately benefiting in the remaining regions.

The Pathways programme was designed by FÁS as a response to the needs of long-term unemployed people to assist them to identify the most appropriate development pathway for them in order to obtain and maintain employment. The programme is of two weeks' full-time duration and is intended to be a highly positive and motivating experience. Participants are allowed to retain social welfare benefits while participating. Each participant finishes the programme with a career path action plan and an appointment with an employment services officer. The first Pathways pilot programme took place in Sligo in July 2003 and it has also been piloted in four locations in Dublin. More than 220 clients attended pilot programmes in 2003. Pathways is being further developed and rolled out during this year.

In January 2003 FÁS introduced a new high supports process, HSP, for job-seekers who are suffering personal barriers to employment. A budget of €1.2 million was assigned for the piloting of the HSP in seven regions. Under the programme, supports are provided for participants identified for inclusion including long-term participants on the job initiative programme as well as job seekers referred to FÁS under the NEAP. Service providers such as the Department of Social and Family Affairs, the Department of Health and Children, the Department of Education and Science, LES, and other organisations as appropriate, participate in and drive flexible local networks of relevant service providers to deliver progression routes to clients under the HSP.

The HSP has been continued in 2004 and will operate as in 2003, with the exception that the process has been extended to cover all regions and not just those identified in the pilot in 2003, thereby extending the process to a greater number of clients. A budget of approximately €1.3 million has been allocated. It is projected that 320 "non-progression-ready" clients and 230 job initiative participants will engage in the HSP in 2004.

The RAPID programme is aimed at targeting Government expenditures on disadvantaged areas in a co-ordinated way. The FÁS contribution to the RAPID programme has been

[Mr. Fahey.] delivered mainly through the prioritisation of existing FÁS programmes. Support provided by FÁS has been through FÁS community services — where the community employment programme is the major element and where RAPID areas continue to be prioritised — FÁS employment services, the local employment service and FÁS training services. As the Tánaiste has previously stated, “Projects and/or places in disadvantaged areas which come under the RAPID initiative are given priority over places outside these areas, subject to budgetary and quality considerations.”

Question No. 74 answered with Question No. 47.

Ansbacher Report.

75. **Mr. Kehoe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of recommendations of the Ansbacher report of 2002 which have been implemented; and if she will make a statement on the matter. [13760/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The inspectors appointed by the High Court to Ansbacher (Cayman) Limited investigated the affairs of the company, drew conclusions based on the evidence before them that named individuals and companies may have breached certain laws and reported back to the Court. Action on the conclusions drawn by the inspectors is a matter for the ODCE, the DPP, the Revenue Commissioners and the Central Bank and Financial Services Authority of Ireland, as the case may be.

The report confirmed the concerns I had for some time about the extent to which companies and their officers complied with the requirements of company and other law. However, I did not wait for the completion of the report before taking action to ensure that any regulatory failures coming within my area of responsibility were dealt with. Accordingly, I introduced the following initiatives: proactive enforcement of the provisions of company law by the establishment and resourcing of the Office of the Director of Corporate Enforcement; increased penalties and additional resources to ensure companies meet their filing obligations with the Companies Registration Office; better oversight and regulation of the accounting and auditing profession by the proposed establishment of the Irish auditing and accounting supervisory authority; establishment of the company law review group on a statutory footing to ensure that the provisions of our company law are appropriate to the needs of Irish society.

Following the commencement of the Company Law Enforcement Act 2001, it is now the statutory responsibility of the Director of Corporate Enforcement to pursue the possible

breaches of the Companies Acts identified in the report. The director has emphasised his determination to take appropriate action on foot of the report. I also note that the Revenue Commissioners have been very active in pursuing tax issues arising from the Ansbacher report and other tax evasion mechanisms.

Job Losses.

76. **Mr. O'Shea** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of redundancies notified to her Department during 2000, 2001, 2002, 2003 and to date in 2004; the projected numbers for 2004; the steps that are being taken to deal with the sharp increase in redundancies; and if she will make a statement on the matter. [13826/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): The number of redundancies notified to my Department in the years specified were 13,316 in 2000, 19,997 in 2001, 25,358 in 2002, 27,702 in 2003 and 8,761 to the end of April 2004. The corresponding figure to the end of April 2003 was 8,115, which means an 8% increase in the number of redundancies notified to my Department so far this year. However, the quarterly national household survey prepared by the Central Statistics Office in March of this year shows that employment growth continued in the fourth quarter of 2003, with an increase of 44,600 or 2.5% in the year on year position.

The development of a competitive economy is a central tenet of generating sustainable employment and growth and is the focus of this Government's policies. Initiatives by the Government and the State development agencies, including reducing the burden of unnecessary regulation, are aimed at helping the country progress towards a knowledge and innovation-driven economy. Ongoing six-monthly assessment of our competitive position will ensure that appropriate and timely actions are taken to address identified weaknesses. In addition, the enterprise strategy group which I established in July 2003 has been given the task of developing strategic policy recommendations for enterprise in Ireland. I expect the group to report to me by the middle of this year.

Work Permits.

77. **Ms McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the promised legislation to put the employment permit regime on a comprehensive and sound statutory footing will be introduced; the reason for the delay in bringing forward the legislation, which was originally promised for 2003; and if she will make a statement on the matter. [13822/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): It is my intention to publish the Bill in question

before the summer recess. A number of significant legal questions are being addressed and it is hoped to resolve these issues shortly.

Job Losses.

78. **Mr. R. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if her attention has been drawn to the background to proposed redundancies in a company (details supplied); if the company has notified her of the justification for this move in accordance with the laws governing redundancy and the arrangement under social partnership; and if there are policy initiatives planned to ease the situation for the workers threatened with redundancy. [13945/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

From inquiries made in this Department we have found that on 27 April 2004, the company concerned wrote to the Tánaiste giving her full notification of the proposed collective redundancies under section 12 of the Protection of Employment Act 1977. The company also stated that the employee representatives had been consulted, as set out in sections 9 and 10 of that Act. I understand that it is proposed to make 70 employees redundant out of a total workforce of 688 employees. There are no initiatives planned in this case.

79. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she proposes to take to bring about replacement jobs for those likely to be lost at a company (details supplied) in Naas, County Kildare; and if she will make a statement on the matter. [14014/04]

80. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she received prior knowledge of the impending closure of a company (details supplied) in Naas, County Kildare; and if she will make a statement on the matter. [14015/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 79 and 80 together.

Champion Automotive, Naas, County Kildare, informed IDA Ireland of its intention to close on 7 May 2004. I understand from IDA Ireland that the facility will be closed in the next few months with the loss of approximately 50 jobs. The news of the intended closure is disappointing, particularly for the workers affected and their families. The company is highly specialised and automated and obtains high levels of productivity. However, due to the extended life expectancy for spark plugs, the market for their product has been declining over the years and the parent company has decided to concentrate its production in the US and UK. On commencement of redundancies, FÁS will make its full range of services available to the company

and the employees, while Enterprise Ireland and the Kildare County Enterprise Board will provide advice and support to any employees interested in starting their own business.

As regards positive developments, there are a number of significant projects in Kildare for which companies are actively recruiting at present. In Newbridge, Wyeth Medica's €70 million investment is being implemented and an active media recruitment campaign is underway. In Leixlip, Intel is actively recruiting, as is Hewlett Packard in Celbridge. IDA Ireland is strongly marketing the Millennium Business Park facility in Naas to prospective investors. I assure the Deputy that the State development agencies under the aegis of my Department will continue to promote the Kildare area for enterprise development.

Question No. 81 answered with Question No. 49.

Price Increases.

82. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she or her Department has examined instances in which the consumers or customers are clearly being ripped off through price hikes; the steps she has taken to address the issue; and if she will make a statement on the matter. [14017/04]

83. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she or her Department has taken to curb price increases which are not in keeping with inflation; and if she will make a statement on the matter. [14018/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 82 and 83 together.

The responsibility of Government in the matter of the prices of goods and services generally is mainly limited to ensuring that markets are working properly for the benefit of consumers and of the economy as a whole. Many people in the country share concerns over the price of goods and services and I emphasise that the Government is acutely aware of the difficulties which price increases pose for the average consumer. However, we must note the progress made in bringing inflation below the Government target of 2% which we set last year and I am pleased to further note that the consumer price index for March showed that the inflation rate fell to 1.3%.

Within this context Forfás has produced reports on consumer price inflation in 2002 and 2003. This has complemented the work of the National Competitiveness Council and the Competition Authority, which undertake on a continuous basis investigations into the competitiveness of the Irish economy and the level of competition within it. These

[Ms Harney.]

investigations highlight the key areas that require attention to enhance Ireland's competitiveness and economic performance.

The Competition Authority is currently involved in investigative work in the insurance, banking and professional services sectors. In regard to professional services, comprehensive studies are being undertaken of eight individual professions, namely medical practitioners, veterinarians, dentists, optometrists, barristers, solicitors, engineers and architects. As the Deputy knows, I have also set up the new consumer strategy group, whose main role is to advise and make recommendations for the development of a national consumer policy strategy. In its performance of this role the group shall be entitled to initiate studies which demonstrate objectively whether or not Irish consumers are getting a fair deal. The group is due to produce a final report to me by the end of 2004.

With regard to other steps taken I must mention the ongoing work of the Office of the Director of Consumer Affairs in undertaking price surveys and bringing the results to the public's attention. I specifically mention the ODCA's late 2003 Price Awareness Pays campaign, which was run on behalf of the anti-inflation group established under the partnership agreement Sustaining Progress. In tandem with and as a follow up to this campaign the ODCA has published the results of price surveys of products such as CDs, petrol, car insurance, drinks prices over a rugby weekend, potatoes and over-the-counter medicines. Consumers have their part to play in acting on this type of information and seeking out the most competitive prices available.

Insurance Industry.

84. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the progress to date in her efforts to reduce public liability insurance costs; and if she will make a statement on the matter. [14019/04]

85. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which she or her Department has taken steps to reduce motor insurance costs; and if she will make a statement on the matter. [14020/04]

86. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she has taken to reduce insurance costs; and if she will make a statement on the matter. [14021/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I propose to take Questions Nos. 84 to 86, inclusive, together.

I am very concerned about the difficulties that are being caused by high insurance premiums. The insurance reform programme I announced

on 25 October 2002 comprises a comprehensive set of inter-related measures designed to improve the functioning of the insurance market. I chair a ministerial committee established to drive the co-ordinated implementation of the reform programme across the relevant Departments and other bodies concerned. Substantial progress is being made on a range of measures that will radically overhaul the functioning of the insurance market and help tackle the high cost of insurance.

The key measures include the following: implementation of the recommendations in the Motor Insurance Advisory Board action plan within a target timeframe — to date, 32 of the recommendations have been fully implemented, four have been partially implemented and work is in progress on the implementation of the other recommendations; establishment of the personal injuries assessment board — the Personal Injuries Assessment Board Bill 2003 completed its passage through the Houses of the Oireachtas on 19 December 2003 and was signed into law on 28 December 2003. The board was established and the members were appointed on 13 April 2004. It is intended that PIAB will commence dealing with employer liability cases from 1 June 2004; the undertaking by my Department and the Competition Authority of a joint study into the insurance market which will identify and analyse barriers to entry and limitations on rivalry in the insurance marketplace. The bulk of the study was completed in 2003 and a preliminary report and consultation document on competition issues in the non-life insurance market was published on 18 February 2004. Following a two-month consultation period, a final report will be published which will contain recommendations based on its findings.

Significant progress has been made by the Department of Transport in the implementation of the road safety strategy. The Government has given approval to the Minister for Transport for drafting the heads of a Road Safety Bill. It is intended that this Bill should be enacted in this Dáil session. The Minister for Justice, Equality and Law Reform published the Civil Liability and Courts Bill on 11 February 2004 and it is currently before the Houses of the Oireachtas. This Bill contains measures to streamline the law relating to personal injury claims, including measures to deal with fraudulent and exaggerated claims.

The MIAB recommendations which Irish Financial Services Regulatory Authority, IFSRA, is charged with progressing deal with issues relating to public information, promotion of competition, transparency and consumer protection. One such recommendation deals with the gathering of statistics on motor insurance and claims costs by IFSRA. On 10 December 2003, IFSRA published its first set of comparative tables of motor insurance quotations on its website, www.ifsra.ie. The motor insurance cost

survey is based on eight driver profiles and is designed to show the range of quotes available for specific drivers in Ireland. Regular surveys will be published on the IFSRA website at three-month intervals. These surveys, which will be of interest to all drivers, demonstrate the advantages of shopping around.

While EU law prohibits the imposition of price control on insurance I have made it clear that I consider there to be an onus on the insurance industry to ensure that the reforms to be taken will have the effect of significantly reducing the cost of premiums to consumers and businesses. Indications to date are that the reform programme is having its desired effect. The CSO publishes monthly indices of costs for a number of classes of insurance. These statistics show that there was a reduction of 12.9 index points, 12.1% , in car insurance between the months of October 2002, when the programme was launched, and March 2004, which is the latest figure available. The reduction in premiums between March 2003 and March 2004 is 14.4 index points, 13.3%. This is a bigger decrease as premiums had continued to rise for some months after the launch of the programme before its effects were evident. As implementation of the reform programme continues, I expect further reductions to occur in all forms of insurance. I am also confident that the measures the Government is putting in place to reform the Irish insurance market will attract new players into the market, leading to further downward pressure on premiums.

Work Permits.

87. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of work permits granted in each of the past three years; and if she will make a statement on the matter. [14022/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey): Data about work permits granted in each of the past three years is as follows:

Year	Number of permits issued
2001	36,436
2002	40,321
2003	47,551

Statistical information on work permits is available on the work permits web page of my Department's website, www.entemp.ie.

88. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of work permits applied for in 2004; the number refused, granted or pending; and if she will make a statement on the matter. [14023/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): Data about work

permits received in 2004 up to 30 April is as follows:

	Number
Applications received	14,591
Work permits granted	13,090
Work permits refused	523
Applications pending	4,191

There is a carryover of work permits application from 2003. Applications which were incomplete or ineligible for consideration are not included in these figures. Statistical information on work permits is available on the work permit's web page of my Department's website, www.entemp.ie.

Departmental Funding.

89. **Mr. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which the budget for 2004 is adequate to meet commitments entered into by FÁS and any likely new commitments; and if she will make a statement on the matter. [14024/04]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):

A total of €837 million has been provided by my Department to FÁS in 2004. Of this, €366 million is allocated to employment programmes, €307 million to training and integration supports and €22.7 million for capital expenditure.

The allocation to employment programmes includes an amount of €351 million, which will support up to 25,000 places across the three major employment schemes — community employment, job initiative and the social economy programme. This allocation is similar to that provided in 2003. Accordingly, participation levels over the three schemes in 2004 are being maintained at 2003 levels. The allocation of €307 million to training and integration schemes in 2004 represents a 3% increase on 2003 investments. FÁS, through the prioritisation and efficient use of resources, will endeavour to maintain activity levels at 2003 levels. The €22.7 million allocation to FÁS's capital subhead this year represents a 65% increase on the level of investment in 2003. This significant increase is being provided to allow FÁS to upgrade its training centres and thereby provide improved services to trainees. The breakdown of funding among regions and schemes is a day-to-day matter for the board of FÁS within the overall policy guidelines set by my Department.

Questions Nos. 90 and 91 answered with Question No. 50.

Question No. 92 answered with Question No. 42.

Commission on the Newspaper Industry.

93. **Mr. Hogan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has plans to review the report of the commission on the newspaper industry; and if she will make a statement on the matter. [14060/04]

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney): I have no plans to review the report of the commission on the newspaper industry, which was published in June 1996.

Pension Provisions.

94. **Mr. F. McGrath** asked the Minister for Defence if the pension issue of a person (details supplied) will be resolved; and if he will work closely with this person's widow. [13969/04]

Minister for Defence (Mr. M. Smith): The person in question is in receipt of a non-contributory pension in accordance with the terms of the Defence Forces (pensions) schemes. She will qualify for a contributory pension under the terms of the contributory spouses' and children's pension scheme in June 2005, when the full contribution liability to the scheme will have been met. At that stage her non-contributory pension will be replaced by the contributory pension.

The husband of the widow in question had been given an option to join the contributory spouses' and children's pension scheme in April 1985. He was informed that in the event of his death before the total contribution liability under the scheme had been discharged, his spouse would not qualify for immediate payment of a contributory pension and that there would be a "waiting period" before this pension commenced to take account of the outstanding contribution liability.

Foreign Military Personnel.

95. **Aengus Ó Snodaigh** asked the Minister for Defence if the facilities at Baldonnel Airport were made available to foreign military personnel during the weekend of 30 April to 3 May 2004; and if so, the forces to which. [14047/04]

Minister for Defence (Mr. M. Smith): A total of ten foreign aircraft from the following countries used Casement Aerodrome during the period 30 April 2004 to 3 May 2004: the United Kingdom, Austria, Denmark, Slovenia, Turkey, Finland, Luxembourg, Portugal, Spain and Sweden. All aircraft carried delegations attending the EU ceremonies on 1 May 2004. Four of these aircraft were military aircraft, namely, those of the United Kingdom, Austria, Denmark and Slovenia.

Grant Payments.

96. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a special beef premium grant cannot be awarded to a person

(details supplied) in County Galway; and if he will make a statement on the matter. [13970/04]

Minister for Agriculture and Food (Mr. Walsh): The person named submitted two applications under the 2003 special beef premium scheme, one on 9 June 2003 in respect of 23 animals and one on 1 December 2003 in respect of 33 animals. Under the EU regulations governing the 2003 scheme a stocking density of 1.8 livestock units per hectare applies, based on the forage area declared on an applicant's area aid application. As the forage area declared on the area aid application of the person named is 9.86 hectares, the number of units that may be calculated for livestock premium purposes is 17.74 livestock units, LU.

The 23 animals on the first application equated with a livestock unit value of 13.8 as each animal was deemed 0.6 LU, while the 33 animals on the second application equated with 19.8 LU with each animal again being deemed 0.6 LU. Thus, the 56 animals in question represented 33.6 LU. Given that the maximum number of units that may be calculated for premium purposes is 17.74, payment is restricted to this number and the relevant payments have been made in full.

97. **Mr. Crawford** asked the Minister for Agriculture and Food when a bull premium and top up slaughter premium will be paid to a person (details supplied) in County Cavan; and if he will make a statement on the matter. [13972/04]

Minister for Agriculture and Food (Mr. Walsh): The person named submitted four applications under the 2003 special beef/bull premium scheme, one on 23 June 2003 in respect of seven animals, one on 7 October 2003 in respect of five animals, one on 20 October 2003 in respect of eight animals and one on 4 November 2003 in respect of one animal. Under the EU regulations governing the 2003 special beef premium scheme a stocking density of 1.8 livestock units per hectares applies, based on the forage area declared on an applicant's area aid application. As the forage area declared on the area aid application is 46.10 hectares, the number of units that may be calculated for livestock premium purposes is 82.98 livestock units.

The reckonable livestock units are obtained in respect of the calendar year as follows: male cattle seven months and up to and including 24 months old on which the producer applies for 2003 special beef and bull premium — 0.6 livestock unit each; male cattle over 24 months old on which the producer applies for 2003 special beef and bull premium — one livestock unit each; ewes on which the producer applies for 2003 ewe premium — 0.15 livestock unit each; notional dairy cows needed to produce 3,982 litres of any milk quota held at 31 March — 1 April 2003 — 1 livestock unit each; suckler cows on which the producer applies for 2003 suckler cow premium — one livestock unit each; heifers eight months and up to and including 24 months on which the

producer applies for 2003 suckler cow premium — 0.6 livestock unit each; and heifers over 24 months on which the producer applies for 2003 suckler cow premium — one livestock unit each.

In this case, the milk quota of 366,683 litres utilises 92.08 livestock units — 366,683 divided by 3,982 — leaving no remaining livestock units to cover special beef premium. Therefore, the person named is not entitled to payment in respect of the 21 animals applied for under the 2003 special beef premium scheme. The person named has been paid the national envelope top up under the 2003 slaughter premium scheme in full in respect of twelve animals. The national envelope top-up is paid on beef breed heifers who have qualified for the slaughter premium 2003 and are at least eight months and under 30 months on the date of slaughter within the EU or when exported live to a non-EU country. Forty animals were slaughtered under the herd number of the person named in 2003, of which twelve were eligible for the top-up.

98. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the 2003 suckler cow grant has not been awarded to a person (details supplied) in County Galway; and if he will make a statement on the matter. [13974/04]

Minister for Agriculture and Food (Mr. Walsh): The person named applied for premium on 40 animals under the 2003 suckler cow premium scheme. When processing the application for payment it was found that the information recorded on CMMS for three animals was inconsistent with that provided by the herd owner and so required further clarification. The queries have now been resolved and payment will issue shortly.

99. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway did not receive the remaining part of their suckler cow grant 2003; and if he will make a statement on the matter. [13975/04]

Minister for Agriculture and Food (Mr. Walsh): The 2003 area aid application for the person named was processed by my Department in respect of 13.82 hectares. Subsequently, it was established that the area contained buildings. This resulted in a revised area determined for payment purposes of 13.65 hectares. The person named was paid €1615.43 on 19 September 2003 under the 2003 area-based compensatory allowance scheme. He was paid €1228.32 in respect of 13.82 hectares of more severely handicapped land at €88.88 per hectare and an additional sum of €387.11 under a compensation package agreed with the European Commission for farmers experiencing losses under the area-based compensatory allowance scheme. The revised area determined for payment is 13.65 hectares at €88.88 per hectare, amounting to €1213.21, resulting in an overpayment of €15.11 under the 2003 area-based compensatory allowance scheme.

An application for premium on 16 animals under the 2003 suckler cow premium scheme was received on 29 January 2003. The 80% advance instalment amounting to €2869.12 issued to the applicant on 29 October 2003. At balancing payment stage the amount of €15.11 overpaid under the 2003 area-based compensatory allowance scheme was recouped from the 20% balance instalment of €717.28 and a cheque for €702.17 issued to the herd owner on 23 March 2004.

100. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a REP scheme 2 grant has not been awarded to a person (details supplied) in County Galway; and if he will make a statement on the matter. [13976/04]

Minister for Agriculture and Food (Mr. Walsh): The agri-environmental plan from the person named has been returned on several occasions for amendment in recent months. The most recent version, received in late March, is being examined at present and my Department will be in touch directly with the applicant when this examination is complete.

101. **Mr. Ring** asked the Minister for Agriculture and Food if he proposes to implement a so-called windfall claw-back on the cap entitlements of the 15,000 or more farmers who sold suckler cow quota during and immediately after the reference years, 2001-03; if so, the provision under which he considers himself legally entitled to apply such a retrospective measure; if he has taken account of the hardship or disadvantage which the move will cause; and if his attention has been drawn to the widespread anger and charges of grossly unfair and punitive treatment which are pouring out in the wake of the claw-back reports in the media. [14006/04]

Minister for Agriculture and Food (Mr. Walsh): Under the EU regulations governing the single payment scheme a member state may provide that a certain percentage of the single payment to be established for certain categories of farmers may be transferred to the national reserve — the so-called windfall profit clause. The categories of farmers concerned are in general those who sold or leased out their holding or part of their holding before 29 September 2003. The provision, if invoked, will not apply to a farmer who within one year of disposing of the holding has either bought or leased in another holding. Likewise, the provision will not apply where the farmer proves to the satisfaction of the member state that the price of sale or lease corresponds to the value of the holding without payment entitlements. These provisions are optional for all member states and a decision on whether or not to invoke the provisions in Ireland will be taken in due course in the context of the setting up of the national reserve.

102. **Mr. Ring** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo is not receiving area-

[Mr. Ring.]
based compensatory allowance for 2003.
[14007/04]

Minister for Agriculture and Food (Mr. Walsh): Applicants under the area-based compensatory allowance scheme must meet a minimum stocking density of 0.15 livestock units per forage hectare of the holding in the year preceding application. However, farmers with some stock who are unable to meet that minimum stocking density but who traditionally qualified for headage grants in respect of cattle and/or sheep may continue to qualify for payment provided their land is being utilised and is not being under-grazed.

The person named, when replying to a letter from this Department, said she had no stock. Accordingly, she was not paid. My Department is

now writing to her setting out why she was not paid, and offering her the usual right of appeal against that decision should she choose to exercise it.

Civil Service Recruitment.

103. **Mr. R. Bruton** asked the Minister for Finance the number of persons recruited by the Civil Service Commission each year since 1998 and the number projected in 2004. [14077/04]

Minister for Finance (Mr. McCreevy): Under the Civil Service Commissioners Act 1956, recruitment to permanent positions in the Civil Service is carried out by the Civil Service Commissioners, who are involved in recruitment to a range of positions in the Civil Service using open competition. The number of persons assigned is as follows:

Year	1998	1999	2000	2001	2002	2003	January 2004-March 2004
Administrative posts	1737	2765	4308	3417	3175	1339	344
Professional and Technical posts	234	285	286	544	570	385	60
Total	1971	3050	4594	3961	3745	1724	404

On occasion, a candidate assigned to a Department may not report for duty. In that instance the Department in question makes a subsequent request to the Civil Service Commissioners.

Departmental Properties.

104. **Mr. R. Bruton** asked the Minister for Finance the trend in the square footage of space rented by the OPW in each year since 1998 and

projected in 2004; and in each year the aggregate rental paid by the OPW in respect of these properties. [14083/04]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works currently manage approximately 1,035,900 sq. m or 11.1m.sq.ft. of accommodation of which 41% — 424,719 sq.m. or 4.5 m.sq.ft. — is leased. The annual cost since 1998 of rental paid including rent reviews, service charges etc. in respect of leased properties is as follows:

Year	sq. m.	€m
1998	296,625	45.03
1999	324,833	46.75
2000	352,593	56.27
2001	382,044	70.81
2002	408,444	98.46
2003	424,719	105.35
2004	430,000*	105.80*

* Estimated

Departmental Programmes.

105. **Mr. R. Bruton** asked the Minister for Finance the aggregate square footage of new works, alterations and additions in each year since 1998 and projected for 2004 undertaken by the OPW; and in each year the average cost per square foot of the respective works. [14084/04]

Minister of State at the Department of Finance (Mr. Parlon): Arrangements are being made by the OPW, as agreed with the Deputy, to have information supplied in response to this question by Friday, 21 May 2004.

Passport Applications.

106. **Mr. Cuffe** asked the Minister for Foreign Affairs the number of Irish citizens, living abroad, who have obtained passports in the past five years for which figures are available; the breakdown of country of residence into the United Kingdom, the European Economic Area, the United States and other countries; and if he will make a statement on the matter. [12725/04]

Minister for Foreign Affairs (Mr. Cowen): The following is the number of passports issued for the years 1999 — 2003 in the countries and areas requested by the Deputy.

Area	1999	2000	2001	2002	2003
United Kingdom	61,813	66,037	64,829	78,066	73,581
European Economic Area	5,388	5,526	5,770	5,791	6,344
United States	11,702	10,978	11,665	13,352	15,601
Other Countries	14,764	16,713	14,784	15,146	14,868
Total	93,667	99,254	97,048	112,355	110,394

The total number of passports issued by the Department of Foreign Affairs, at home and abroad, in 2003 was over 550,000. This is 20,000 more than the previous year and more than double the number of passports issued as recently as 1996.

Human Rights Issues.

107. **Mr. F. McGrath** asked the Minister for Foreign Affairs if steps will be taken to ensure the safe return of the Colombia three (details supplied); and if he will report on their current situation. [13977/04]

Minister for Foreign Affairs (Mr. Cowen): Since the judge's decision in the case was announced on 26 April, officials from our embassy in Mexico, which is also accredited to Colombia, have been in close contact with the Colombian authorities, as well as with the Dutch Ambassador, who is representing our interests, and the Irish Honorary Consul in Bogota.

In all its contacts, the embassy has made clear the importance we attach to ensuring the men's safety, particularly during any time they may spend in the country between leaving prison and returning to Ireland. The Colombian authorities have assured us in response that they share our concerns in this regard, and will provide the men with security for this period. In addition, both the Taoiseach and I have sent personal messages to the Colombian President and foreign minister respectively reiterating the desirability of facilitating the men's early departure from Colombia as the best way of ensuring their safety.

The current position is that the Colombian Attorney General has lodged an appeal against the judgement in the case. The men's lawyers have made a petition to the judge to allow them to leave the country after their release from prison. The judge's decision on this petition is currently awaited. I assure the Deputy that, as from the start of this case, the Department of Foreign Affairs will continue to do its utmost to ensure the safety and well-being of the three men.

108. **Mr. F. McGrath** asked the Minister for Foreign Affairs the Government's position on the torture of Iraqi prisoners by US and British Forces; and if he will make a statement on the matter. [13978/04]

Minister for Foreign Affairs (Mr. Cowen): The Government have from the outset called on all parties in the conflict to respect their obligations

under international law both in regard to the status of civilians and in regard to prisoners of war. The Government's calls are in keeping with the public pronouncements of UN Secretary General Annan. Moreover, Security Council resolution 1483 of 22 May 2003 calls upon all concerned to comply fully with their obligations under international law including, in particular, the Geneva Conventions of 1949 and the Hague Regulations of 1907. The treatment of prisoners of war is specifically covered by the 3rd Geneva Convention. The Government has publicly and strongly condemned any incidents of abuse of prisoners in Iraq by occupying forces which have taken place as contrary to international humanitarian law. Our position has been conveyed to both the US and British authorities. We also noted the response by these authorities in instigating investigations into such abuse, and their commitment to rectify any failure to adhere to international humanitarian law and to take appropriate action. We would also expect that they will implement measures to prevent any possible recurrence of such abuse.

Passport Applications.

109. **Mr. O'Dowd** asked the Minister for Foreign Affairs if a passport will be issued to a person (details supplied) in County Louth. [13989/04]

Minister for Foreign Affairs (Mr. Cowen): The person to whom the Deputy refers was born abroad and is seeking to claim Irish citizenship on the basis of having a grandparent who was born in Ireland. He has been advised by my Department of the documents that are required for this purpose. On the successful completion of this process, the person concerned will be entitled to an Irish passport and his application will be processed by the passport office.

Human Rights Issues.

110. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will report on representations he has made to US authorities on the war crimes committed by US personnel against Iraqi prisoners held at the Abu Ghraib facility in Baghdad; the steps the Government will take to ensure that there is no impunity for persons responsible for these crimes regardless of position or rank; and if the Government will demand that the US allow independent human rights monitors including Amnesty International

[Aengus Ó Snodaigh.]
and the United Nations access to all US detention facilities in Iraq. [14039/04]

Minister for Foreign Affairs (Mr. Cowen): The Government has from the outset called on all parties in the conflict to respect their obligations under international law both in regard to the status of civilians and in regard to prisoners of war. In line with this, the Government has publicly and strongly condemned any incidents of abuse of prisoners in Iraq by occupying forces which have taken place as contrary to international humanitarian law. The Government's calls are in keeping with the public pronouncements of UN Secretary General Annan. Moreover, Security Council Resolution 1483 of 22 May 2003 calls upon all concerned to comply fully with their obligations under international law including, in particular, the Geneva Conventions of 1949 and the Hague Regulations of 1907. The treatment of prisoners of war is specifically covered by the 3rd Geneva Convention. As stated above, the Government has strongly condemned the abuse of prisoners in Iraq, and our concern in this regard has been conveyed to the US and to the British authorities. We have also noted the response of these authorities in instigating investigations into reports of such abuse, and their commitment to rectify any failure to adhere to international humanitarian law. We expect that the authorities will deal with those responsible accordingly, and will implement measures to prevent their recurrence. The International Committee of the Red Cross has access to the US detention facilities in Iraq but we would also welcome wider access for reputable non-governmental organisations. In this regard, I am not aware of the United Nations having requested such access. However, the United Nations Office of the High Commission for Human Rights, OHCHR, is preparing a report on the human rights situation in Iraq which will cover, among other issues, the treatment of persons in detention.

Military Neutrality.

111. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the number of overflight permissions granted to foreign military aircraft on the weekend of 30 April to 3 May 2004; the conditions attached to these permissions; and the specific aircraft involved in each case. [14040/04]

112. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the number of permissions granted to foreign military aircraft to land in the State's airports on the weekend of 30 April to 3 May 2004; the conditions attached to these permissions; and the location of such landings, the specific aircraft involved, the number of military personnel who landed and the duration of their stay in each case. [14041/04]

Minister for Foreign Affairs (Mr. Cowen): I propose to take Questions Nos. 111 and 112 together.

Fourteen military aircraft were granted overflight permission during the period of 30 April to 3 May 2004. As regards landings, permission was granted to 34 foreign military aircraft, including state aircraft transporting VIPs, which are categorised as military aircraft for this purpose, to land at Irish airports during the same period, which spanned the weekend when EU heads of state or Government participated in events in Ireland to mark the accession of ten new member states.

These clearances were granted in accordance with the normal criteria which include the stipulation that the aircraft be unarmed and not carrying any arms or ammunition. It is not the Government's policy to provide specific details of individual requests for overflight and landing applications.

Human Rights Issues.

113. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the case of a person (details supplied) who is serving a 16 year murder sentence in England and to the fact that serious questions have been raised regarding the evidence and the manner in which this case was dealt with by the British justice system; if he has raised or intends to raise the matter with the British authorities; and if he will make a statement on the matter. [14042/04]

Minister for Foreign Affairs (Mr. Cowen): I am aware of this case and I have met with the family of the person in question. On my instructions, the case continues to be closely monitored by my Department through the Irish Embassy in London. The embassy in London remains in contact with both the person himself and his solicitor. I understand that the solicitor is still seeking appropriate grounds on which either to lodge an appeal against conviction or to seek to have the case reopened. This is against the background where the person in question pleaded guilty at his original trial and was given a mandatory sentence.

I can assure the Deputy that my Department will continue to keep in contact with the person concerned, his solicitor and his family, and to provide all appropriate consular assistance and advice. I will consider whether there is any further action that I might take when the legal position has been clarified.

Diplomatic Representation.

114. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs further to Question No. 146 of 31 March 2004, if the Government took no steps to investigate whether the permanent mission of Ireland to the United Nations was bugged, or the Irish representatives put under any form of

surveillance, during the time Ireland held a seat on the Security Council. [14043/04]

Minister for Foreign Affairs (Mr. Cowen): As stated in my reply to the previous question referred to by the Deputy, I am very conscious of the importance of maintaining adequate security arrangements in respect of communication facilities in all the offices of my Department. However, for security reasons, it would not be appropriate to state what measures are taken in this regard in any particular mission. I would like to state again, however, that there is no evidence to suggest that our UN Office was bugged during the time when Ireland held a seat on the Security Council, or at any other time

Superannuation Benefits.

115. **Dr. Upton** asked the Minister for Education and Science if all moneys owed to a person (details supplied) will be reimbursed including interest accruing, that were withheld to this person in lieu of while on a two-year secondment contract to another organisation at which they were also obligated to make superannuation payments. [14438/04]

Minister for Education and Science (Mr. N. Dempsey): My Department will arrange for a refund in full of the net overpayment of superannuation contributions applicable in relation to the secondment period. The Qualifications (Education and Training) Act 1999 provides for superannuation schemes for staff who are direct employees of FETAC, HETAC and the National Qualifications Authority. Draft schemes have been prepared and are awaiting final approval. The schemes will provide for the transfer of pensionable credit from other relevant public sector employments.

Higher Education Grants.

116. **Mr. Neville** asked the Minister for Education and Science the reason the third instalment of the higher education grant was not awarded to a person (details supplied) in County Limerick in view of the fact that students in similar circumstances in other counties have been awarded such a grant. [13944/04]

Minister for Education and Science (Mr. N. Dempsey): I understand that the candidate in question completed the Bachelor of Science course in health, fitness and leisure studies in the 2003-04 academic year. I understand that this degree programme consists of two study blocks of 15 weeks each, separated by a six month work placement in industry.

Under the terms of the third level student support schemes, grant-holders may be paid three equal instalments of the maintenance grant over the duration of the normal academic year. As the course in question ended no later than 31 March 2004, the grant-holders are only entitled to two instalments of the maintenance grant under the

VEC scholarship scheme. This position on the funding of a number of similar courses at Tralee Institute of Technology was confirmed, in writing, to the registrar at the institute in a letter from the Department dated 7 June 2001.

School Staffing.

117. **Ms Enright** asked the Minister for Education and Science the number of schools that will have their teacher allocations cut for the academic year 2004-05; the number of schools that have been informed of this cut in recent weeks; the number of these schools that are classified as disadvantaged by his Department; and if he will make a statement on the matter. [13946/04]

Minister for Education and Science (Mr. N. Dempsey): A total of 246 schools are due to have the number of approved mainstream teaching posts reduced for the 2004-05 school year. For the 2004-05 school year, I have decided that the determination by reference to enrolments in junior and senior classes at 30 September 2003 of teacher posts allocated for disadvantage will remain unchanged. A detailed review of educational disadvantage schemes is nearing completion and this will impact on existing schemes. I hope to announce the outcome of this review shortly.

Special Educational Needs.

118. **Mr. F. McGrath** asked the Minister for Education and Science the long-term education plan for a person (details supplied) in Dublin 3 with a disability; and if they will be given a place when they reach 18 years of age. [13947/04]

Minister for Education and Science (Mr. N. Dempsey): Special schools funded by the Department of Education and Science are intended to cater for children and young persons with special educational needs from four years of age until the end of the school year in which they reach their 18th birthday.

The Department of Health and Children has direct responsibility for provision for young adults over 18 years of age with special needs and my Department provides funding towards the education component of such provision.

Schools Building Projects.

119. **Mr. F. McGrath** asked the Minister for Education and Science if he will grant permission to Gaelscoil Chomcille, Whitehall, Dublin for a new premises, particularly in view of the fact that it has a site; and if he will work closely with the school authorities to resolve this accommodation problem. [13948/04]

Minister for Education and Science (Mr. N. Dempsey): My Department is considering a number of options for the long term accommodation of Gaelscoil Cholmcille including the possible purchase of a site. However, due to

[Mr. N. Dempsey.]
the commercial sensitivities surrounding site acquisitions, the Deputy will appreciate that I am unable to comment on specific site purchase issues.

Residential Institutions.

120. **Mr. Naughten** asked the Minister for Education and Science if he has received a notification (details supplied) from the Department of Health and Children; if the institution will now be included under the terms of the Redress Act; when he hopes to make a decision on the issue; and if he will make a statement on the matter. [13982/04]

Minister for Education and Science (Mr. N. Dempsey): At present, 128 institutions are listed on the Schedule to the Residential Institutions Redress Act. Section 4 of the Act enables additional institutions that are identified as reformatory schools, industrial schools, orphanages, children's homes and special schools, in which children were placed and resident and in respect of which a public body had a regulatory or inspection function, to be added to the Schedule.

My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the Schedule. Discussions have taken place between my Department and other Departments that may have provided a regulatory or inspection function in the operation of these facilities in order to ascertain whether these institutions are in fact eligible for inclusion. The initial information received in some cases was limited due to the long period that had elapsed since these institutions were closed and therefore the process of verifying each of these institutions has been time consuming and is continuing.

It is my intention that a list of additional institutions will be brought before both Houses of the Oireachtas as soon as the verification process is completed. I am sure that the Deputy will appreciate that it is not possible for me to confirm as to whether or not any particular institution will be included until the list of additional institutions is laid before the Oireachtas. However, I can confirm that my Department has received notification from the Department of Health and Children in relation to the institution referred to by the Deputy and it is under active consideration.

Special Educational Needs.

121. **Mr. Hogan** asked the Minister for Education and Science if and when a special needs assistant will be allocated to a school (details supplied) in County Kilkenny; and if he will make a statement on the matter. [13985/04]

Minister for Education and Science (Mr. N. Dempsey): My Department has no record of

having received an application for a special needs assistant from the school referred to by the Deputy. Any application received will be considered in the context of the criteria set out in the relevant Department circulars and the existing level of SER provision in the school.

122. **Mr. Hogan** asked the Minister for Education and Science if a resource teacher will be allocated for persons at Stoneyford National School, County Kilkenny; and if he will make a statement on the matter. [13987/04]

Minister for Education and Science (Mr. N. Dempsey): I can confirm that my Department received applications for special educational resources, SER, for the school referred to by the Deputy. The position is that 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, or 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. The first element is to make a staffing allocation to schools based on a predicted incidence of pupils with special educational needs and the second is to make 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 applications for next September 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.

State Examinations.

123. **Mr. R. Bruton** asked the Minister for Education and Science if he has satisfied himself with the fairness of the system for deciding eligibility for the accommodation on spelling and so on in respect of the leaving certificate examination for persons with dyslexia; if his attention has been drawn to the fact that at least one person granted the accommodation was tested at a substantially higher percentile than those refused; if he has further satisfied himself that all schools are equally equipped to submit the supporting documentation for pupils seeking a waiver and that the appeal system does not re-test the appellant but simply reverts to the original deciding psychologist for their assessment; and if he will make a statement on the matter. [13988/04]

Minister for Education and Science (Mr. N. Dempsey): The issue raised by the Deputy is being considered by the State Examinations Commission, SEC, an independent body established on foot of a Government decision of 6 March 2003.

Special Educational Needs.

124. **Mr. Durkan** asked the Minister for Education and Science when EU regulations pertaining to salary payments to part time teachers employed in special teaching schools will be implemented; and if he will make a statement on the matter. [13990/04]

125. **Mr. Durkan** asked the Minister for Education and Science when PPF will be paid to part time teachers employed in special teaching schools; and if he will make a statement on the matter. [13991/04]

Minister for Education and Science (Mr. N. Dempsey): I propose to take Questions Nos. 124 and 125 together.

The revised rates of pay for part-time teachers in primary schools, including those employed in special schools, will be implemented as quickly as possible. Contact will be made with the management authorities of the schools in question as part of this process.

Special Educational Needs.

126. **Mr. Durkan** asked the Minister for Education and Science if and when provision will

be made available for extra resources to facilitate the urgent need for extra classes for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13992/04]

Minister for Education and Science (Mr. N. Dempsey): The pupil in question is currently in receipt of five hours resource teaching per week together with special needs assistant support in the school referred to by the Deputy. I understand that he is awaiting a placement in a special class for pupils with autism in the area. There are currently ten special classes for children with autistic spectrum disorder operating in primary schools in the Kildare area at a pupil teacher ratio of six to one. My Department also provides funding for the Saplings project, a facility sanctioned on a pilot basis which uses applied behavioural analysis methodologies for children with autism. A total of 30 children are currently enrolled in this facility. In addition, my Department is currently liaising with a primary school in the Kildare area regarding the establishment of two additional special classes for pupils with autism.

It is my intention that all children, including children with autistic spectrum disorders, receive education appropriate to their needs.

Pupil-Teacher Ratio.

127. **Mr. Durkan** asked the Minister for Education and Science if provision will be made for an extra classroom teacher for San Carlos School, Leixlip, County Kildare for pupils progressing to senior infants class in September 2004 who will have a pupil/teacher ratio of 35 to 1; and if he will make a statement on the matter. [13993/04]

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 11 mainstream class teachers based on the enrolment of 312 pupils on 30 September 2002.

Based on an enrolment on 30 September 2003 of 313 pupils, the mainstream staffing for the school year 2004-05 will remain at principal and 11 mainstream class teachers. The enrolment of 313 pupils is significantly less than the required minimum figure required for the appointment of a 12th mainstream class teacher. 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

[Mr. N. Dempsey.]
criteria and application date for appeal were issued recently to all primary schools.

Special Educational Needs.

128. **Dr. Upton** asked the Minister for Education and Science, further to Question No. 122 of 9 October 2003, the position regarding the provision of additional teaching resources to a person (details supplied) in Dublin 6W; and if his Department's school inspector has been in touch with the school in question to sanction the allocation of an additional period to the child. [14038/04]

Minister for Education and Science (Mr. N. Dempsey): The Deputy will be aware that a total of five hours resource teaching support and a full-time special needs assistant was sanctioned for the pupil in question and has been in place since the beginning of the 1999-2000 school year. This is the maximum level of resource teaching available under my Department's circular. The Deputy may be interested to know that my Department is at present reviewing existing arrangements for the allocation of special educational supports to primary schools. In that context, my officials have been involved in ongoing discussions on a weighted system of allocation with representative interests. At this stage it would be premature to anticipate the outcome for the school in question. I can confirm, however, that the basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

Pending the introduction of the weighted system, schools are advised to refer to the circular 24/03, which was issued in September 2003. This circular contains practical advice on how to achieve the most effective deployment of resources already allocated for special educational needs within the school. The weighted system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements. First, to make a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and, second, to make 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 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.

Educational Projects.

129. **Ms Shortall** asked the Minister for Education and Science if he has received the final report of the review of an establishment (details supplied) in Dublin 11; the main recommendations of the report; and when he intends to publish it. [14046/04]

Minister for Education and Science (Mr. N. Dempsey): I have received the report of the review of the operation of the Finglas child and adolescent centre. As the Deputy is aware, this review was commissioned in March 2004 in the light of concerns raised about the operation of the centre by key stakeholders both internal and external to the centre. 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 impacting on the task of caring for troubled children and to make recommendations to address the shortcomings identified.

Following consideration of the report I propose to release it to the various stakeholders shortly. I will also arrange for a copy of the report to be made available to the Deputy.

Special Educational Needs.

130. **Dr. Upton** asked the Minister for Education and Science if he will review the special needs of a person (details supplied) in Dublin 12 and take steps to ensure that they obtain the one-to-one assistance needed. [14062/04]

Minister for Education and Science (Mr. N. Dempsey): The school in question is a special school for pupils with a moderate general learning disability. Such schools generally operate at a ratio of one special needs assistant, or SNA, per two class groups of eight pupils each. The school currently has 18 SNAs caring for 86 pupils. My Department considers that the staffing complement is adequate to cater for the number of pupils attending the school. It is a matter for the school management to arrange the most effective deployment of resources available to meet the needs of the pupil in question.

131. **Dr. Upton** asked the Minister for Education and Science if he will again review the case of a person (details supplied) in Dublin 6W. [14063/04]

Minister for Education and Science (Mr. N. Dempsey): The application referred to by the Deputy has been reviewed by my Department. The position is that my Department considers that satisfactory education facilities exist in the State to meet the person's educational needs. In the circumstances, funding will not be made available by my Department for the person in question to attend school abroad.

132. **Mr. Durkan** asked the Minister for Education and Science if provision can be made for a bus service for children living in the Donadea area who are attending the Irish school in Maynooth (details supplied); and if he will make a statement on the matter [14205/04]

Minister for Education and Science (Mr. N. Dempsey): A report on this case has been requested from Bus Éireann. The Deputy will be advised of the position as soon as the report has been received and assessed.

Fisheries Protection.

133. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources the outcome of an investigation regarding the dumping of farmed salmon by persons (details supplied); if sanctions have been imposed on these persons; if residues of a banned chemical suspected of being carcinogenic have been found in salmon on a farm in Connemara, County Galway; if so, the action which has been taken to prevent the banned substance from entering the food chain; and if he will make a statement on the matter. [13960/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): As I indicated in my reply to Question No. 121 of 24 February 2004, investigations have been carried out in respect of matters relating to the discovery last summer of salmon buried on land near Casla, County Galway. As proceedings are pending, it would not be appropriate to comment further on the matter at this time.

My Department continues to carry out regular residue testing in accordance with the requirements laid down under European legislation. I can confirm that there has been a case where an unapproved chemical was detected at a site in Connemara in the course of my Department's residue testing programme. I do not wish to comment in detail on this case given that legal proceedings may arise. My Department acted immediately on receipt of the positive residue test result. An immediate restriction on the sale or movement of any stock from the suspected site was put in place. A programme of additional sampling was carried out. Officials from my Department carried out an investigation to ensure that any potentially contaminated stock was identified and isolated. Investigations into this case and related matters are continuing.

134. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources if ovigerous lice levels on salmon farms in Connemara, County Galway are in some cases ten times above the level set in his Department's protocols; the penalties which have been imposed in these circumstances; and the action which has been taken to ensure the survival of wild sea trout smolts migrating to sea. [13961/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): A comprehensive system of monitoring and control

of sea lice levels at marine finfish farms is operated on behalf of my Department by the Marine Institute. Certain inspections carried out at some fish farms in Connemara this year have found elevated levels of lice which in a limited number of cases have been of the magnitude suggested by the Deputy. In any such cases, the operators of the farms have been required to take appropriate action to reduce the lice levels. My Department has also emphasised to them the importance of taking all necessary and appropriate steps, on an ongoing basis, to control lice levels at their farms.

The Department and the Marine Institute are monitoring the situation closely and will ensure that any further measures that may be required for dealing with the position are adopted. In the event of a failure on the part of a farm operator to comply with relevant requirements or to co-operate in taking the action necessary to control lice levels, the question of taking action against the operator would fall to be considered.

135. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received a submission from the National Coarse Fishing Federation of Ireland; if he has examined its contents with a view to offering advice, assistance or funding towards the meeting of the objectives set out therein; and if he will make a statement on the matter. [14036/04]

Minister for Communications, Marine and Natural Resources (Mr. D. Ahern): I am advised that the submission, dated 7 May 2004, to which the Deputy refers was received by my colleague, the Minister of State, Deputy John Browne, earlier this week. As the Deputy may be aware, I recently commissioned a fundamental review of the inland fisheries sector, which is ongoing. The independent consultants undertaking the review are required, *inter alia*, to evaluate the adequacy of the current model for the governance of the inland fisheries sector and to recommend a structure which will contribute to the optimum development of the inland fisheries resource in Ireland. I expect that this review will address all aspects of coarse fishing also. I can assure the Deputy that the submission from the national coarse fishing federation of Ireland will be considered fully by my Department in the context of the current ongoing review of the inland fisheries sector.

Sports Capital Programme.

136. **Mr. Ring** asked the Minister for Arts, Sport and Tourism the details of all the organisations in County Mayo which received grant aid from the sports capital programme; the name of each organisation; and the amount granted to each. [13971/04]

137. **Mr. Ring** asked the Minister for Arts, Sport and Tourism the organisations which applied for funding under the capital sports programme 2004; when each organisation applied; the amount of funding each organisation

[Mr. Ring.]
applied for; and the amount granted to those which were successful. [14003/04]

138. **Mr. Ring** asked the Minister for Arts, Sport and Tourism the organisations in County Mayo which applied for grant aid under the capital sports programme 2004; when each organisation applied; the amount of funding each organisation applied for; and the amount granted to those which were successful. [14004/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 136 to 138, inclusive, together.

The 2004 national lottery-funded sports capital programme was advertised in the national newspapers on 30 November and 1 December 2003. The deadline for receipt of applications was 5 p.m. on 16 January 2004. A total of 1,304 applications were certified as having been received before that deadline and these were evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme.

Following this evaluation process, I announced on Friday last, 7 May, provisional funding allocations totalling €50.8 million to 717 projects.

I will shortly be making further announcements under the 2004 sports capital programme in respect of funding for projects of major significance which, while meeting local needs, will also add considerably to the national and regional sporting infrastructure which is required both for increasing levels of participation and improving standards of performance. In keeping with

Government policy, the allocations reflect special priority for the development of sports and recreational facilities in areas designated as disadvantaged, that is, RAPID, CLÁR and local drugs task force areas. Projects that have been allocated sports capital funding in designated disadvantaged areas may also receive additional top-up funding under the CLÁR and RAPID programmes, administered by the Department of Community, Rural and Gaeltacht Affairs. A statement will issue from the Minister for Community, Rural and Gaeltacht Affairs, Éamon Ó Cuív, at a later stage regarding top-up funding allocations under these programmes.

Letters are currently being prepared and will issue in the coming days to all applicants. Those awarded provisional grant allocations will be informed of the requirements to be fulfilled to enable them to draw down their grant including compliance with public tendering processes, legal and tax clearance requirements and the submission of invoices in respect of completed work on the project. Those which were unsuccessful this year will be given the reasons and a copy of the assessment of their application. The attached schedule contains the full listing for each applicant of the provisional grant amount and amount sought under the 2004 sports capital programme, beginning with County Mayo, and then reverting to alphabetical county order. Where the 'Sought' column is blank, this indicates that the applicant did not supply this information on the application form.

The following are the provisional grant allocations made to projects in County Mayo:

Grantee	Amount €
Swinford Amenities Development Company Ltd	200,000
Foxford Sports and Leisure Centre	200,000
Knockmore GAA Club	170,000
Breaffy GAA Club	100,000
Straide and Foxford United AFC	100,000
Ballyvary-Keellogues Development Company	90,000
St. Patrick's GAA Club Westport	90,000
Balla GAA Club	90,000
Lahardane McHales GAA Club	80,000
Ballinrobe Town Soccer Club	60,000
Claremorris AFC	55,000
Ballyglass Association Football and Social Club	50,000
Ballyheane Football Club	45,000
Eastern Gaels GAA Club	45,000
Ballinrobe Rugby Football Club	45,000
Swinford Soccer Club	40,000
Carracastle Community Council	35,000
Lacken Sports and Recreation Association Ltd	30,000
Bangor Hibs FC Ltd	25,000
Mayo Gaels GAA Club	25,000
Swinford Handball Club	10,000
Western Lakes Cycling Club	5,000
Kilmaine Boxing Club	4,000

Sports Capital Programme 2004 Applications for Funding

Co. Mayo

County	Applicant	Grant €	Sought €
<i>Mayo</i>		1,594,000	7,083,189
	Achill Island Golf Club	0	41,547
	Balla GAA Club	90,000	120,000
	Ballina Golf Club	0	400,000
	Ballinrobe Community School	0	265,125
	Ballinrobe Rugby Football Club	45,000	93,415
	Ballinrobe Town Soccer Club	60,000	80,000
	Ballycastle Community Hall Ltd	0	120,000
	Ballycastle GAA Club	0	42,365
	Ballycroy Community Council Ltd.	0	495,000
	Ballycroy Field Management Co. Ltd.	0	86,295
	Ballyglass Association Football and Social Club	50,000	67,310
	Ballyheane Football Club	45,000	65,300
	Ballyvary-Keellogues Development Company	90,000	135,000
	Bangor Hibs FC Ltd	25,000	50,744
	Barnacarroll Cultibo Enterprises Ltd.	0	19,000
	Belcarra Sports Centre	0	400,000
	Breaffy GAA Club	100,000	200,000
	Carracastle Community Council	35,000	50,790
	Castlebar Celtic Football Club	0	286,023
	Castlebar Mitchels GAA Club	0	265,000
	Castlebar Rugby Football Club	0	58,000
	Charlestown Bellaghy & District Sports Complex	0	107,390
	Claremorris AFC	55,000	74,497
	Conn Rangers AFC Ltd	0	61,600
	Eastern Gaels GAA Club	45,000	59,200
	Foxford Sports and Leisure Centre	200,000	250,000
	Glenans Irish Sailing Association	0	125,311
	Glencorrib Community Sportsfield Trustees/ Glencorrib and Border Ramblers GAA Club	0	80,000
	Graine Uaile Sub Aqua Club	0	24,490
	Kilmaine Boxing Club	4,000	5,000
	Kiltane GAA Community Complex	0	105,000
	Kiltimagh/Knock United Soccer Club Ltd	0	205,064
	Knockmore GAA Club	170,000	212,962
	Knockmore/Rathduff Economic & Social Development Company Ltd.	0	306,550
	Lacken Development Association Ltd	0	120,000
	Lacken Sports and Recreation Association Ltd	30,000	69,500
	Lahardane McHales GAA Club	80,000	146,410
	Manulla Sporting Club	0	273,889
	Mayo Gaels GAA Club	25,000	30,000
	Mulranny Western Holdings Ltd	0	40,000
	Newport Handball Club	0	30,000
	Snugboro United Football Club Ltd	0	158,000
	Straide and Foxford United AFC	100,000	143,688
	St. Louis' Community School Kiltimagh	0	500,000
	St. Patrick's GAA Club Westport	90,000	125,500
	Swinford Amenities Development Company Ltd	200,000	250,000
	Swinford Handball Club	10,000	14,000
	Swinford Soccer Club	40,000	76,000
	Vally Rovers Football Club	0	142,624
	Western Lakes Cycling Club	5,000	5,600

Sports Capital Programme 2004 — Applications for Funding

Remainder of the country

County	Applicant	Grant €	Sought €
<i>Carlow</i>		632,000	1,415,490
	Bagenalstown Soccer/Tennis/Pitch and Putt Club	60,000	74,000
	Ballon GAA Club	40,000	53,568
	Ben Mulhall Memorial Park Association	60,000	100,000
	Carlow Golf Club	0	100,000
	Carlow Sports and Social Club	20,000	50,000
	Dr. Cullen Park Committee c/o Coiste Condae Ceatharloch CLG	0	200,000
	Eire Og GAA Club	200,000	262,823
	Myshall-Drumphea Sports Council Ltd	0	170,000
	New Oak Boys Football Club	2,000	3,124
	Old Leighlin Basketball Club	10,000	12,000
	Old Leighlin GAA Club	10,000	10,460
	Palatine GAA (Cnoc Arda)	45,000	50,000
	Rathanna Community Group	0	90,000
	Rathvilly GAA Club	45,000	50,000
	St. Patrick's Boys AFC	70,000	95,000
	Tinryland GAA Club	70,000	94,515
<i>Cavan</i>		925,000	2,849,130
	Bailieborough Swimming and Leisure Centre	0	143,752
	Baillieborough Shamrocks GAA Club	0	33,800
	Ballinagh Leisure and Sports Complex Trust Ltd	70,000	105,000
	Ballyhaise Multi-purpose Sports Facility c/o Ballyhaise GAA Club, Annalee Athletic Club	20,000	92,414
	Ballyjamesduff Soccer Club	50,000	60,000
	Castlerahan GAA Club Ballyjamesduff	0	90,000
	Cavan Amateur Boxing Club	0	5,000
	Cavan Town Council — Tullacmongan Pitches	50,000	120,651
	Coiste Bhreifne u Raghallaigh an Cábhan	0	200,000
	Cootehill GAA Club	20,000	36,580
	Crosserlough GAA Club	70,000	105,000
	Drumalee GAA Club	15,000	25,500
	Drumgoon GAA Club	0	130,000
	Drung GAA Club	0	300,000
	Kill Community Development Limited	60,000	92,600
	Killeshandra Leaguers GAA Club	0	150,000
	Kingscourt Handball and Racquetball Club	100,000	134,254
	Lacken Celtic GAA Club	150,000	250,000
	Laragh Area Development Group Limited	0	98,998
	Loch Gowna GAA Club	0	152,296
	Mullahoran GAA Club	80,000	150,000
	Shercock Sports & Recreation Facilities Ltd	65,000	103,285
	St. Mary's Brass and Reed Band	0	20,000
	Templeport St. Aidan's GAA Club	100,000	150,000
	Virginia Rugby Football Club	75,000	100,000
<i>Clare</i>		1,027,000	4,168,664
	Banner GAA Club	30,000	50,000
	Burren Sub Aqua Club Ltd	20,000	28,484
	Clonlara Leisure Athletic & Sports Society Ltd.	150,000	200,000
	Corbally United Football Club	0	230,000
	Corofin Community GAA Development	20,000	27,000
	Cratloe GAA Development Committee	150,000	190,000
	East Clare Golf Club	0	165,325

County	Applicant	Grant €	Sought €
Cork	Ennis RAPID Community Assembly	90,000	154,869
	Ennis Sub Aqua Club	20,000	31,272
	Ennis Town Council — Lees Road Centre	0	1,314,428
	Ennistymon Recreation and Leisure Centre	22,000	25,000
	Killaloe Ballina Tennis Club	25,000	33,000
	Killmurry GAA Club	25,000	28,000
	Kilmaley Sports and Leisure Complex	0	187,972
	Lifford Oldtown Football Club	50,000	85,000
	Meelick GAA Club	45,000	50,000
	Park Rangers AFC	5,000	6,500
	Parteen St Nicholas GAA Club	30,000	37,000
	Scariff GAA Club	0	110,000
	Seanchonill Sports Centre	0	396,388
	St. Breckan's GAA Club Lisdoonvarna	40,000	80,426
	St. Senan's Rugby Football Club	160,000	210,000
	Tulla Soccer Club	70,000	255,000
	Wolfe Tones Camogie Club	75,000	97,000
	Wolfe Tones na Sionna GAA Club	0	176,000
		4,874,000	23,696,715
	Aghada GAA Club	0	295,000
	Ardfield/Rathbarry Rowing Club	7,000	10,000
	Ballincollig GAA Club	70,000	90,000
	Ballydehob Community Association Limited	0	93,055
	Ballyhea GAA Club	90,000	121,000
	Ballymartle GAA Club	0	152,000
	Ballyphehane Community Association	0	350,000
	Baltimore Sailing Club	35,000	52,483
	Banteer Community Sportsfield Ltd	45,000	54,429
	Banteer Youth Club	1,000	2,100
	Bantry Rowing Club	8,000	14,911
	Bishopstown Hurling and Football Club	50,000	70,000
	Blackpool Community Co-op Service Centre Ltd	40,000	55,356
	Blackrock National Hurling Club	0	200,000
	Blarney GAA Club	50,000	126,000
	Boherbue GAA Club	25,000	29,400
	Ból Chumann Na hÉireann	0	160,840
	Brian Dillon's GAA Club	100,000	151,040
	Carrigaline United AFC	0	44,098
	Casement Celtic Football Club	26,000	30,000
	Castlelyons GAA Club	65,000	77,000
	Castletown Kinneigh Table Tennis Club	0	120,000
	Charleville Rugby Club	60,000	72,675
	Clonakilty Enterprise Board Ltd	0	50,000
	Clonakilty GAA Club	100,000	226,467
	Clonakilty Rugby Club	70,000	81,232
	Coachford Soccer Club	75,000	85,000
	Cobh GAA Club	80,000	200,000
	Cobh Pirates R.F.C	0	51,212
	Cobh Ramblers Football Club	0	265,000
	College Corinthians AFC	250,000	1,930,388
	Community and Renewal Enterprises	150,000	225,000
	Cork Amateur Weightlifting Association	0	1,000
	Cork Boat Club	0	25,997
	Cork City Council — Fairfield Dressing Rooms	90,000	130,000
	Cork City Council — Mahon Sports Project	100,000	140,000

County	Applicant	Grant €	Sought €
	Cork City Council — Togher Community Association/Ballyphehane Community Association	80,000	100,000
	Cork County Cricket Club	4,000	5,000
	Cork Co. Council — Powerscourt Housing Estate, Mallow	70,000	112,000
	Cork CSI Campsite Activity and Sports Centre	50,000	60,000
	Crosshaven Rowing Club	6,000	11,300
	Crosshaven Rugby Football Club	0	31,500
	Cuman Peile Mhichil Naofa	40,000	50,000
	Cumann Camoga ochta Iniscartha	40,000	58,908
	Cumann Iomána ochta agus Peile Baile na mBocht (Mayfield GAA)	30,000	40,000
	Cumann Iomána ochta Cloch Dhubh (Cloughduv Hurling Club)	180,000	217,341
	Davis College Community Facility, Mallow	0	194,964
	Dolphin Swimming Club	0	2,027
	Donoughmore Hurling and Football Club	20,000	26,200
	Dromina GAA Club	50,000	64,000
	Dromtariffe GAA Club	40,000	56,000
	Durrus and District Community Council	150,000	240,000
	Fermoy Boys/ Girls Amateur Boxing Club	5,000	7,000
	Fermoy Concert Band	0	19,355
	Fermoy GAA Complex	0	60,800
	Fermoy Rowing Club	35,000	45,000
	Fishermen's Rowing Club, Cobh	0	4,200
	Freemount GAA Club	35,000	41,669
	Glandore Harbour Yacht Club	10,000	14,744
	Goleen and District Community Council	0	150,000
	Harlequins Cricket Club	0	8,961
	INE Church of Ireland Cork Young Mens Association	200,000	250,000
	Irish Amateur Rowing Union	0	1,500,000
	Kanturk AFC	60,000	70,560
	Kanturk Cycling Club	15,000	24,272
	Kilcrohane Development Association	0	40,000
	Kilmacabea & Glandore Rowing Club	8,500	12,770
	Kilshannig GAA Club	250,000	400,000
	Kinsale and Dock Rowing Club	0	11,232
	Kiskeam GAA Club	30,000	50,000
	Leeds AFC	25,000	30,955
	Leevale Athletic Club	15,000	20,000
	Lisgoold GAA Club	30,000	34,782
	Lismire GAA Club	40,000	47,000
	Lismire Youth Club	0	2,000
	Lombardstown Tennis Club	20,000	24,500
	Lyre Community Sports & Cultural Association	0	300,000
	Lyre Rovers FC	35,000	52,210
	Mahon Association Ltd	0	4,186,949
	Mallow GAA Club	400,000	500,000
	Mallow RFC	0	148,000
	Mallow Town Council — Gymnasium	0	324,000
	Mallow Town Council — Sandfield Playing Pitch	25,000	30,400
	Mallow Town Council — Woodview Drive Playing Pitch	40,000	56,800
	Mayfield United AFC	0	361,275
	Millstreet Town Park	15,000	24,830
	Mitchelstown Rugby Team	2,500	3,080
	Mourneabbey Community Council	100,000	120,000
	Munster Branch IRFU — Musgrave Park	0	1,000,000
	Munster Football Association — Turner's Cross	0	800,000
	Myross Rowing Club Ltd	0	9,350
	Na Piarasigh Hurling and Football Club	300,000	800,000

County	Applicant	Grant €	Sought €
	Nemo Rangers GAA Club	200,000	2,000,000
	Newmarket GAA Club	0	110,000
	Newtown Shandrum GAA Club	60,000	70,000
	Old Christians Rugby Football Club	0	190,000
	Páirc Na Choláist , Charleville	0	500,000
	Passage Soccer Club	50,000	76,000
	Passage West Rowing Club	0	13,475
	Rapthpeacon GAA Club	0	36,725
	Rathluirc GAA Club	65,000	83,000
	Ringmahon Rangers	100,000	161,840
	Riverstown Amateur Boxing Club	0	5,600
	Rockchapel GAA Club	50,000	66,458
	Roscarbery Rowing Club	6,000	8,290
	Rushbrooke Rowing Club	7,000	10,683
	Rylane Boxing Club	4,000	5,950
	Schull Yawl Rowing Club	4,000	7,700
	SMA Parish Community Sports Centre, Cork City	0	500,000
	Sovereign Dive Club	0	24,000
	Spirit of Kinsale Yawl Rowing Club	0	20,000
	St. Anne's Pitch & Putt Club, Blarney Road	15,000	17,000
	St. Catherine's GAA Club	40,000	45,000
	St. Colman's College Fermoy	0	26,950
	St. Finbarr's Pipe Band, The Glen	0	8,000
	St. James' GAA Club, Clonakilty	0	294,000
	St. Joseph's Foundation, Charleville	70,000	86,430
	St. Mary's Association Football Club	15,000	19,732
	St. Oliver Plunkett GAA Club	50,000	63,000
	St. Patrick's Youth Group Band, Bandon	0	30,000
	St. Vincent's Hurling & Football Club	0	300,000
	Sunnyside Amateur Boxing Club	5,000	6,000
	Tadhg Mac Carthaigh GAA Club	15,000	70,000
	Togher Athletic Club	0	4,040
	Tullylease Community Council	0	55,000
	Whitechurch & Waterloo Community Association	25,000	38,590
	Whitegate Rowing Club	0	8,635
	Youghal GAA Club	50,000	96,000
Donegal		1,802,000	13,030,440
	Aodh Ruadh GAA Park Development Committee	100,000	151,500
	Ballybofey and Stranorlar Golf Club	0	68,139
	Ballyshannon Leisure Centre Management Limited	0	320,000
	Buncrana Golf Club	0	150,000
	Buncrana Youth & Community Development	0	500,000
	Bundoran GAA Club	0	120,000
	Cappry Rovers FC	30,000	52,164
	Castlefinn Partnership Initiative Ltd	0	490,598
	CLG Carndomhnaigh (Carndonagh GAA)	0	375,000
	CLG Ghleann Fhinne (Glenfinn GAA)	50,000	80,000
	CLG na Cealla Beaga (Killybegs GAA)	65,000	76,149
	Cockhill Celtic Football and Youth Club	0	47,110
	Convoy Arsenal F.C.	0	47,000
	Creelough 2000 Project	0	250,000
	Curragh Athletic/CAKE Ltd	0	100,000
	Deele Community Sports Development Committee	0	56,000
	Desertegney Youth Club	0	30,000
	Donaghmore GAA Setanta Hurling Club	0	18,500
	Donegal Motor Club	0	28,000

County	Applicant	Grant €	Sought €
	Donegal Town Basketball Club	0	
	Donegal Town Soccer Club	25,000	31,978
	Dunkineely Celtic F.C.	0	88,000
	Eany Celtic Football Club/Inver Community Development Co-Op	0	51,200
	Erne Enterprise Developement Company Ltd.	0	300,000
	Finn Harps Co-Op Society Ltd.	0	2,179,489
	Foresters Sport & Social Club, Killybegs	0	1,000,000
	Gaeil Phanadha CLG	130,000	178,435
	Glenswilly GAA Club	80,000	128,000
	Greencastle Community Development Company	0	241,833
	Gweedore Celtic Football Club	0	50,000
	Inishowen Football League	100,000	176,750
	Inishowen Sub-Aqua Club	15,000	26,512
	Inniskeel Athletics Club / Parents Association	0	110,833
	Letterkenny Athletic Club	0	20,400
	Letterkenny Blaze Basketball Club	3,000	5,322
	Letterkenny Community Centre Ltd	0	
	Letterkenny Golf Club	0	200,000
	Letterkenny Rugby Club/Letterkenny Gaels GAA Club	0	712,268
	Letterkenny & District Caledonia Pipe band	0	20,938
	Lifford Athletic Club	175,000	247,078
	Manorcunningham Orange Hall Bowling Club	10,000	11,295
	Milford Park Development Committee	100,000	200,000
	Moville Celtic FC	90,000	117,859
	Moville Community Complex Development Company Ltd	0	10,026
	Naomh Conaill (St. Connel's) GAA Club	70,000	115,500
	Naomh Pádraig GAA Club, Muff	0	50,000
	Ozanam Community and Sports Centre, Dunfanaghy	170,000	227,198
	Quigleys Point Community Centre Ltd	135,000	165,312
	Raphoe Hockey Club	8,000	11,000
	Ray Athletic Youth Club	0	60,000
	Red Hughs GAA Club, Killygordon	85,000	102,000
	Redcastle Community Development Ltd	70,000	100,000
	Robert Emmets GAA Club	20,000	25,000
	St. Catherine's Accordion Band — Killybegs	0	3,000
	St. Eunan's GAA Club	150,000	2,600,000
	St. John Bosco Club, Milltown	40,000	80,000
	St. Johnston Cricket Club	5,000	6,300
	St. Michael's GAA Club	75,000	160,000
	St. Patrick's GAA Club, Malin	0	128,000
	St. Patrick's Park Trust, Carndonagh	0	107,119
	Twin Towns Amateur Boxing Club	1,000	1,635
	Whitestrans Football Club	0	20,000
Dublin		11,941,000	66,586,888
	Aerlingus Divers	0	24,000
	Aquamarine Divers	0	18,200
	Athletic Union League	35,000	40,000
	Aughrim Street Scout Unit	0	9,960
	Avoca Hockey Club and Newpark Comprehensive School	250,000	350,000
	Ayrfield Community Association	0	26,000
	Ayrfield United FC	0	23,000
	Balbriggan Rugby Football Club	0	600,000
	Baldoyle United	0	250,000
	Ballinteer St. John's GAA Club	0	250,000
	Ballyboden St. Enda's GAA Club	200,000	600,000
	Ballyboden Wanderers GAA Club	100,000	125,000

County	Applicant	Grant €	Sought €
	Ballybrack Football Club	30,000	40,000
	Ballybrack/Loughlinstown Boxing Club	80,000	110,000
	Ballyfermot Leisure Co-operative Ltd	150,000	323,000
	Ballymun Kickhams	0	120,000
	Ballymun Regeneration Ltd — Balcurris Park	40,000	55,000
	Ballymun Regeneration Ltd. — Coultry Park	40,000	90,000
	Ballymun Regeneration Ltd. — Meakstown Equestrian Arena	0	2,250,000
	Ballymun Regeneration Ltd. — Poppintree Centre	0	2,000,000
	Ballymun Regional Youth Resource	300,000	471,555
	Ballymun United FC	300,000	1,272,588
	Basketball Ireland	150,000	200,000
	Bay City Amateur Boxing Club	2,000	4,000
	Belgrove Football Club	0	200,000
	Blakestown Mountview Youth Initiative and Blakestown Mountview Neighbourhood Youth Project	15,000	30,312
	Bushido Kickboxing Karate Palmerstown	4,000	10,500
	Cabra Panthers Amateur Boxing Club	2,000	3,570
	Castleknock Lawn Tennis Club	0	375,185
	Catholic Youth Care outdoor bounds programme	5,000	11,158
	Cherry Orchard Football Club	0	225,000
	City of Dublin YMCA	250,000	528,936
	Citywise, Jobstown	0	48,575
	Clann Mhuire GAA Club	65,000	101,599
	Clanna Gael Fontenoy GAC	0	295,600
	Clondalkin Athletic Club	2,000	2,174
	Clondalkin Gymnastics Club	3,000	6,500
	Clondalkin Rugby Football Ltd.	30,000	40,000
	Clondalkin Sports & Leisure Centre	300,000	384,000
	Clonsilla Historical Society	0	13,920
	Clontarf Cricket Club	20,000	21,500
	Clontarf GAA Club — Seafield Road grounds	140,000	200,000
	Clontarf GAA Club — St Anne's Park pitches	0	250,000
	Clontarf Lawn Tennis Club	50,000	80,000
	Clontarf Yacht & Boat Club	0	180,000
	Coiste Atha Cliath CLG (Dublin Co. GAA Board) — Parnell Park	0	225,000
	Commercial Rowing Club	65,000	86,000
	Coolmine Community School Sports Complex	200,000	306,503
	Coolmine Rugby Football Club	350,000	366,000
	Croí Ró Naofa GAA club	140,000	224,000
	Crumlin Bowling Club	0	100,000
	Cuala GAA Club	80,000	120,000
	Cumann Báire Setanta	150,000	250,000
	Cumann Naomh Maur	60,000	99,451
	Cumann Rás Tailteann — FBD Milk Rás	5,000	7,623
	Cycling Ireland — Corkagh Park	0	387,207
	Cycling Ireland — National Cycling Safety School, Eamon Ceannt Park	85,000	102,250
	DCC — Northway Estate	0	7,000
	DCC — Albert College Park	0	7,000
	DCC — Brickfield Park Dressing Rooms, Drimnagh	100,000	200,000
	DCC — Bushy Park pitches	0	56,000
	DCC — Bushy Park Skateboard Park	100,000	140,000
	DCC — Edenmore Pitch and Putt	0	28,000
	DCC — Irishtown Stadium	350,000	1,033,387
	DCC — Johnstown Park, Finglas	0	1,770,400
	DCC — Le Fanu Park	0	4,000,000
	DCC — Longmeadows Pitch and Putt, Inchicore	0	20,000
	DCC — Mellows Park pitches	15,000	20,000

County	Applicant	Grant €	Sought €
	DCC — O'Devaney Gardens Sports and Community Centre	700,000	1,000,000
	DCC — Sheriff Street Park	65,000	80,000
	DCC — St Anne's Park	40,000	56,000
	DCC — Tolka Valley Pitch and Putt, Finglas	20,000	32,000
	DCC — Williams Park Leisure Centre, Rathmines	0	4,550,000
	DCC — Willie Pearse Park, Crumlin	100,000	160,000
	DIT Aquatec Sub Aqua Club	0	30,000
	DLRCC — Dundrum Family Recreation Centre	120,000	255,000
	DLRCC — Loreto Park	0	56,800
	DLRCC — Loughlinstown Leisure Centre	160,000	208,000
	DLRCC — Loughlinstown Wood	0	40,000
	DLRCC — Meadowbrook Park Pitches	40,000	56,800
	DLRCC — Monkstown Pool & Fitness Centre	400,000	1,017,483
	DLRCC — Newtown Park Tennis Courts	30,000	37,246
	DLRCC — Shanganagh Cliffs Sportsfields	40,000	56,000
	DLRCC — Snorkel Mania Project	4,000	4,500
	Drumcondra Football Club	15,000	20,000
	Dublin Institute of Technology	0	393,600
	Dublin Postal Sports and Social Club	200,000	500,000
	Dun Laoghaire Kenpo Karate Club	2,000	5,500
	Dun Laoghaire Motor Yacht Club	0	25,000
	Dun Laoghaire Playcentre	0	25,892
	Dundrum Athletic Football Club	40,000	68,500
	East Wall Water Sport Group Ltd	250,000	360,000
	Erins Isle Pitch & Putt Club	9,000	11,000
	Esker Celtic Football Club	120,000	196,000
	Faculty of Sports and Exercise Medicine	33,000	100,000
	Fifth Port Dollymount (Watersports Centre)	350,000	450,000
	Fingal Co. Co. — Balbriggan Town Park	0	35,391
	Fingal Co. Co. — Balheary Park	0	328,468
	Fingal Co. Co. — Balheary Reservoir Park	0	52,500
	Fingal Co. Co. — Balrothery Park	0	34,125
	Fingal Co. Co. — Broomfield Open Space	0	260,820
	Fingal Co. Co. — Carrickhill Park, Portmarnock	0	67,928
	Fingal Co. Co. — Grace O'Malley Park	0	4,200
	Fingal Co. Co. — Hartstown Park	40,000	54,720
	Fingal Co. Co. — Ladyswell Park Pitches, Blanchardstown	8,000	12,000
	Fingal Co. Co. — Mountview Road Pitches, Blanchardstown	5,000	8,000
	Fingal Co. Co. — Newbridge Demesne Pitches	60,000	237,552
	Fingal Co. Co. — Porterstown Park Pitches	20,000	31,178
	Fingal Co. Co. — Skerries Community Centre	130,000	260,820
	Fingal Co. Co. — Skerries Town Park	0	13,776
	Fingal Co. Co. — St Catherine's Park, Rush	0	37,737
	Fingal Co. Co. — Swords Manor	0	59,052
	Fingal Co. Co. — Tolka Valley Linear Park Pitches	16,000	22,544
	Fingal Co. Co. — Ward River Valley Park, Swords	0	21,952
	Fingal Ravens GFC	0	126,000
	Football Association of Ireland	100,000	126,561
	Gaelscoil Naomh Pádraig	0	69,000
	Garda Sub Aqua Club	0	21,832
	Garristown Gaelic Football Club	100,000	180,000
	Go Skydive	0	20,515
	Grange Woodbine Football Club	0	23,103
	Greenfield Park Boys Club	25,000	42,500
	Hamilton United FC	0	30,000
	Herbert Park Bowling Club	75,000	95,664
	Hercules Amateur Wrestling & Weightlifting Club	0	89,000

County	Applicant	Grant €	Sought €
	Home Farm Football Club	400,000	1,030,000
	HWA — Rang Taekwondo Youth Group	0	7,900
	Innisfail GAA Club	0	900,000
	Institute of Technology Tallaght	0	257,600
	Irish Cricket Union	50,000	70,000
	Irish Gymnastics Limited, National Basketball Arena and IRFU	0	5,942,200
	Irish Hockey Association & UCD Sports Department	0	
	Irish Sub Aqua Club	6,000	51,268
	Irish Underwater Council	35,000	38,000
	Irish Youth Diving Association	0	28,762
	Janz Gymnastics Club	6,000	23,500
	KADCA/KCCP (Kilbarrack and District Community Association/Kilbarrack Coast Community Programme)	0	664,370
	Kilcross residents and development group	0	
	Kilnamanagh Family Recreation Centre Ltd.	200,000	250,000
	Larkin Sports & Leisure Complex	140,000	200,000
	Larkview Football Club	0	261,800
	Leicester Celtic FC	70,000	138,000
	Leinster Branch IRFU	0	250,000
	Longmeadows Pitch and Putt Company Limited	0	971,974
	Loreto Hockey Club	7,000	12,842
	Loughlinstown Boys Football	10,000	12,000
	Loughlinstown Community Rooms Ltd	0	12,000
	Loughlinstown / Ballybarack Kickboxing club	0	2,000
	Lourdes Celtic Football Club	200,000	608,946
	Lucan Harrier and Athletic Club	0	3,500
	Lucan United Football Club	100,000	135,000
	MAAN Group	100,000	358,000
	Malahide Cricket Club	20,000	30,000
	Malahide Cricket Club	0	173,000
	Marlin Sub Aqua Club	15,000	32,000
	Mellowes BDS Football Club	30,000	40,000
	Merrion Cricket Club	70,000	110,432
	Morton Stadium Management Committee	245,000	384,300
	Mountwood Fitzgerald Park Community Development Project	0	560,000
	Na Fianna GAA Club	250,000	250,000
	North County Cricket Club	32,000	35,871
	North County Cricket Club — Clubhouse	0	233,583
	O'Connell School	0	270,000
	Oscar Traynor Coaching Development Centre Limited	70,000	206,225
	Our Ladies of Victories Youth Centre, Ballyfermot	0	15,000
	Our Lady of Good Counsel GAA and Camogie Club	100,000	170,000
	Palmerstown United Football Club	0	150,000
	Pembroke Cricket Club	10,000	14,000
	Pembroke Wanderers Hockey Club	150,000	210,570
	Phoenix Cricket Club	17,000	24,550
	Phoenix Swimming Club	0	3,600
	Portmarnock Sub Aqua Club	0	21,799
	Priorwoods Youth Project/Outreach Celtic FC	0	6,000
	Railway Union Cricket Club	7,000	11,160
	Rathcoole Boys Football Club	70,000	85,000
	Rathcoole Community Council Ltd	0	44,492
	Rathgar Tennis and Bowling Club	40,000	45,562
	Round Towers GAA Club	0	347,000
	Royal Dublin Society	0	5,588,450
	Royal Irish Yacht Club	0	427,418
	Rush Cricket Club	25,000	26,619

County	Applicant	Grant €	Sought €
	Rush Sailing Club	70,000	131,145
	Sacred Heart Football Club	130,000	235,679
	Sailing In Dublin Club	11,000	13,839
	Santry Community Association	0	250,000
	SDCC — Aylesbury Pitches, Tallaght	19,000	24,000
	SDCC — Ballyowen Park	40,000	48,000
	SDCC — Bancroft Park, Tallaght	0	28,000
	SDCC — Beechfield Park, Walkinstown	15,000	21,000
	SDCC — Chapel Hill Park, Lucan	30,000	42,000
	SDCC — Clondalkin Park	0	36,000
	SDCC — Clondalkin Park Athletic Track	0	360,000
	SDCC — Corkagh Park	0	32,000
	SDCC — Dodder Valley Linear Park, Application 1	0	126,000
	SDCC — Dodder Valley Linear Park, Application 2	0	52,500
	SDCC — Elkwood Park, Rathfarnham	0	42,000
	SDCC — Esker Park, Lucan	0	84,000
	SDCC — Firhouse Linear Park	0	63,000
	SDCC — Greenhills Park All-Weather Pitch	80,000	160,000
	SDCC — Greenhills Park, Walkinstown	0	21,000
	SDCC — Griffeen Valley Park, Lucan	0	32,000
	SDCC — Kilnamanagh Open Space	0	42,000
	SDCC — Kiltalown Pitches, Tallaght	30,000	36,000
	SDCC — Liffey Valley Park	0	32,000
	SDCC — McGee Park Soccer Pitch	30,000	36,000
	SDCC — Tymon Park soccer pitches	0	63,000
	SDCC — Tymon Park Trim Trail	0	32,000
	SDCC — Tymon Park Walking Routes	0	5,600
	Sheriff Youth Club	0	50,000
	Skerries Community Centre	0	263,307
	Skerries Sailing Club	0	56,815
	Slade Valley Golf Club	0	1,237,141
	Spinal Injuries Association	60,000	65,000
	Straight Blast Wrestling Club	0	6,000
	St. Brigid's GAA Club	350,000	426,700
	St. Catherine's Tae Kwon Do and Aerobics	4,000	5,600
	St. Ciaran's Community Centre, Hartstown	0	
	St. Dominic's Sports Club, Ballyfermot	0	250,000
	St. Helena's Rivermount Boys	40,000	60,000
	St. James Gaels/Robert Emmets GAA	0	4,628
	St. John's Indoor Bowling Club	1,000	2,000
	St. Kevin's Boys FC	50,000	
	St. Mark's GAA Club	0	790,000
	St. Mary's Boys Football Club	0	140,000
	St. Mary's Church, Clonsilla	0	80,000
	St. Matthew's Boxing Club Ltd, Ballyfermot	2,000	2,000
	St. Michael's CBS/Lissadel United FC	7,000	10,500
	St. Patrick's GAA Club Palmerstown	150,000	200,000
	St. Paul's Youth Club, Artane	22,000	35,000
	St. Peregrine's GAA Club	50,000	200,000
	St. Vincent's Basketball Club	60,000	88,169
	St. Vincent's GAA Club	0	1,217,438
	St. Vincent's & Joseph's Karate Club, Fairview	2,000	2,375
	Suttonians RFC	130,000	154,000
	Templeogue United/FAI Regional Development Centre	0	350,000
	Terenure College Rugby Football Club	0	360,000
	The Hills Cricket Club	25,000	26,600
	Thomas Davis GAA Club	0	150,000

County	Applicant	Grant €	Sought €
Galway	Tolka Rovers Sports Club	50,000	76,727
	Trident Sub Aqua Club	10,000	14,700
	Trinity Sports and Leisure Football Club	100,000	150,000
	Trojan Gymnastic Club	0	20,000
	Tru Blue Sub-Aqua Club	15,000	21,917
	Tymon Athletic Sports Club	0	592,000
	UCD AFC	0	1,197,600
	UCD Boat Club	40,000	64,614
	Viking Sub Aqua Club	14,000	21,700
	Weston Hockey Club	100,000	149,144
	Wexford Centre Project	75,000	169,845
	Whitehall Rangers AFC	36,000	40,400
	YMCA Cricket Club	38,000	59,000
	York Road Table Tennis Club	0	2,000
		2,702,000	16,037,685
	Abbeyknockmoy Hurling Club	100,000	305,000
	Annaghdown GAA	0	84,000
	Athenry Golf Club	0	100,000
	Ballinakill Field Committee	85,000	101,400
	Ballincurry Leisure Centre Co. Ltd.	0	32,432
	Ballygar & District Co. Ltd.	0	105,000
	Ballymoe Development Centre Ltd.	130,000	195,000
	Belclare Community Council	0	387,929
	Caherlistrane GAA Club	0	63,000
	Cappataggle Community Sportsfield	50,000	123,837
	Carnmore GAA Club	20,000	20,000
	Castleblakeney Community Development Association	0	26,499
	Claddaghduff Hall Co. Ltd.	50,000	100,000
	Clarinbridge Hurling Club	20,000	82,600
	Clonberne Community Centre Co. Ltd.	130,000	196,000
	Connemara Pony Breeders Society	0	58,703
	Creggs Development Association	95,000	141,675
	Creggs RFC	0	148,000
	Dynamo Blues AFC	0	170,000
	Eyrecourt Sports & Social Development Co. Ltd.	0	117,000
	Father Sammon Community Centre Ltd.	50,000	80,750
	Fohenagh & Districts GAA Club	110,000	137,572
	Galway Bay Sailing Club Limited	100,000	142,576
	Galway Corinthians RFC	0	250,000
	Galway County Council — Cappagh Road, Knocknacarra	150,000	344,000
	Galway Lawn Tennis Club	0	108,635
	Galway Rowing Club	0	1,000,000
	Galway Sub Aqua Club	20,000	22,000
	Galway & District Football League	0	186,000
	Glen Celtic AFC	0	208,000
	Gort Basketball Club	3,000	3,000
	Gort GAA & Camogie Club	50,000	182,000
	Headford GAA Club	100,000	157,000
	Irish Underwater Council — Hyperbaric Chamber	0	173,000
	Killannin Community Centre	50,000	100,000
	Killimor GAA Club	50,000	109,610
	Killimordaly GAA Club	0	150,000
	Kinvara Bay Sailing Club	8,000	10,472
	Liam Mellows Hurling Club	0	306,250
	Loughrea Tennis Club	8,000	13,393
	Maree Basketball Club	0	89,912

County	Applicant	Grant €	Sought €
Kerry	Maree Sports Acrobatics/Gymnastics Club	0	6,000
	Menlough GAA Club	0	
	Merbhiu Bailebhán GAA Club	0	54,000
	Milltown Community Council Ltd.	0	40,000
	Monivea RFC	60,000	70,000
	Mountbellew Community Sport & Leisure Co. Ltd.	280,000	350,000
	Moylough Parish Sportsfield	40,000	49,000
	Mullagh GAA Club	0	158,874
	New Inn Community Council	0	280,000
	Newcastle Combined Community Association	0	320,000
	Oranmore Community Development Association	100,000	150,000
	Oughterard Community Centre	100,000	163,500
	Oughterard GAA Club	50,000	52,000
	Rainbow Rinks Project	0	5,100,000
	Regional Sports Centre, Galway	0	492,720
	Renmore Gymnastics Club	10,000	10,000
	Salthill Devon F.C.	0	500,000
	Scoil Pádraig Naofa Board of Management	50,000	135,000
	Scout Hall, 2nd Galway Tuam Scouts SI	0	100,000
	Shiven Rovers F.C.	80,000	241,330
	St Joseph's (The Bish) Rowing Club	20,000	24,924
	St. Cuana's N.S. , Kilcoona	0	300,000
	St. Michael's GAA Club	120,000	150,000
	St. Thomas' GAA Club	40,000	60,000
	Sylane Hurling Club	0	6,400
	S.N. Creachmhaoil Board of Management	0	6,000
	Tuam Athletic Club	3,000	3,136
	Tuam Rugby Club	70,000	96,000
	Tuam Stadium Association	0	360,000
	Tuam Stars GAA Club	250,000	350,000
	Williamstown GAA Club	50,000	52,442
	Woodford Youth Club	0	24,114
		2,976,000	16,225,336
	Abbeydorney Community Centre Building Committee	40,000	100,000
	Abbeyfeale Karate Club	0	
	Acard Limited	0	240,000
	Anabla National School, Kilcummin	0	18,500
	Ballyduff Co-op Development Society Limited	0	100,000
	Ballyduff GAA Club	0	245,852
	Ballyhar Dynamos AFC	100,000	298,207
	Ballyheigue Castle Golf Club	0	80,000
	Beale GAA Club	20,000	31,500
	Beaufort Community Council	0	10,000
	Brosna GAA Club	50,000	98,518
	Caherciveen Community Resource Centre	50,000	204,000
	Cahersiveen Rowing Club	100,000	145,000
	Callinafercy Pier Rowing Club	0	23,042
	Callinafercy Rowing Club	0	28,000
	Cashen Vale Boxing Club	4,000	5,800
	Castleisland Community Centre Development Committee	100,000	266,000
	Castleisland Desmonds GAA Club	0	40,000
	Castlemaine Community Services Group Ltd.	0	160,000
	Churchill ABC	3,000	3,437
	Commercial Rowing Club	0	128,000
	Cordal Community Centre and Sports Hall	25,000	49,886
	Craobh Cumann Emmett CLG	0	526,096

County	Applicant	Grant €	Sought €
	Cromane GAA Club	30,000	55,000
	Cromane Rowing Club	0	12,300
	Cumann Peile Abha Na Scáil (Annascaul GAA)	80,000	114,852
	Dooks Golf Club	0	300,000
	Dr. Crokes GAA Club Killarney	0	250,000
	Duagh Family Centre Sports Hall	0	50,000
	Duagh GAA Club	15,000	42,000
	Finuge GAA Club	100,000	234,000
	Firies/Ballyhar GAA Club	0	104,096
	Fitzgerald Stadium Killarney	0	175,000
	Fossa Community Centre Ltd.	10,000	
	Glenbeigh Glencar GAA	120,000	140,000
	Gleneagle Squash Club	0	44,800
	Institute of Technology Tralee	0	495,000
	John Mitchels Hurling & Football Club	35,000	45,273
	Kenmare ABC	1,000	1,200
	Kenmare Rowing and Boat Club	0	
	Kenmare Shamrocks Hurling & Football Club	200,000	315,299
	Kerins O'Rahillys Hurling & Football Club	100,000	380,000
	Kerry Aero Club Ltd.	0	250,000
	Kerry District League	30,000	50,000
	Kilcummin GAA Club	100,000	200,000
	Killarney Athletic F.C.	70,000	94,500
	Killarney Celtic AFC	0	177,726
	Killarney Golf & Fishing Club	0	275,690
	Killarney Gymnastics Club	0	36,327
	Killarney Town Council	0	2,000,000
	Killorglin Sports and Leisure Club	50,000	70,862
	Knocknagoshel GAA Club	50,000	123,667
	Laune Rangers GAA	200,000	244,072
	Lenamore Rovers F.C.	7,000	9,500
	Lispole GAA Club	0	54,335
	Listowel Celtic Soccer Club	50,000	120,800
	Listry GAA Club	20,000	45,000
	Mercy Secondary School, Tralee	0	250,000
	Milltown/Castlemaine GAA Club	60,000	103,000
	Moyvane GAA Club	90,000	335,064
	Muckcross Rowing Club Ltd.	20,000	60,000
	Over the Water Rowing Club	30,000	40,800
	Portmagee Rowing Club	0	24,000
	Rathmore GAA Club	50,000	168,615
	Rathmore Social Action Group	0	60,000
	Rattoo Rovers F.C.	14,000	20,000
	Renard GAA Club	0	100,000
	Shanakill Family Resource Centre	50,000	64,280
	Sneem Community Sports Hall Committee	0	60,000
	Sneem Rowing Club	80,000	95,000
	South Kerry Sports Centre	250,000	400,000
	Spa GAA Club	150,000	200,000
	St. Brendan's Park F.C.	70,000	225,900
	St. Mary's Asdee GAA Club	30,000	50,000
	St. Mary's GAA Club, Caherciveen	0	224,000
	St. Michael's College/Listowel Basketball Club	25,000	33,800
	St. Senan's GAA Club	0	550,000
	Tarbert GAA Club	0	165,000
	Templenoe Rowing Club	0	16,000
	Tralee Bay Sailing Club	50,000	189,000

County	Applicant	Grant €	Sought €
Kildare	Tralee Dynamos AFC	60,000	113,345
	Tralee Regional Sports and Leisure Centre	0	3,000,000
	Tralee RFC	40,000	80,535
	Valentia Community Health & Welfare Association Ltd.	110,000	150,000
	Valentia Regatta Committee	7,000	11,420
	Valentia Young Islanders GAA Club	0	47,000
	Waterville GAA Club	10,000	15,000
	Waterville Rowing Club	0	13,440
	Workmens Rowing Club	20,000	45,000
	Youth Rowers Club	0	2,000
		2,857,000	13,511,779
	9th Kildare CSI Kilcullen	0	10,000
	Allenwood GAA Club	100,000	200,000
	Athy Town AFC	25,000	32,000
	Ballyteague GAA Club	100,000	160,000
	Castledermot/Kileen Basketball Club	5,000	7,500
	Celbridge Athletic Club	0	302,840
	Celbridge Badminton Club	2,000	2,437
	Celbridge Community Centre Ltd	0	330,000
	Clane United AFC	70,000	80,000
	Clonmullion Football Club	140,000	160,000
	Confey GAA Club	50,000	177,250
	Craddockstown Golf Club	0	340,000
	Crookstown-Millview Athletic Club	15,000	23,750
	Cuan Mhuire Teo	50,000	73,671
	Dunmurray Springs Golf Club PLC	0	300,000
	Eire Og Corrachoill Hurling Club	250,000	350,000
	Eire Og Corrachoill Hurling Club — Application 2	0	660,000
	Golfing Union of Ireland — National Coaching Academy	0	1,108,754
	Kilcock Canoe Polo Club	60,000	80,125
	Kilcullen Canoe & Outdoor Pursuits Club	15,000	16,638
	Kilcullen Community Centre Ltd.	30,000	40,000
	Kildare County Council — Liffey Valley Regional Park	100,000	175,000
	Kill GAA Club	200,000	685,832
	Leixlip Amenities Centre	0	3,000,000
	Leixlip Tennis Club	100,000	200,000
	Lord Edward's Own Pipe Band	0	45,000
	Milltown GAA Club	40,000	50,000
	Moorefield GAA Club	200,000	350,000
	Naas Rugby Football Club	100,000	140,000
	Naas Sub Aqua Club	25,000	31,010
	Newbridge Athletic Club	0	20,000
	Newbridge Town FC/Kildare County FC	0	350,000
	Newbridge Volleyball Club	0	3,000
	Nurney GAA Club	80,000	160,000
	Racing Academy & Centre of Education	0	170,250
	Rathcoffey GAA Club	0	150,000
	Robertstown GAA Club	200,000	322,215
	Round Towers GAA Club	400,000	500,000
	St. Brigid's CYMS	0	30,000
	St. Conleth's Vocational School, Newbridge	0	100,000
	St. Laurence's GAA Club	250,000	615,608
	St. Mary's GAA Club, Leixlip	0	532,619
	St. Michael's Boxing Club	250,000	314,400
	Woodlands Golf Club	0	1,111,880

County	Applicant	Grant €	Sought €
<i>Kilkenny</i>		850,000	2,864,495
	Black and Whites GAA Club	30,000	40,000
	Carrigeen GAA Community Group	70,000	200,000
	Castlecomer Golf Club	0	383,883
	Castlecomer Lakes Company Limited	0	35,000
	Cloneen GAA Club	45,000	60,000
	Coon Hall Development Fund	20,000	35,000
	Dicksboro GAA Club	50,000	60,000
	Fenians GAA Club	0	122,318
	Freshford Community Club	10,000	20,000
	Graignamanagh GAA Club	55,000	69,000
	Highview Athletic FC	30,000	40,000
	Johnswell Development Committee	20,000	50,000
	Kells Resource Centre Limited	0	350,000
	Kilkenny Flying & Gliding Club	0	53,000
	Kilkenny Sub Aqua Club	25,000	30,000
	Kilmacow Hall Committee	130,000	170,000
	Muckalee Community Centre	35,000	45,000
	Mullinavat Parish Finance Committee	20,000	30,000
	Paulstown Development Association	40,000	44,500
	Piltown Community Centre	0	150,000
	Piltown GAA Club	20,000	24,000
	Scanlon Park	90,000	120,417
	St. Lachtain's GAA Club	75,000	109,872
	St. Patrick's GAA Club Ballyragget	85,000	97,000
	Thomastown United Athletic Football Club	0	525,505
<i>Laois</i>		786,000	1,811,493
	Abbeyleix Golf Club	0	35,000
	Ballylinan GFC Community Sports Centre	0	200,000
	Ballyroan GAA Club	7,000	8,000
	Ballyroan Juvenile GAA Club	10,000	13,000
	Clonaslee Billiard Club	3,000	3,117
	Clonenagh Parish Hall	0	20,000
	Clonin Sports Field Committee	35,000	48,000
	Graiguecullen GAA	190,000	290,560
	Hawthorn Community Development Association	90,000	113,125
	Heywood Sports Facilities Committee	55,000	66,300
	Kilcotton GAA Club	30,000	42,834
	Killeen Community Hall Development Association	30,000	37,806
	Lions FC	35,000	40,000
	Mountmellick Macra na Feirme Sports Club	24,000	35,000
	Mountrath Golf Club	0	350,000
	O'Dempsey's GAA Football Club	80,000	100,000
	Portarlinton Community Centre	25,000	30,145
	Portlaoise Boxing Club	2,000	2,263
	Portlaoise GAA Club	50,000	60,000
	Rathdowney GAA Club	28,000	103,000
	St. Bernadette Community Hall, Errill	0	18,500
	St. Colmcille's NS & Errill GAA Club	5,000	6,843
	St. Mary's Community Hall, Portlaoise	70,000	95,000
	The Heath GAA Club	17,000	27,000
	Vicarstown Community Hall	0	66,000
<i>Leitrim</i>		479,000	4,636,640
	Allen Gaels GAA Club	100,000	270,000
	Annaduff GAA Club	0	395,768

County	Applicant	Grant €	Sought €
<i>Limerick</i>	Aughavas GAA Club	40,000	65,000
	Aughnasheelin Park Committee	40,000	77,000
	Ballinamore Basketball Club	4,000	5,221
	Bee Park Resource Centre Ltd	0	75,000
	Carrigallen GAA Club	0	93,600
	Childhood Days Ltd	0	2,563
	Cloone GAA Club	0	300,000
	Cluanin Vol Housing & Tenants Ass.	0	22,000
	Drumkeeran Handball Sports & Leisure	0	160,000
	Drumshanbo Community Development Co Ltd	0	160,000
	Eslin GAA Club	20,000	65,000
	Fenagh Handball Club	30,000	86,400
	Gortletteragh GAA Club	0	80,000
	Keshcarrigan Development Association Ltd	0	360,000
	Killargue Development Association	0	7,125
	Kiltogher Development Group	0	13,000
	Kiltubrid GAA Club	70,000	120,597
	Kinlough Development Co. Ltd.	0	90,000
	Leitrim County Council — Attfinlay, Carrick on Shannon	0	300,000
	Leitrim Co. GAA Board — Páirc Mac Diarmada	0	1,200,000
	Leitrim Gaels Community Field Development Ltd	80,000	236,018
	Manorhamilton Rangers AFC	15,000	29,960
	Manorhamilton Sub Aqua Club	0	12,200
	Sean O'Heslin's GAA Club	80,000	146,188
	St. Hugh's Park/Ballinaglera GAA Club	0	144,000
	St. Mary's GAA Club, Carrick-On-Shannon	0	120,000
		1,925,000	5,873,622
	AAI Limerick County Board	0	76,059
	Ardagh Hall Committee	0	10,500
	Askeaton AFC	100,000	246,000
	Askeaton Swimming Club	0	350,000
	Ballingarry AFC	0	104,000
	Ballingarry GAA Club	35,000	45,000
	Broadford United AFC	125,000	134,000
	Cappamore Development Association	0	437,936
	Croagh-Kilfinny Development Organisation	140,000	184,000
	Croom United Soccer Club	80,000	178,025
	Cumann Athain CLG (Ahane GAA Club)	0	340,000
	Desmond Ability Resource Complex Ltd	200,000	270,000
	Dromcollogher Broadford GAA Club	140,000	222,023
	Dromore Angling Club	0	21,800
	Fairview Rangers AFC	125,000	150,000
	Feohanagh-Castlemahon GAA Club	25,000	31,490
	Galbally Coursing Club	0	60,000
	Garryowen Football Club	0	172,000
	Garryowen Sports Group	0	70,000
	Geraldines AFC	0	50,000
	Glenroe GAA Club	75,000	90,000
	Glin Rovers AFC	20,000	25,000
	Herbertstown GAA Club	65,000	81,120
	Hill Celtic AFC	100,000	500,000
	Kilcornan Soccer Club	14,000	16,800
	Killeaney AFC	55,000	60,643
	Kilmallock United AFC	85,000	100,000

County	Applicant	Grant €	Sought €
<i>Longford</i>	Knockainey Sportsfield Co-Op Society Ltd	0	65,245
	Limerick Boat Club	15,000	18,200
	Limerick Desmond League	65,000	145,000
	Limerick District League	65,000	200,000
	Limerick Marine Search & Rescue Service	0	45,000
	Monagea GAA Club—	30,000	51,177
	Mungret Regional Football Club	40,000	49,000
	Murroe AFC	25,000	26,000
	Newcastle West Golf Club	0	280,000
	Old Christians GAA Club	14,000	20,000
	Old Crescent Rugby Football Club	0	308,421
	Our Lady of Lourdes Community Services Group	50,000	286,468
	Rathkeale Boxing Club	0	3,500
	South Liberties GAA Club	170,000	227,840
	Southill Weight Powerlifting Club	4,000	5,375
	Star Rovers Soccer Club	23,000	26,000
	St. Kieran's GAA Club	40,000	50,000
	St. Mary's Racing Pigeon Club	0	40,000
		545,000	4,167,602
	Abbeylara GAA Club	0	120,000
	Abbeyshrute Flying Club	0	45,000
	Ballymahon AFC	0	35,000
	Ballymahon GAA Club	70,000	110,000
	Ballymore GAA Club	0	200,000
	Carrickedmond GAA Club	0	46,285
	Cashel GAA Club	80,000	128,500
	Clonguish GAA Club	25,000	40,000
	Colmcille GAA Club	0	25,000
	County Longford Golf Club	0	316,916
	County Longford VEC	0	400,000
	Dromard GAA Club	0	70,975
	Edgeworthstown Development Association	0	13,000
	Fr. Manning Gaels GAA Club	70,000	82,551
	Irish Wheelchair Association	0	360,000
	Killoe Young Emmets GAA Club	0	128,000
	Longford County Board of the GAA — Pearse Park	0	675,000
	Longford Lawn Tennis Club	0	96,531
	Longford Rugby Football Club	40,000	55,000
	Longford Town Council — The Mall All-Weather Pitch	100,000	175,257
	Lough Ree Sub Aqua Club	45,000	62,250
	Midland Cubhunter Horse Shows	0	10,000
	Sean Connolly's GAA Club	0	151,000
	St Columba's Mullinalaghta GAA Club	100,000	150,874
	St. Brigid's Football Club	0	58,000
	St. Joseph's Community Centre	15,000	32,577
	St. Mary's GAA Club and Community Development	0	560,386
	Templemichael-Ballymacormack Shooting and conservation	0	14,500
	Torpedo Basketball Club	0	5,000
<i>Louth</i>		1,294,000	5,764,395
	Ardee Celtic Football Club	70,000	83,407
	Blackrock Athletic Club	1,000	1,990
	Boyne RFC Development Project	150,000	350,000
	Carlingford Community Development Ltd	50,000	64,507

County	Applicant	Grant €	Sought €
	Coiste Chontae Lu (Louth County GAA Board)	0	174,000
	Collon Pitch and Putt Club	0	2,000
	Cooley Kickhams GFC	100,000	172,000
	Cooley Kickhams Ladies Development Squad	0	3,000
	Cretegeff Marina Club	0	90,000
	Cross Border Centre for Community Development	0	1,105,000
	Dowdallshill GF & AC	140,000	250,000
	Dundalk District Minor League	0	229,541
	Dundalk Sub Aqua Search and Recovery	4,000	5,250
	Dundalk Town Council — Muirhevnamor Park	0	664,495
	Dundalk Young Irelands GFC	80,000	120,264
	Dundalk & Carlingford Sailing Club	70,000	115,000
	Dundealgan Athletic Club	0	
	Glenmore Athletics Club	0	325,000
	Glenmuir United Football Club	100,000	150,431
	Golden Dragon Wado-Kai Karate Club	1,000	1,500
	John Mitchels GFC	90,000	116,900
	Kilkerley Bowling Club	0	4,500
	Kilkerley Emmets GFC	20,000	30,000
	Lannleire & District Recreation Centre	8,000	9,470
	Mattock Rangers GFC	100,000	139,000
	Muirhevnamor Football Club	0	52,800
	Naomh Malachi GFC	50,000	80,000
	O'Raghallaighs GFC Sports and Social Centre	60,000	80,000
	Omeath Sports Club	0	394,000
	Quay Celtic Club	30,000	50,000
	St. Fechin's GAA Club, Drogheda	0	80,000
	St. Joseph's GFC, Commons	0	340,900
	St. Mary's GFC Ardee	40,000	59,000
	St. Nicholas' GFC, Rathmullen	30,000	60,000
	St. Patrick's GFC	0	204,040
	St. Paul's Table Tennis Club, Drogheda	0	1,400
	Walshestown Juvenile Football Club	100,000	155,000
Meath		1,160,000	11,504,468
	Alphadive Sub-Aqua Club	5,000	7,694
	Athboy Social Needs & Recreational Co Ltd	300,000	400,000
	Ballinabrackery GAA Club	0	26,282
	Bhulf Tón GAA Club	50,000	63,585
	Blackhall Gaels GAA Club	130,000	202,000
	Carnaross GAA Club	40,000	60,000
	Castletown GAA Club	0	105,000
	Clann na nGael Athboy GAA Club	0	80,000
	Donaghmore-Ashbourne GAA Club	150,000	300,000
	Dunboyne Ladies GAA	40,000	50,000
	Dunboyne Tennis Club	30,000	35,350
	Dunderry Football and Hurling Club	0	560,000
	Irish Aquatic Sports Centre	0	80,000
	Kells Tennis Club	20,000	29,357
	Kilbride GAA Club	20,000	32,000
	Kilmainhamwood GAA Club	0	67,533
	Meath G.A.A. County Board	0	5,000,000
	Moynalty Football Club	0	237,462
	Moynalvey GAA Club	0	36,000
	Navan Road Club	5,000	6,000

County	Applicant	Grant €	Sought €
<i>Monaghan</i>	Newtown United Football Club	0	157,955
	Oldcastle GAA Club	0	150,000
	Ratoath Community Centre Development Group	0	700,000
	Ratoath GAA Club	100,000	300,000
	Seneschalstown Community Sports Centre	150,000	265,000
	Stackallen National School Field Committee	0	66,000
	Stamullen Cycling Club	5,000	6,250
	St. Colmcille's GAA Club	100,000	135,000
	St. Mary's GAA Club (East Meath)	0	98,000
	St. Michael's GAA Club Carlanstown	15,000	20,000
	Trim Area Recreation and Social Needs Company Limited	0	2,200,000
	Wilkinstown Community Centre	0	28,000
		996,000	3,770,063
	Aughnamullen Sarsfields GAA Club	90,000	150,000
	Ballybay Development Association Ltd	0	148,313
	Ballybay Pearse Brothers GAA Club	130,000	150,000
	Ballybay Recreation Committee	100,000	115,000
	Castleblayney Arts and Community Development Co.	0	262,469
	Clara Community Playground Project	25,000	33,000
	Clones Town Association Football Club	0	292,000
	Clontibret O'Neills GAA Club	55,000	75,000
	Corduff Gaels Gaelic Football Club	70,000	120,000
	Cremartin GFC	60,000	112,800
	Currin GFC	50,000	65,000
	Donagh Parish Finance & Maintenance Committee	0	25,000
	Doohamlet Sports	15,000	20,053
	Drumhowan Geraldines GFC	80,000	120,000
	Emyvale Cycling Club	1,000	1,416
	Gaeil Triucha CLG	70,000	100,000
	Glaslough Youth Club	0	2,500
	Inniskeen Pitch & Putt Club	0	122,532
	Killeevan Development Association	50,000	75,000
	Killeevan Gymnastics Club Ltd	20,000	35,000
	Monaghan Collegiate School	0	
	Monaghan GAA Training & Development Centre	0	1,300,000
	Oram GFC	0	175,000
	Phoenix Regional Sports & Leisure Centre	50,000	79,980
	Sean McDermott's GFC	70,000	100,000
	St. Mary's Park Development Committee	60,000	90,000
<i>Offaly</i>		857,000	5,187,263
	1st, 10th, 11th Offaly Scout Troops	0	17,380
	Ballinamere GAA Club	0	50,000
	Banagher Shannon Bank Park Development Group	40,000	51,310
	Birr and District Auto Club Ltd	15,000	19,845
	Birr Development Company Limited	300,000	343,000
	Birr Rugby Football Club	45,000	51,419
	Birr Town Football Club	0	100,000
	Cloghan Hall Committee	0	16,100
	Coolderry GAA Club	45,000	54,000
	Crinkill GAA Club	30,000	41,800
	Drumcullen GAA Club	20,000	60,000
	Edenderry GAA Club	50,000	60,000
	Ferbane GAA Club	15,000	35,000

County	Applicant	Grant €	Sought €
	Gallen United Soccer Club	0	70,000
	Irish Parachute Club Limited	0	352,000
	Kilclonfert GAA Club	35,000	45,000
	Kinnitty GAA Club	0	175,000
	Kinnitty National School	0	16,772
	Lusmagh GAA Club	0	189,644
	Offaly GAA County Board	0	1,500,000
	Rhode GAA Club	0	232,000
	St. Brendan's Sportsplex Birr	15,000	23,000
	St. Brigid's GAA Club — North Offaly Training Centre	80,000	100,000
	St. Rynagh's Football Club	20,000	22,007
	Tubber GAA Club	15,000	16,870
	Tullamore AFC	125,000	142,816
	Tullamore Canoe Club	7,000	7,300
	Tullamore GAA Club	0	345,000
	Tullamore Town Council/Swimming Pool Committee/Tullamore Harriers	0	1,050,000
<i>Roscommon</i>		1,027,000	4,857,256
	Ballaghadereen Community Sports Park Ltd.	0	140,392
	Ballinagare FC	40,000	51,554
	Boyle Celtic Football Centre	75,000	100,000
	Boyle GAA Club	100,000	150,000
	Castlerea Brass and Reed Band	0	50,000
	Castlerea Celtic Football Club	80,000	110,000
	Church View Residents Association, Boyle	18,000	23,560
	Dysart Community Sports Centre	80,000	168,000
	Eire Og GAA Club	40,000	116,598
	Elphin Social Centre	0	225,000
	Frenchpark Boxing Club	4,000	5,180
	Fuerty GAA Club	0	231,000
	Hodson Bay Celtic F.C.	0	148,930
	Irish Wheelchair Association	10,000	26,570
	Keadue Development Company	0	100,000
	Kilbride Community Centre Company Ltd	0	15,000
	Kilbride GAA & Social Clubs	0	
	Kilglass Gaels and Community Group	0	195,000
	Kilmore GAA Club	85,000	120,000
<i>Sligo</i>	Kilteevan Community Development Group	0	475,000
	Lisacul Handball Club	5,000	8,000
	Loughglynn Community Centre Ltd	50,000	120,000
	Pádraig Pearse's GAA Club	80,000	143,000
	Roscommon Gaels GAA Club	0	122,500
	Roscommon Golf Club	0	170,450
	Strokestown Co-operative Community Centre Ltd	20,000	80,000
	Strokestown GAA Club	0	390,400
	Strokestown United Football Club	200,000	336,348
	St. Barry's Gaelic Football Club	0	148,000
	St. Brigid's GAA Sports and Social Club	0	217,000
	St. Faithleach's GAA Sport & Leisure Club	80,000	336,800
	St. Kevin's GAA Club	0	205,377
	St. Ronan's GAA Club	20,000	32,633
	Taughmaconnell Sports Coalition	10,000	38,964
	Tisara Community Sports Park	30,000	56,000
		1,253,000	6,149,693
	Ballisodare Community Council	0	483,000
	Cloonacool Community Park Ltd	30,000	57,008

County	Applicant	Grant €	Sought €
Sligo	Coláiste Iascaig & West Sligo Sport and Recreation Centre	0	392,000
	Coolaney Development Company Limited	0	120,000
	County Sligo Golf Club	0	250,000
	County Sligo Tennis Club Ltd	30,000	34,000
	Cully Ball Ally Committee	0	50,000
	Curry GAA Club and Community Park	0	250,000
	Drumcliffe Rosses Point GAA Club	0	10,000
	Easkey Community Council Ltd	0	100,000
	Fr Kevin Brehony Memorial Park Committee	40,000	90,000
	Geevagh Community Resource Group	200,000	391,000
	Irish Surfing Association	10,000	12,000
	Mercy College Sligo/Sligo All Stars	500,000	701,616
	Mullaghmore Sailing Club Centre	12,000	18,548
	Mullinabreena-Coolaney GAA Club	13,000	17,000
	North-West Parents and Friends Association for Persons with Intellectual Disability	0	
	Oxfield Playing Grounds	18,000	25,000
	Riverstown Community Park Development Committee	0	250,000
	Skreen & Dromard Community Council	180,000	270,000
	Sligo-Leitrim District Soccer League	0	395,200
	Sligo Borough Council — Garravogue Villas	170,000	374,044
	Sligo County Board and Coolera-Strandhill GAA	0	500,000
	Sligo Co. GAA Board/Markievicz Park Committee	0	
	Sligo Rovers Development Association	0	218,280
	Sligo Rugby Football Club	0	1,000,000
	Sligo Sub Aqua Club	0	18,600
	St. John's Community Development Association	0	40,000
	Tubbercurry GAA Club	50,000	82,397
		2,048,000	9,008,006
	Ballinahinch GAA Club	75,000	95,000
	Ballinderry Sportsfield	0	95,085
	Ballingarry GAA Club	0	80,000
	Ballyporeen — Skeheenarinky GAA Club	75,000	100,000
	Blackcastle United FC	75,000	86,240
	Borrisokane District Development Association Limited	0	2,000,685
	Borrisokane GAA Club	0	78,484
	Borrisoleigh Town Park Ltd	90,000	140,000
	Cappawhite Community Council Ltd.	100,000	167,500
	Carrick on Suir Community Resource Centre	0	2,500
	Carrick on Suir Golf Club	0	120,000
	Carrick United AFC Ltd	0	22,148
	Carrig/Riverstown GAA Club	30,000	46,324
	Cashel Town FC	30,000	70,000
	Clonmel Athletic Club	50,000	72,800
	Clonmel Boxing Club	5,000	6,000
	Clonmel Celtic FC Ltd	150,000	250,879
	Clonmel Rugby Club	80,000	150,000
	Clonmore NS	0	29,775
	Duneske Leisure Limited	300,000	1,023,105
	Eire Og Annacarty GAA Club	50,000	73,339
	Fethard Community Sports Field Ltd	30,000	46,000
	Fr. Sheehy GAA Club	60,000	85,000
	Glengoole Community Development Association	0	101,557
	Gortnahoe / Glengoole GAA Club	25,000	37,200
	Horse & Jockey Handball Club	0	20,000
	JK Brackens GAA Club	13,000	19,500
	Kilbarron Hall Committee	0	40,000
Tipperary			

County	Applicant	Grant €	Sought €
Waterford	Kilcash Ballypatrick Killurney Sportsfield	0	20,000
	Kilfeacle & District Rugby FC	45,000	54,000
	Knockavilla Donaskeigh Kickhams GAA Club	0	100,000
	Knockshegowan GAA Club	0	52,500
	Lough Derg Yacht Club	0	80,000
	Moycarkey Borris GAA Club	0	378,275
	Moyglass Sport & Leisure Centre Ltd	0	70,000
	Mullinahone GAA Club	150,000	330,823
	Nenagh Lawn Tennis Club	35,000	45,000
	Newcastle GAA Club	0	125,500
	O'Connor's Field Development Committee, Cashel	0	65,000
	Rearcross FC	0	10,505
	Rock Rovers FC	0	250,000
	Roscrea Golf Club	0	49,400
	Rosegreen Development Association/Rosegreen Rangers FC	0	4,200
	Sean Kelly Sports Centre	0	384,000
	Sean Treacy's GAA Club	50,000	210,000
	South Tipperary GAA Board	0	150,000
	St. Joseph's College/Newport Handball Club	50,000	63,371
	St. Michael's AFC	140,000	200,000
	St. Molleran's GAA Club	80,000	119,856
	Templederry Kenyons GAA Club	180,000	269,955
	Templemore Athletic Club	80,000	134,000
	Thurles Community Sports Campus Project	0	580,000
	Tipperary Town Athletic Club	0	52,500
	Two Mile Borris St. Kevins F.C.	0	150,000
		1,580,000	7,537,974
	Affane Cappoquin GAA Club	40,000	78,600
	Ballinameena Community Centre	20,000	30,103
	Ballyduff Lower GAA Club	50,000	278,665
	Ballygunner GAA Club	0	242,197
	Blackwater Community School/Lismore GAA	70,000	99,000
	Boatstrand Dunabrattin Fishermens Community	50,000	174,000
	Bohemians Football Club	75,000	125,000
	Brideview United AFC Limited	40,000	58,515
	Butler Community Centre Ltd	50,000	133,317
	Cappoquin Community Development Company Ltd	200,000	569,701
	Cappoquin Playground Committee	0	35,000
	Cappoquin Rowing Club	20,000	34,938
	Cappoquin Salmon & Trout Anglers Association	15,000	19,166
	Children's Group Link Waterford	45,000	60,000
	Cunnigar Pitch and Putt Club	5,000	6,960
	De La Salle Hurling and Football Club	175,000	507,850
	Dungarvan Boxing Club	10,000	10,166
	Dungarvan Harbour Sailing Club	0	17,055
	Dungarvan Hurling & Football Club	90,000	147,151
	Dunhill Squash Club	10,000	11,159
	Ferrybank AFC	80,000	250,000
	Fourth Waterford Unit Scouting Ireland	0	13,000
	Hibernian Football Centre	70,000	90,000
	Joseph & Therese White-Finisk Valley	0	481,600
	Kilgobnet Sports Club	0	145,000
	Rathgormack GAA Club	10,000	22,320
	Seaview Celtic FC	55,000	70,268
	Sliabh gCua/St. Mary's GAA Club	0	215,000
	Southend United Football Club	45,000	54,323

County	Applicant	Grant €	Sought €
<i>Westmeath</i>	Stradbally AFC Club	20,000	29,900
	Stradbally GAA Club	0	90,740
	St. Brigid's Hall, Kilrossanty	50,000	100,000
	St. Paul's Boxing Club	5,000	6,400
	Tallow Hurling & Football Club	0	57,280
	Tourin GAA Club	80,000	96,600
	Tramore Amateur Boxing Club	0	
	Tramore GAA Club	60,000	127,000
	Waterford City Council — Regional Sports Centre	0	2,600,000
	Waterford Harbour Sailing Club	0	70,000
	Waterford Local Economic Development Co Ltd	140,000	180,000
	Waterford Motorboat & Yacht Club	0	200,000
		1,083,000	4,045,980
	Athlone GAA Club	150,000	200,000
	Athlone Tennis Club	10,000	20,000
	Athlone Town Stadium Ltd.	0	800,000
	Ballinahown Community Sports Centre	50,000	82,453
	Ballinlough Castle Golf Club Ltd	0	72,000
	Boher Hall Community Development Association Ltd	0	40,000
	Bunbrosna GAA & Community Services	150,000	520,500
	Castlepollard Community Centre	30,000	60,000
	Clonkill Hurling Club	0	770,000
	Coralstown/ Kinnegad GAA Club	65,000	75,000
	Delvin Handball Club	80,000	210,000
	Lough Ree Yacht Club	40,000	57,410
	Loughnavalley Gaelic Football Club	80,000	107,208
	Milltown Community Centre Association & Milltown GAA	0	200,000
	Moate All-Whites GAA Club	20,000	
	Mullingar Athletic Football Club	80,000	110,430
	Mullingar Canoe Club	6,000	7,700
	Mullingar Karate Kyokushinkai Club	0	
	Mullingar Shamrocks GAA Club	0	85,000
	Mullingar Sub Aqua Club	0	10,500
	Mullingar Tennis & Badminton Club	7,000	10,000
	Mullingar Town AFC	90,000	112,442
	Multyfarnham Park Development	0	23,366
	Rosemount Community Centre	30,000	39,938
	Shandonagh GAA Club	100,000	183,818
	St. Francis FC	75,000	96,000
	St. Loman's Foroige	0	
	St. Paul's GFC	0	30,000
	Temple Villa AFC	20,000	22,215
	Westmeath Show Society Ltd	0	100,000
<i>Wexford</i>		1,887,000	4,590,762
	Ajax Athletic AFC	0	80,000
	Ballaghkeen Community Project Ltd	0	34,090
	Bree Community Development Group	17,000	20,296
	Bunclody AFC	20,000	33,118
	Castlebridge Reading Rooms	0	15,750
	Castletown Liam Mellows GAA Club	0	70,000
	Cloughbawn AFC/Community Group	0	150,000
	Courtown Hibernian AFC	120,000	170,000
	Crossabeg-Ballymurn Hurling & Football Club	45,000	50,000
	Curracloe United AFC	70,000	120,406
	Edermine Ferry Rowing Club	8,000	14,998

County	Applicant	Grant €	Sought €
Wicklow	Enniscorthy Rugby Football Club	225,000	336,000
	Faythe Harriers GAA Club	25,000	36,800
	Ferns St. Aidan's GAA Club	100,000	272,918
	Ferns United AFC	85,000	102,900
	Fethard/St. Mogue's GAA Club	80,000	140,000
	Glynn Barntown GAA Club	40,000	50,000
	Gorey Boxing Club	0	108,130
	Gorey Rangers AFC	150,000	300,000
	Hook Sub Aqua Club	0	25,000
	Horeswood GAA Club	100,000	275,000
	Killenagh Wanderers AFC	80,000	161,000
	Kilrush Askamore GAA Club	45,000	55,000
	Monageer Boolavogue GAA	120,000	344,254
	Moyne Rangers AFC	65,000	96,898
	New Ross Celtic AFC	25,000	30,800
	New Ross Coarse Angling Ltd	0	70,160
	New Ross District Pipe Band	0	10,000
	North End United AFC	0	144,437
	Rapperees/Starlights GAA Club	100,000	200,000
	Rosslare Rangers AFC	100,000	227,600
	Sarsfields GAA Club	40,000	50,823
	Shamrocks Hurling & Football Club	40,000	77,303
	Shielbaggan Outdoor Educational Centre	0	143,148
	St. John's Volunteers Community Centre	0	100,000
	St. Kearn's Rowing Club	10,000	15,550
	St. Michael's Pipe Band	0	21,335
	St. Mogue's Rural Community Centre Ltd	7,000	
	Tintern Community and Sports Complex Commission	150,000	367,115
	Wexford Christian Brothers Secondary School	0	39,200
	Wexford Sub Aqua Club Ltd	20,000	30,733
		1,700,000	5,307,247
	Arklow Boxing Club	15,000	18,000
	Arklow Geraldines/Ballymoney GAA Club	65,000	111,161
	Arklow Rock Parnell GAA Club	0	127,664
	Arklow Town FC	0	346,700
	Ashford Rovers Soccer Club	10,000	10,695
	Avondale GAA Club	40,000	65,000
	Avonmore Football Club	50,000	120,000
	Ballinacor Community Project	0	117,000
	Ballywaltrim Community Centre Limited	200,000	300,000
	Baltinglass Golf Club	0	103,285
	Blessington GAA Club	500,000	750,000
	Bray Wanderers Football Club	0	493,735
	Bullfrog Racing Club, Bray	5,000	9,000
	Carnew Emmets GAA Club	100,000	150,000
	Coillte Teoranta Cycling Trail, Roundwood	0	91,105
	Dunlavin GAA Club	0	91,797
	Eire Og GAA Club Greystones	200,000	350,000
	Greystones Community Centre Project	0	
	Greystones Rugby Football Club	30,000	60,000
	Greystones United Football Club	0	500,000
	Hollywood Community Development Association	200,000	384,986
	Lakers Social & Recreation Club	0	200,000
	Newcastle GAA Club	0	25,750
	Newcastle Judo Club	0	2,000
	Newtown GAA Club	60,000	120,000

County	Applicant	Grant €	Sought €
	Rathdrum Rugby Football Club	0	163,212
	RC Girl Guides of Ireland Carnew Branch	0	3,000
	Shillelagh GAA Club	0	22,757
	St. Brendan's College, Bray	0	300,000
	Tiglin Adventure Sports Training Trust Ltd	75,000	85,400
	Tinahely GAA Club	150,000	175,000
	Wicklow County Camogie Board	0	10,000
	Woodlands Development Committee	0	
		50,800,000	251,682,275

Sports Funding.

139. **Mr. Ring** asked the Minister for Arts, Sport and Tourism the reason local media can be furnished with details of the recipients of grants from his Department while elected public representatives are unable to do so; if he will investigate this matter; and if he will make a statement on the matter. [14005/04]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Decisions on the allocations of funding under the 2004 sports capital programme were finalised late last week with a view to publication of the complete list of successful applicants on the Department's website on Friday. Arrangements were also made for the simultaneous release of information to national and local media. Unfortunately it took somewhat longer than had been anticipated to format the material for publication on the website with the result that it did not appear until 4 p.m. on Friday. I regret that this should have happened and can assure the Deputy that no discourtesy was intended to public representatives.

Medical Cards.

140. **Mr. R. Bruton** asked the Minister for Health and Children if his attention has been drawn to the substantial fee which doctors charge to pensioners who wish to renew their driving licence; if arrangements will be made to subvent this cost in line with the Government's policy to promote independence for older persons and access to travel opportunities; and if he will make a statement on the matter. [13951/04]

Minister for Health and Children (Mr. Martin): Medical card holders are eligible for a range of treatments and services without charge under the GMS scheme. However, the issue of certificates for driving licence tests to any medical card holder, regardless of age, may incur charges. I do not have any plans to change the current system.

Hospital Services.

141. **Ms O. Mitchell** asked the Minister for Health and Children if he will give consideration to a request from persons (details supplied) in Dublin 12 to have their child transferred for treatment to a UK facility expert in the treatment of anorexia. [13979/04]

Minister for Health and Children (Mr. Martin):

Where an individual requires specific treatment which is necessary and which cannot be provided in Ireland, a health board may refer the person to another member state for treatment. Under EU regulations, the board issues form E112 to the person being referred to establish his or her entitlement to such treatment and to imply a commitment by the health board to pay the full cost of the treatment. My Department has issued guidelines which set down the criteria to be used by health boards when assessing applications for approval of forms E112, as follows. The application to refer a patient abroad must be assessed before the patient goes abroad except in cases of extreme urgency; medical evidence must be provided by a hospital consultant giving details of the condition from which the patient suffers and of the type of treatment envisaged. It must be certified by the consultant that the treatment concerned is not available in this country; there is an urgent medical necessity for the treatment; there is a reasonable medical prognosis; the treatment is regarded as a proven form of medical treatment; the treatment abroad is in a recognised hospital or other institution and is under the control of a registered medical practitioner.

Health Board Services.

142. **Mr. Durkan** asked the Minister for Health and Children when speech therapy and physiotherapy will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13994/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the provision of services for people with an intellectual disability and those with autism in the Kildare area lies, in the first instance, with the Eastern Regional Health Authority. My Department, therefore, has asked the CEO of the authority to investigate the matter raised by the Deputy and reply directly to him.

143. **Mr. Durkan** asked the Minister for Health and Children when a disabled persons grants application with the SWAHB will be processed in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13995/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The provision of health related services, including assessment for a disabled persons grant, for people with physical or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's question has been referred to the CEO of the Eastern Regional Health Authority with a request that he examine the matter and reply directly to the Deputy, as a matter of urgency.

144. **Mr. Wall** asked the Minister for Health and Children the position regarding the application for assessment for orthodontic treatment by a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13996/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of orthodontic treatment to eligible persons in County Kildare rests with the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and to reply to him directly.

145. **Ms McManus** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 13 is still on a waiting list after three years for ENT treatment; and if he will make a statement on the matter. [13997/04]

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.

Health Board Services.

146. **Mr. Ring** asked the Minister for Health and Children the number of clinical psychologists in County Mayo dealing with national school children; and the number who deal with secondary school children. [13998/04]

Minister for Health and Children (Mr. Martin): Responsibility for the provision of clinical psychology services to children rests in this instance with the Western Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

147. **Mr. Ring** asked the Minister for Health and Children the number of children being seen by speech therapists in schools in County Mayo. [13999/04]

148. **Mr. Ring** asked the Minister for Health and Children the number of children being seen by speech therapists in health centres in County Mayo. [14000/04]

149. **Mr. Ring** asked the Minister for Health and Children the number of children being seen by speech therapists in County Mayo. [14001/04]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 147 to 149, inclusive, together.

The provision of health related services, including speech therapy, for people with physical or sensory disabilities is a matter for the Eastern Regional Health Authority and the health boards. 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.

150. **Mr. Ring** asked the Minister for Health and Children the number of speech therapists in employment in County Mayo. [14002/04]

Minister for Health and Children (Mr. Martin): The Deputy requested information on speech and language therapists working in the public and private sectors. Unfortunately, my Department does not retain such information.

As far as employment in the public health services are concerned, responsibility for the provision of speech and language therapy services in County Mayo rests with the Western Health Board. My Department has asked its CEO to investigate the matter and to reply directly to the Deputy.

Nursing Home Subventions.

151. **Ms O. Mitchell** asked the Minister for Health and Children if he intends to increase the nursing home subvention to a more realistic level. [14013/04]

Minister of State at the Department of Health and Children (Mr. Callely): The Nursing Home (Subvention) Regulations 1993 are administered by the health boards and the Eastern Regional Health Authority. At present there are three rates of subvention payable, €114.30, €152.40 and €190.50 for medium, high and maximum levels of dependency. The payments include an increase of 25% that came into effect in April 2001.

A health board may pay more than the maximum rate of subvention relative to an individual's level of dependency in a case such as no remaining personal funds. The application of these provisions is a matter for the health board concerned in the context of meeting increasing demands for subvention within its revenue allocation as notified annually in the letters of determination. This is in keeping with the provisions of the Health (Amendment) (No. 3) Act 1996. The average rate of subvention generally exceeds the current approved rates.

At present a review of the scheme is under way involving all of the key stakeholders. Its objective is to develop a transparent scheme that offers a high standard of care for clients; provides equity

in the system to include standardised dependency and means testing; is less discretionary; provides a home and nursing home subvention depending on need; is consistent when implemented; and is financially sustainable and draw on experience of the operation of the old scheme. Pending the outcome of the review, there are no plans to increase the current approved subvention rates.

Hospital Services.

152. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for hip surgery to Galway Regional Hospital; and the length of time this person has been waiting for urgent surgery. [14048/04]

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 its CEO to reply directly to the Deputy, as a matter of urgency.

Overseas Medical Services.

153. **Dr. Upton** asked the Minister for Health and Children if he will review the case of a dangerously ill person (details supplied) in Dublin 12; and if he will reconsider their parents' request to avail of appropriate treatment in the UK. [14061/04]

Minister for Health and Children (Mr. Martin): Where an individual requires necessary treatment that cannot be provided in Ireland a health board may refer them to another member state. Under EU Regulations the board issues form E112 to the person being referred to establish his or her entitlement to such treatment and to imply a commitment by the health board to pay its cost. My Department has issued guidelines that outline the criteria to be used by health boards when assessing applications for approval of forms E112. They are as follows: the application to refer a patient abroad must be assessed before the patient goes abroad except in cases of extreme urgency; and medical evidence must be provided by a hospital consultant giving details of the condition from which the patient suffers and of the type of treatment envisaged. A consultant must also certify that the treatment is unavailable here, that there is an urgent medical necessity for it; that there is a reasonable medical prognosis; that there is proof to support it; and that it is in a recognised hospital or other institution and is under the control of a registered medical practitioner.

Light Rail Project.

154. **Mr. R. Bruton** asked the Minister for Transport if the operators of the Luas system will introduce a number of free days for the new line to Tallaght during its initial stage in August. [13942/04]

Minister for Transport (Mr. Brennan): The RPA is considering a range of promotional initiatives, including some limited introductory travel.

Public Transport.

155. **Mr. R. Bruton** asked the Minister for Transport the number of applications received by his Department in respect of new bus routes in the greater Dublin area; the areas they apply to; when his Department first reviewed each application; and the reason he has failed to make a decision on them. [13943/04]

Minister for Transport (Mr. Brennan): Private operators must apply to my Department for licences to operate road passenger services in the State in accordance with the Road Transport Act 1932.

Dublin Bus and Bus Éireann are exempt from the requirement to hold a licence under the Act. Since 10 January 2001 both companies are required, by ministerial direction, to notify my Department of proposed new services or changes to existing services at least four weeks prior to their introduction.

At present my Department has received a total of five notifications and licence applications for the greater Dublin area. The dates of receipt are as follows:

	Date
Licence applications	14 January 2004
	11 March 2004 (two applications)
	1 April 2004
Notification	16 March 2004

In accordance with long-standing practice, details of applications and notifications remain confidential until a decision is made. At present my Department is processing the outstanding applications and the notification indicated above.

All licence applications and notifications are dealt with on a first come, first served basis. The processing of applications and notifications involves detailed analysis to ascertain, for example, the extent of any overlap between the proposed service and existing licensed or other public transport services. This can include similar licence applications already received or prior notifications received from either Dublin Bus or Bus Éireann. Pressing or exceptional circumstances can be taken into account in determining the order in which applications are dealt with. In some circumstances, while the preliminary work may have been completed on a particular application, a final decision cannot be made until other relevant applications or notifications received prior to it have been finalised.

Decisions on the applications and notification that I have mentioned are expected in the near future.

156. **Mr. Morgan** asked the Minister for Transport if applications were made for an operating licence for a Newry, Dundalk, Dublin bus route in 2003; the number of applications that were made for the route; when his Department received applications; and the details of applicants. [13980/04]

Minister for Transport (Mr. Brennan): Persons operating international transport services by coach or bus between EU member states must hold a community authorisation under Council Regulation (EEC) No. 684/92, as amended by Council Regulation (EC) No. 11/98, on common rules for the international carriage of passengers by coach and bus.

During 2003 my Department did not receive any applications for community authorisation to operate services between Newry, Dundalk and Dublin. At present it has six CA applications to operate cross-Border services along the route. They are being processed in collaboration with the competent authorities in Northern Ireland, as required by the EU Regulations.

In accordance with long-standing practice for processing licence and authorisation applications, details of these applications remain confidential until a decision is made.

Driving Tests.

157. **Ms B. Moynihan-Cronin** asked the Minister for Transport if his attention has been drawn to the 11 month waiting period for a driving test in Killarney, County Kerry; and how he proposes to deal with the backlog. [13984/04]

Minister for Transport (Mr. Brennan): There are 24 driver testers assigned to the south west region covering nine driving test centres, including Killarney. Their allocation is kept under review having regard to the demand for tests. The waiting times at the Killarney test centre will be addressed in this context.

The overall number awaiting driving tests nationally has risen because of an above average increase of 21% in applications in 2003 compared to 2002. Indications are that applications have fallen to normal expectations and I anticipate that waiting times will improve over the coming year.

A bonus scheme designed to deliver additional tests operated in 2003. In addition, eight retired driver testers were re-employed with effect from 13 October 2003. Driver testers continue to deliver additional tests by working overtime, including Saturdays.

A driver testing and standards authority will be responsible for conducting driving tests and will have more flexibility to respond to variations in demand. Preparation of legislation to establish it is at an advanced stage and I expect to submit the text of the Bill to Government shortly.

Public Transport.

158. **Ms O. Mitchell** asked the Minister for

Transport the level of subsidy on a one way trip per person on the DART system. [14011/04]

159. **Ms O. Mitchell** asked the Minister for Transport the level of subsidy per trip per person on Dublin Bus. [14012/04]

Minister for Transport (Mr. Brennan): I propose to take Questions Nos. 158 and 159 together.

The allocation of the annual Exchequer subvention between the group's subsidiary companies is a matter for the board of CIÉ. In 2003 the average subvention per passenger journey for Dublin Bus was 36 cent.

The operating subsidy for DART services was 70 cent in 2003. The figure involves an apportionment of costs and revenues between the DART and other suburban services.

Driving Tests.

160. **Mr. Durkan** asked the Minister for Transport if and when a driving test can be arranged for a person (details supplied) in County Kildare. [14044/04]

Minister for Transport (Mr. Brennan): A driving test will be arranged as soon as possible. He should submit documentary evidence from his employer as to his need for an early driving test date.

Citizenship Applications.

161. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform, further to Question No. 865 of 27 January, the position regarding an application for citizenship (details supplied). [13949/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application is still being processed in my Department's citizenship section. It will be submitted to me for decision shortly. As soon as I have reached a decision I will inform the applicant and the Deputy of the outcome.

Child Care Facilities.

162. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform the reason four applications for large scale capital funding, lodged with the equal opportunity child care programme, have waited for a response since 2000. [13965/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am not aware of capital projects awaiting a decision since 2000 other than in circumstances where an applicant requested them to be placed on hold pending the clarification of a specific issue. A number of projects submitted more recently have waiting for a thorough review of the programme to be completed. Its aim is to maximise the availability of capital under the present programme. Perhaps the Deputy is referring to projects in this group.

The Equal Opportunities Child Care Programme 2000-2006 is a seven year development programme. Its progress was commented upon favourably by 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. Spending must take place in a planned manner, as must grant approvals, to ensure that it meets its financial commitments at all times.

There has been considerable demand from community based groups for capital grant assistance under the programme. Every county has benefited from significant grant commitments to provide new and enhanced community based child care facilities. Capital developments in the private child care sector have also been supported. Area Development Management Limited, on behalf of my Department, is carrying out an extensive review of the programme's capital commitments to date, numbering over 1,100 and valued at €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. If they do not the funding can be made available to another project.

Recently my Department 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 its objectives. Some transfers between measures were recommended and require the approval of the regional assemblies. I expect that the technical process will be completed shortly and that it will increase the total allocation to €157 million for the capital development of child care under the present EOCP. It includes an element for the administration by ADM Limited of the capital programme. At the same time an extensive review of child care provision took place to identify obvious service gaps. At present the remaining capital funding amounts to about €35 million and it will be used to fill the gaps in service.

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 of the projects in the pipeline 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. The projects that best meet the criteria will be prioritised. The review process will be repeated as necessary to maximise the benefits deriving from this phase of the EOCP.

ADM Limited was engaged by my Department to carry out assessments, against the programme criteria, of all applications for grant assistance. It

undertook the day-to-day administration of programme. All large scale capital projects are referred by the company to an independent external building specialist to assess suitability and if they are value for money. On completion of the assessment process, applications are considered by the programme's appraisal committee, chaired by my Department. I make the final decision after the committee recommends funding.

The current review of applications will be concluded as speedily as possible to facilitate the development of additional child care places and to ensure that the funding is drawn down before the end of 2007 in the planned manner I mentioned earlier.

I do not doubt that the success of the present strand of the EOCP and the need to continue to make child care available to support the needs of our growing workforce will support my case for ongoing capital and current funding from Government. I expect that the programme would again benefit from transfers if additional funding became available before the end of the present national development plan.

163. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if the Minister of State, Deputy Brian Lenihan, will meet persons (details supplied) to discuss the child care crisis in Ballyfermot. [13966/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I forwarded the details to the Minister of State for his attention and consideration.

The Equal Opportunities Child Care Programme 2000-2006 has allocated almost €2.8 million to a number of projects in the Ballyfermot-Cherry Orchard area. As many as 249 new child care places will be created and support given to 121 existing places when the amount is fully drawn down. Surrounding areas have also received substantial funding. Applications for substantial capital and staffing grants were received from a number of large scale capital projects in Dublin 10.

A major review of the community based capital child care programme is under way. Its aim is to determine which projects should be prioritised for funding under the present strand of capital funding, of which about €30 million remains. As a result the applications from the Ballyfermot area are being reviewed comparatively against other projects. The applications will be prioritised according to the programme's criteria and whether they can be completed before the end of 2007. The national comparative analysis is based on a thorough review of current service provision in the immediate area of each application and a review of the services proposed by each of the current applicant groups.

Garda Investigations.

164. **Mr. Durkan** asked the Minister for Justice,

[Mr. Durkan.]

Equality and Law Reform about inquiries into the death of a person (details supplied) after a hit and run accident on 20 July 2001. [14028/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that a comprehensive investigation has taken place. At this time no person has been charged with an offence and investigations are continuing.

Citizenship Applications.

165. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if and when an application for citizenship will be processed in the case of a person (details supplied) in County Kildare. [14037/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has no record of an application for citizenship in respect of this person.

Garda Deployment.

166. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of gardaí on duty on 1 May; the number of armed gardaí on patrol throughout the weekend of 30 April to 3 May in Dublin; the type of weapons issued; the instructions given; if each armed officer had the appropriate training in the weapons issued to them; and the cost to the State of the armed aspect of the operation. [14050/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are responsible for the detailed allocation of resources, including personnel. They have informed me that there were almost 5,900 gardaí of all ranks working in the Dublin metropolitan region on 1 May.

It is not Garda policy to state how many gardaí on patrol were armed or the type of weapons issued to them over a specific period for security and operational reasons. The costs associated with the armed aspect of the operation form part of the overall costs of the May Day operation. Costs are not available at present.

All members of the Garda Síochána who are armed have authorisation cards and received training in respect of the type of weapon they carry. Only members of the Garda who hold a valid authorisation card are issued, as the need arises, with firearms on duty.

Garda Training.

167. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the cost of riot training for members of the Garda Síochána in the past six months; the number of gardaí involved; their ranks; the length of training; and if he outline the programme. [14051/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities have

informed me that the additional cost of travel and subsistence expenses for riot training for the six month period between 1 November 2003 and 30 April 2004 was approximately €180,850.

The number of gardaí trained under the public order training programme and their ranks for the same period are as follows:

Rank	Number
Chief Superintendent	2
Superintendent	17
Inspector	28
Regional Public Order Instructors (Sergeants)	33
Sergeants and gardaí	1,037
Total	1,117

The duration of the courses were as follows:

Course Title	Duration
Public Order Commander Course	5 days
Public Order Course	6 days

The public order commander course included the following topics: public order related legislation and code instructions; intelligence led risk analysis; conflict resolution; riot curve; operational support unit; briefing and debriefing; human rights and public order; tactical doctrine; introduction to protective clothing and equipment; potential public order scenario; and live public order tactics and command of a public order unit.

The public order courses included ten basic street tactics, baton training, retractable baton training, flexicuff training, petrol reception training and CS gas training which was delivered to 140 Dublin metropolitan personnel only.

Garda Equipment.

168. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the person who authorised the transfer of water cannons from PSNI to the Garda Síochána, and the duration of the loan; if gardaí received training in their usage; if so, the person that provided it; the number of gardaí involved; where training took place; and its duration. [14052/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In April the Garda authorities considered a range of tactical options available through co-operation on public law and order. The Garda Commissioner entered into a service level agreement for the loan of two water cannons from the Police Service of Northern Ireland to ensure the safety of the public in dealing with unruly protesters. The water cannons were procured for the period 18 April to 5 May, inclusive, and have since been returned.

A total of 19 members of the Garda Síochána received training in the tactical command and use

of water cannons from the Police Service of Northern Ireland. Training took place at the PSNI training centre in County Down and at Gormanstown Camp, County Meath over a three week period.

Prisoner Transfers.

169. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the cost to the State of vacating a wing of Cloverhill Prison and the transfer of prisoners to Wheatfield Prison in order to make room for potential arrestees for the period from 30 April to 3 May; the number of prisoners involved; the date on which the directive was given to the prison governor; and the person by whom it was given. [14053/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 30 April 12 prisoners were transferred from Cloverhill Prison to Wheatfield Prison to ensure that accommodation would be available, if required, for any potential arrestees over the bank holiday weekend. The prisons are adjacent to each other and no additional or overtime costs were incurred.

A total of 125 overtime hours were required over the period in Wheatfield Prison as additional staff had to be assigned to deal with the extra prisoners. The average overtime rate for Wheatfield Prison in 2003 was €30.07 per hour and, based on this figure, the total extra cost involved was approximately €3,758.75.

The decision to move the prisoners followed a series of discussions and co-ordinated contingency planning involving the Garda Síochána, senior officials of the Irish Prison Service, who approved the individual transfers on my behalf, and the governors of Cloverhill and Wheatfield Prisons.

Garda Deployment.

170. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the cost to the State of the Garda security operations for the 1 May celebrations. [14054/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 47 of 5 May.

171. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the cost to the State of Garda security checks, involving 2,800 homes in the Shannon district and sealing off the town and airport in advance of the US Presidential visit in June. [14055/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Garda authorities that, as the security arrangements for the forthcoming visit are ongoing, full costs are not available.

Residency Permits.

172. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of the residency application of a person (details supplied); and when this family may expect a determination of the case. [14056/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The man entered the State accompanied by his then wife and made an application for asylum in September 1998. His application was refused on appeal in December 2001. He subsequently applied to remain in the State based on marriage to an Irish national in February 2003. Applications of this type are dealt with in strict chronological order. Applications received at that time are being processed. It is expected that the file will be submitted for decision shortly.

173. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform if he will state when his Department will make a decision concerning a person (details supplied); and if the person will be allowed to work here while a decision on their long-term status here is being made. [14073/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In March 1998 this person arrived in the State and applied for asylum. In November 1998 he married an Irish national, withdrew his asylum application and made a claim for residency based on that marriage. He was granted permission to remain on the basis of his marriage in May 1999. I have information that the person has not resided with his spouse since 2000.

The case is being submitted for consideration. A decision will be made when all the circumstances peculiar to this case have been considered.

Garda Prosecutions.

174. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform the crime and detection rates by the Garda in each year from 1998 to 2003, inclusive, and classified by headline and non-headline crimes; the total number of cases handled by the probation service in each year for the same period, classified by main category. [14079/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have had inquiries made with the Garda authorities. The following tabular statements give headline crime statistics for 2003 and details of non-headline offences where proceedings commenced. The statistics furnished for 2003 are provisional and are subject to change. Crime statistics for the years 1998 to 2002, inclusive, are published in the Garda Síochána's annual reports and are available in the Oireachtas Library.

[Mr. McDowell.]

	Recorded 2003	Detected 2003	% Detected 2003
<i>Headline Offence Groups</i>			%
Group 1 Homicides	101	73	72
Group 2 Assaults	4,738	3,171	67
Group 3 Sexual Offences	2,463	1,505	61
Group 4 Arson	1,440	227	16
Group 5 Drugs	2,715	2,695	99
Group 6 Thefts	57,870	20,640	36
Group 7 Burglaries	25,733	4,438	17
Group 8 Robberies	2,794	909	33
Group 9 Frauds	4,037	2,529	63
Group 10 Other Headline Offences	1,469	997	68
Total	103,360	37,184	36

Non-Headline Offences Where Proceedings Commenced in 2003.

	2003
EASTERN REGION	43,053
Carlow-Kildare	13,727
Laois-Offaly	5,478
Longford-Westmeath	5,423
Louth-Meath	18,425
DUBLIN METROPOLITAN REGION	136,273
Eastern	14,448
North Central	25,568
Northern	18,738
South Central	26,410
Southern	26,029
Western	25,080
NORTHERN REGION	18,112
Cavan-Monaghan	8,194
Donegal	6,769
Sligo-Leitrim	3,149
SOUTH EASTERN REGION	24,692
Tipperary	6,876
Waterford-Kilkenny	9,002
Wexford-Wicklow	8,814
SOUTHERN REGION	45,771
Cork City	16,652
Cork North	5,034
Cork West	4,838
Kerry	7,019
Limerick	12,228
WESTERN REGION	24,378
Clare	5,740
Galway West	8,186
Mayo	5,941
Roscommon-Galway East	4,511
Total	292,279

The total number of cases handled by the probation and welfare service in the years 1998

to 2000, inclusive, classified by main category are as follows:

Offence	1998	1999	2000
Manslaughter	0	1	2
Assault	754	692	537
Sexual Offences	119	118	65
Arson	28	23	18
Drugs Offences	514	519	392
Larceny	1,260	1,130	1,101
Burglary	282	225	145
Robbery	168	111	169
Embezzlement, Fraud and Extortion	89	63	55
Others	2,308	2,431	2,423
Total	5,522	5,313	4,907

Statistics on the cases handled by the probation and welfare service are not yet available for the years 2001 to 2003, inclusive.

Prison Statistics.

175. **Mr. R. Bruton** asked the Minister for Justice, Equality and Law Reform the average number of prisoners held in State prisons in the years 1998 to 2003, inclusive; and his estimate of recidivism in the total prison population in each of those years. [14075/04]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The average number of prisoners in custody for the years referred to are as follows:

Year	Average number of prisoners in custody
1998	2,610
1999	2,763
2000	2,919
2001	3,112
2002	3,165
2003	Being finalised

Official statistics for 2003 are being finalised and will be contained in the Prison Service annual report for 2003 that will be released in the coming months. It is expected that the figure will indicate a marginal increase on the average number of prisoners in custody for 2002.

While accurate figures on rates of recidivism in the prisoner population are not yet available, the computerisation of prisoner records from 2001 will in future provide a more detailed view of a prisoner's past committal history. Recently the director general of the Prison Service commissioned a major three year research project on the topic. He hopes to present an accurate picture of recidivism. It will assist and shape the way we manage prison sentences in the future. The findings of the research are expected in early 2007.

Housing Grants.

176. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government if additional funding can be provided to local authorities to enable them to proceed with the processing of insulation grants for older houses. [13959/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department does not provide grants specifically for insulating houses. Many effective measures to improve energy efficiency in houses can be achieved at negative or zero equivalent annual cost to the householder. The national climate change strategy provides for intensification of educational and awareness programmes, being undertaken by Sustainable Energy Ireland, to promote these options and to fill the existing information gap for consumers.

The standards of insulation required in new housing have been progressively improved in 1982, 1991, 1997 and, most recently, following the 2002 revision of the statutory building regulations.

Since 1976 all new local authority housing has been built with wall cavity and attic and floor insulation in accordance with the building regulations in force at the time. My Department financially assists local authorities in upgrading, renovating and redeveloping their housing stock through the remedial works scheme and funding for regeneration and redevelopment projects. Works under the remedial works scheme must comply with building regulations. Where an extensive programme of refurbishment works is carried out, measures are taken to improve thermal insulation in accordance with the building regulations.

EU Directives.

177. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government when he intends to introduce laws,

[Mr. Eamon Ryan.] regulations and administrative decisions to comply with Directive 2002/49/EC of the European Parliament and Council that was agreed on 25 June 2002 and is required to be enacted into national law by 18 July 2004; and the legislative changes intended to be made in this regard. [13973/04]

Minister for the Environment, Heritage and Local Government (Mr. Cullen): I intend to make regulations transposing Directive 2002/49/EC on the assessment and management of environmental noise into Irish law by 18 July 2004. My Department has been in discussions for some time with other relevant Departments, local authorities and transport bodies on the implementation of the main requirements of the directive. This includes the making of strategic noise maps by 30 June 2007 for agglomerations with more than 250,000 inhabitants and all major roads, railways and airports, and the drawing up of action plans to manage noise issues and effects by 18 July 2008. Dublin City Council has already made considerable progress on strategic noise mapping.

The protection of quiet areas is another concern of the directive. In 2003 the EPA published a report under the Environmental Research, Technological Development and Innovation Programme 2000-2006 entitled Environmental Quality Objectives: Noise in Quiet Areas.

Housing Grants.

178. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the reasons for the delay in processing a rural renewal application by a person (details supplied) in County Roscommon; and when a decision will be forthcoming. [13981/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An assessment of the costs of the development will be undertaken with a view to the issue of a certificate of reasonable cost as soon as possible.

Housing Loans.

179. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the interest rate charged in respect of annuity or similar mortgages taken out in the late 1980s or early 1990s through the various local authorities; and if they are in line with current interest rates. [14027/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The current local authority mortgage interest rates are 2.95% variable and 4.45% for fixed. These are competitive rates of lending.

Prior to the introduction of variable interest rate loans on 1 December 1987 the fixed interest rate that applied to loans issued by local authorities was 10.5%. The variable interest rate that applied to loans at that time was 9.75%.

Since 1980 borrowers with local authority fixed rate mortgages have been permitted to redeem such loans without any interest rate penalty and refinance them in the private sector. This represents a significant concession, having regard to the redemption penalties of up to six months interest or more applied by commercial lending agencies in the event of early redemption of such mortgages.

The position regarding high fixed interest rates on local authority loans was reviewed in November 2001 in consultation with the Department of Finance. The review determined that a State subsidy to reduce interest rates would not be appropriate.

House Completions.

180. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of social houses completed in each year since 1998; and his estimate of the average cost per unit. [14076/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Details of social housing output since 1998, both under the local authority housing programme and by the voluntary and co-operative housing sector, are set out in my Department's housing statistics bulletin. Copies are available in the Oireachtas Library.

Average unit costs for social housing for each of the years from 1998 to 2003, inclusive, are as follows:

Year	All-In Unit Cost (€)
1998	82,313
1999	103,923
2000	122,083
2001	127,993
2002	140,562
2003	137,949

The Government's positive commitment to the social housing programme is shown in the increased provision for social and affordable housing in 2004. The total housing provision, Exchequer and non-Exchequer, in 2004 of €1.884 billion represents an increase of 5.4% on the 2003 provision. The increase in the housing provision will allow for 5,000 starts under the main local authority programme. This is an increase of 500 above 2003 levels. There will also be a further 500 commencements under area regeneration programmes in 2004. In addition the voluntary and co-operative housing sector will provide 1,800 units of accommodation in 2004.

The social and affordable housing needs of over 13,600 households were met in 2003 compared to almost 8,500 in 1998. This is the highest level of housing provision under the full range of social and affordable housing measures for over 15 years.

Housing Loans.

181. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of shared ownership loans issued in the years 1998 to 2003, inclusive. [14080/04]

182. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of outstanding loans under shared ownership in the years 1998 to 2003, inclusive; the total subvention awarded towards the cost of the rental element. [14081/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 181 and 182 together.

Mortgage finance for the shared ownership scheme is generally provided by the Housing Finance Agency and administered by individual local authorities. Accordingly, statistics on the number of loans advanced to fund shared ownership transactions or the number outstanding are not available in my Department. Activity under the scheme, for each local authority, is published in my Department's housing statistics bulletins. Copies are available in the Oireachtas Library.

The following amount was paid to the local authorities in respect of rent subsidy under the shared ownership scheme for the years 1998 to 2003, inclusive:

	€
1998	1,710,832
1999	1,576,865
2000	1,097,376
2001	1,468,803
2002	1,878,536
2003	1,757,979.

Local Authority Housing.

183. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of affordable houses provided in the years 1998 to 2003, inclusive; and the value of the sites provided by public authorities for these units. [14082/04]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The number of affordable houses provided in the years 1998 to 2003, inclusive, is published in my Department's housing statistics bulletins, copies of which are available in the Oireachtas Library.

Information on the value of sites provided by public authorities to build affordable houses is not available in my Department.

Harbours and Piers.

184. **Mr. M. Higgins** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the need for further construction of the area immediately surrounding a recently built pier in Cashel, County Galway and the fact that the pier is not large enough to cope with the number of boats using the facility; and the grants or other financial aid his Department can provide to improve the pier in view of the relatively small outlay required. [13986/04]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my reply to his Question No. 209 on 12 May.

Question No. 185 withdrawn.

Social Welfare Benefits.

186. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the reason for the delay in processing applications for carers allowance; the reason her Department is now dealing with applications received in January; and her proposals to clear the backlog of applications. [13983/04]

Minister for Social and Family Affairs (Mary Coughlan): My Department is committed to providing a quality customer service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are issued as expeditiously as possible having regard to the eligibility conditions.

Entitlement to carer's allowance is based on an applicant satisfying medical, means and residency conditions. In some cases there is an unavoidable time-lag involved in making the necessary investigations and inquiries to enable decisions to be made. For example, there is an onus on applicants to furnish all necessary documentation. Time can elapse through delays and applicants may not supply all of the necessary information required to support their claim.

All claims are dealt with when my Department receives them. Some decisions are made without delay. For example, 21% of new claims received since the beginning of April have already been decided.

On average 12 weeks elapse between initial receipt of claim and a decision to award carer's allowance. At the present the total number of claims is 1,555, the majority of which were received in the last eight weeks. A total of 288 or 19% of them were received in or prior to January.

About 50% of claimants are already in receipt of another social welfare payment or are a qualified adult whilst waiting for their carer's allowance entitlement to be determined. Such

[Mary Coughlan.]
payments will normally continue until entitlement to their carer's allowance is determined.

The staff and other resources available to my Department are regularly reviewed having regard to the workload arising and other competing demands. The available resources are then used to best advantage in discharging my Department's obligations towards our customers and in implementing cost-effective control measure.

187. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason rent supplement

was refused in the case of a person (details supplied) in County Kildare; if the decision is the result of recent budget cuts; and when the person is likely, if ever, to qualify for rent supplements. [14032/04]

Minister for Social and Family Affairs (Mary Coughlan): The South Western Area Health Board was contacted about the case. It has advised that the application for a rent supplement from the person concerned has not yet been determined. The board is awaiting the return of a completed application form. The board will consider whether to grant a rent supplement when it receives the form.