



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Thursday, 20 May 2004.

Requests to Move Adjournment of Dáil under Standing Order 31 ... ..	1
Order of Business ... ..	4
Council Framework Decisions: Referral to Joint Committee ... ..	15
Equality Bill 2004 [ <i>Seanad</i> ]:	
Second Stage ( <i>resumed</i> ) ... ..	15
Referral to Select Committee ... ..	44
Foreign Conflicts: Statements ... ..	44
Visit of Speaker of Belgian Parliament ... ..	68
Foreign Conflicts: Statements ( <i>resumed</i> ) ... ..	68
Estimates for Public Services 2004: Messages from Select Committees ... ..	82
Ceisteanna — Questions	
Minister for Agriculture and Food	
Priority Questions ... ..	83
Other Questions ... ..	94
Adjournment Debate Matters ... ..	107
Adjournment Debate	
Special Educational Needs ... ..	108
Schools Building Projects ... ..	110
Questions: Written Answers ... ..	113

# DÁIL ÉIREANN

## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

IMLEABHAR 586

VOLUME 586

*Déardaoin, 20 Bealtaine 2004.*  
*Thursday, 20 May 2004.*

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

*Paidir.*  
*Prayer.*

#### **Requests to move Adjournment of Dáil under Standing Order 31.**

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

**Mr. Morgan:** I seek the Adjournment of the Dáil under Standing Order 31 to discuss the following important matter of public interest requiring urgent consideration, namely, the alarming failure of the Minister for Health and Children, Deputy Martin, to intervene to ensure coherent management of services in the North Eastern Health Board region; the necessity to address the latest ongoing crisis regarding falsified documentation submitted by the North Eastern Health Board to Comhairle na nÓspidéal, for which no one has yet been held accountable and, the need to examine the position of management of the North Eastern Health Board pending an inquiry into a litany of catastrophes which have occurred in that health board region in recent times.

**Mr. Ferris:** I seek the Adjournment of the Dáil under Standing Order 31 to discuss yesterday's terrorist attack by the Israeli Army on a peaceful demonstration in Palestine in which ten people were slaughtered and scores injured; the continued demolition of Palestinian homes, the legal expansion of the Israeli State and the silence of the international community on the injustices towards Palestinian people.

**Dr. Cowley:** I seek the Adjournment of the Dáil under Standing Order 31 to debate a matter of public importance, namely, the failure of the Department of Education and Science to proceed with previously sanctioned essential developments at Knockanillo national school, Ballina, a logical and forward-looking development, and to instead insist, due to cutbacks, on restrictive development at that school; the instruction by the Department that expenditure not exceed €100,000, a case of being penny wise and pound foolish, which will cause major problems on completion due to interference with existing structures.

**Mr. Neville:** I seek the Adjournment of the Dáil under Standing Order 31 to discuss the

[Mr. Neville.] following matter of urgent national importance, namely, the need to invest €250,000 billion in psychiatric services for children to bring Ireland's level of care to EU standards; the fact that no money from the national treatment purchase fund has been allocated to waiting lists in the psychiatric services; the need to create 136 in-patient psychiatric beds for those under 16 years of age, most of whom overdose on drugs or cause self-harm; the availability of only 20 such beds in the State and the fact that most child psychiatrists have waiting lists of more than one year.

**Mr. J. Higgins:** I seek the Adjournment of the Dáil under Standing Order 31 to discuss the slaughter of civilians in Palestine and Iraq by the armed forces of Israel and the United States including the mowing down of up to ten unarmed Palestinians participating in a protest demonstration in Rafah and the massacre of up to 40 people in western Iraq participating in a wedding; the need to discuss the culpability of the Irish Government in the Iraqi killings as a result of logistical support given to the United States military at Shannon; the need to withdraw, by way of protest, the invitation to President George Bush to Ireland; the need to end the occupation of Iraq and the need to discuss the legitimate right of the Palestinian people to an independent State and to self-defence.

**Mr. Gormley:** I seek the Adjournment of the Dáil under Standing Order 31 to debate an issue of urgent public importance, namely, the murder of ten Palestinians and the maiming of many others while on a peaceful protest in Rafah by Israelis using tank rounds and, the need for the Minister for Foreign Affairs, Deputy Cowen, to take the strongest possible action during Ireland's Presidency to ensure those responsible for this atrocity are brought to justice so that conditions for a peaceful settlement are created.

**Mr. Deenihan:** I seek the Adjournment of the Dáil under Standing Order 31 to discuss the extraordinary high levels of radon gas recorded in a recent survey undertaken by the Radiological Protection Institute of Ireland in a number of houses in Castleisland, County Kerry, in one case, the highest radon levels ever recorded in this country and the serious health implications for people living in the affected houses.

**Mr. Sargent:** I seek the Adjournment of the Dáil under Standing Order 31 to debate an issue of life and death on a vast scale, a matter being overlooked by the international community, namely, the forced migration of more than one million people in western Sudan because the Government is ethnically cleansing the area and, the need to focus the EU, through the Irish Presidency, on what is among the worst humanitarian disasters on the planet and to ask

why the UN and EU are apparently standing by as this disastrous crisis grows.

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

### Order of Business.

**The Tanáiste:** The Order of Business today shall be, No. 10*a*. motion re referral to Joint Committee of proposed approval by Dáil Éireann for a Council Framework Decision on the application of the principal of mutual recognition to confiscation orders; No. 20, Equality Bill 2004 [*Seanad*] — Second Stage (resumed); No. 4, International Criminal Court Bill 2003 — Second Stage (resumed) and No. 20*a*, statements on the current situation in Iraq, to be taken not later than 1 p.m. and the order shall not resume thereafter.

It is proposed, notwithstanding anything in Standing Orders that No. 10*a*. shall be decided without debate; the proceedings on No. 20*a* shall, if not previously concluded, be brought to a conclusion at 3.30 p.m. and the following arrangements shall apply: the statement by a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 20 minutes in each case; the statements of each other Member called upon shall not exceed ten minutes in each case and Members may share time.

**An Ceann Comhairle:** There are two proposals to put to the House. Is the proposal for dealing with No. 10*a* agreed?

**Mr. R. Bruton:** I presume the House will be given a report from the joint committee which will guide the Dáil in its decision.

**An Ceann Comhairle:** Is the proposal agreed? Agreed. Is the proposal for dealing with No. 20*a* agreed?

**Mr. Stagg:** I thank the Government Whip for removing the guillotine on No. 20. I hope the Opposition will co-operate with the Government in dealing with the Bill arising from the removal of that guillotine. The Government has also given the Opposition some concession on No. 20*a*, if that is the correct term, in changing the format of the debate. I am disappointed there is no concluding question and answer session, even for ten minutes, to allow the Government answer on its policy on this area.

**Mr. Sargent:** I agree with Deputy Stagg that a question and answer session on No. 20*a* is important. I ask the Government to consider a resolution as part of this discussion and statements on Iraq. The use of Shannon Airport is becoming more controversial.

**An Ceann Comhairle:** The House is discussing the proposal. The content of what the Deputy might say in the debate is not appropriate on the Order of Business.

**Mr. Sargent:** We are being dragged into an international controversy which is illegal in every sense—

**An Ceann Comhairle:** The Deputy will have an opportunity to speak in the debate.

**Mr. Sargent:** —in a humanitarian sense.

**Mr. Gormley:** That is the reason for requiring a resolution.

**Caoimhghín Ó Caoláin:** In the same vein and even at this late stage I ask the Tánaiste to reconsider the opportunity for a question and answer session to follow the statements of Members. It is important that people have a clear understanding of Government policy and intent regarding this serious matter. It would be very welcome if the Tánaiste responded positively.

**The Tánaiste:** I thank Deputy Stagg and the Opposition for their support on the Equality Bill and for helping to bring it to a conclusion as quickly as possible. Questions were put yesterday to the Minister for Foreign Affairs on the situation in Iraq. He is not available to come to the House today. Government policy in this regard will be evident in the debate.

**An Ceann Comhairle:** Is the proposal agreed? Agreed.

**Mr. R. Bruton:** Will the Tánaiste inform the House if the Government has considered the implications of the recent judgment in the Chen case? Will there be a need for legislation to be introduced in respect of the 11,000 non-national parents of Irish-born children?

Will the Tánaiste comment on the progress of No. 88 on the list of Bills, the Gaming and Lotteries Bill. Is that the Bill under which the Minister for Justice, Equality and Law Reform intends to banish the clowns from City Hall? Will the Fianna Fáil clowns always be so banished from this House under the same initiative?

**An Ceann Comhairle:** The contents of the Bill cannot be discussed.

**Mr. R. Bruton:** I notice the Minister for Justice, Equality and Law Reform is not in a position to indicate when it will be done.

**Mr. Durkan:** Bring in the clowns.

**Mr. Gormley:** Get rid of the clowns in Government first.

**The Tánaiste:** In answer to Deputy Bruton's first question, the Government has not had an

opportunity to consider the Chen case. It is under consideration at the moment. Legislation will be brought forward post the referendum.

**Mr. J. O'Keefe:** Is the Tánaiste putting up with the clowns beside her for the moment?

**Mr. R. Bruton:** They are brightly coloured today.

**Mr. Timmins:** They have come dressed for the occasion.

**Ms McManus:** A delegation from the SDLP will meet the Minister for Justice, Equality and Law Reform today to put forward a proposal to set up an all-Ireland agency to target the assets of criminal and paramilitary gangs on both sides of the Border. In view of that proposal and the recent court decision which defines the limit of the Criminal Assets Bureau regarding overseas crime, will the Tánaiste recognise the serious failure of the Minister for Justice, Equality and Law Reform—

**An Ceann Comhairle:** That does not arise, Deputy.

**Ms McManus:** I beg your pardon, Sir, but it does.

**An Ceann Comhairle:** The Deputy should speak on legislation.

**Ms McManus:** May I finish my question about legislation?

**Mr. Costello:** It is very relevant, a Ceann Comhairle.

**Ms McManus:** It shows the extent of the failure of the Minister for Justice, Equality and Law Reform, to deal—

**An Ceann Comhairle:** Sorry, Deputy, that does not arise. The House cannot debate matters relating to the Minister for Justice, Equality and Law Reform on the Order of Business.

**Ms McManus:** —with the issue of crime which is his brief. He seems to be able to do everything else except deal with crime.

**An Ceann Comhairle:** The Tánaiste, on legislation.

**Ms McManus:** The Tánaiste has not heard my question yet. I ask her to bear with me a moment.

**The Tánaiste:** I was called to reply by the Ceann Comhairle.

**Ms McManus:** I think the Ceann Comhairle is being hasty.

**Mr. Stagg:** It is another old trick of his.

**Ms McManus:** Order for Second Stage of the Proceeds of Crime (Amendment) Bill was before the House in 1999. Second Stage was taken in 2000 and the Bill was referred to the Select Committee on Justice, Equality and Women's Rights, but that committee is still waiting for ministerial amendments to the Bill. In view of the commitment given by the Government Whip following the Flood tribunal interim report, it was stated that a new bureau would be established to deal with the proceeds of corruption—

**An Ceann Comhairle:** The Tánaiste, on the legislation.

**Ms McManus:** —but that has not happened. This Bill has not been processed for years. The Minister for Justice, Equality and Law Reform is spending his time with capers outside this House—

**An Ceann Comhairle:** The Deputy has made her point. I call the Tánaiste to reply to the question on legislation.

**Ms McManus:** —instead of introducing legislation in the House to deal with paramilitary crimes and crimes committed overseas and over the Border.

**An Ceann Comhairle:** I ask the Deputy to resume her seat and allow the Tánaiste to answer.

**The Tánaiste:** In answer to the Deputy's first question about the establishment of an all-island body, the Government, particularly the Minister for Justice, Equality and Law Reform, will give the suggestion from the SDLP every consideration.

On the second matter raised by the Deputy, legislation is being drafted to deal with the deficiencies highlighted in the recent Supreme Court case.

**Ms McManus:** Is there an answer to my question on the Proceeds of Crime (Amendment) Bill?

**Mr. Howlin:** It has been languishing since 2000.

**The Tánaiste:** The Minister is drafting legislation in this area.

**Mr. J. O'Keeffe:** It is a long gestation.

**Ms McManus:** That is not an adequate answer. What has happened to the Bill? It is a very simple question.

**An Ceann Comhairle:** The Deputy made her point. If the Deputy had not made a Second Stage speech when asking her question, the Minister might have known exactly what she was talking about.

**Ms McManus:** We have a clown here who is spinning yarns and will not tell the House about legislation for which he is responsible.

**An Ceann Comhairle:** The Deputy has made her point.

**Mr. Durkan:** The Minister is thinking about climbing up telegraph poles again.

**Mr. Sargent:** An answer is still awaited—

**Ms McManus:** I am entitled to an answer.

*(Interruptions).*

**An Ceann Comhairle:** I ask Deputy McManus to resume her seat.

**Ms McManus:** I ask for an answer to my question. Will I bring over a red nose for the Minister for Justice, Equality and Law Reform?

**The Tánaiste:** I understand the Minister is proceeding with new legislation in this area.

**Mr. Gormley:** What legislation is it? The Government is all over the place.

**Ms McManus:** That is not an adequate answer.

**Mr. Stagg:** Is the Bill withdrawn?

**Ms McManus:** The House is told that new legislation is promised.

**An Ceann Comhairle:** The Chair has no responsibility for the answers given in the House.

**Ms McManus:** What is happening to the Proceeds of Crime (Amendment) Bill? Where has it gone and what is its status?

**Mr. Howlin:** Is it withdrawn?

**The Tánaiste:** It is awaiting Committee Stage. The Minister for Justice, Equality and Law Reform is drafting entirely new legislation.

**Ms McManus:** Is the Bill withdrawn?

**An Ceann Comhairle:** This is becoming repetitive.

**Mr. Howlin:** Is it withdrawn?

**The Tánaiste:** It may be dealt with by way of amendment to that Bill.

**Mr. Howlin:** Is it withdrawn or does the Tánaiste not know?

**Ms Burton:** Is that what the Minister says?

**Ms McManus:** Bring on the clowns.



**Mr. M. Ahern:** Deputy Howlin has got his voice back.

**Mr. Sargent:** I understand it is in order to ask about the date of publication of legislation. The Proceeds of Crime (Amendment) Bill was the subject of the question but a publication date has not been given. Is there an opportunity for the House to be given a publication date for that legislation? I am also interested in that information.

On promised legislation, will the State Airports Bill be published before the local elections? If it is to do with civil airports, will there be some resolution of the status of the military involvement in Shannon Airport before the legislation is published? It is important to clarify the situation.

**The Tánaiste:** That legislation will be published this session. It is the Government's intention to have the Bill passed this session. As regards Deputy McManus's final question, which was not out of order, the Minister for Justice, Equality and Law Reform does not know whether the Bill in question has been withdrawn.

**Mr. Boyle:** Finally, we have something the Minister does not know.

**Mr. Howlin:** When will we be told?

**Ms McManus:** If the Minister returned to his desk, he might gain some knowledge.

**A Deputy:** Listen to the lady from the big house.

**Mr. Timmins:** At the launch of the EPA annual report on 13 May, the Minister for the Environment, Heritage and Local Government, Deputy Cullen, stated that the creeping criminality involved in illegal waste disposal must be faced down. It is more than two years since major illegal dumps were discovered in County Wicklow. At the time, one of the site owners submitted——

**An Ceann Comhairle:** The Deputy should ask a question on legislation.

**Mr. Timmins:** It is coming.

**An Ceann Comhairle:** He must come to it immediately as he is giving a bad example.

**Mr. Timmins:** I do not generally waste the Ceann Comhairle's time and would appreciate a little leniency.

**An Ceann Comhairle:** The Deputy should confine his remarks to legislation.

**Mr. Timmins:** At the time, one of the site owners submitted an application to the local authority for €1 million in costs, claiming he had

been coerced by a third party. To date, I have discovered that not one ounce of waste has been removed——

**An Ceann Comhairle:** To what legislation is the Deputy referring?

**Mr. Timmins:**——and no investigation into the claim has been carried out by the Garda Síochána. This is what we are doing to deal with illegal dumping.

**An Ceann Comhairle:** The Deputy is out of order. I suggest he submits a question to the Minister for the Environment, Heritage and Local Government.

**Mr. Timmins:** When will the building control Bill, which would give us an opportunity to discuss this issue, come before the House?

**The Tánaiste:** The building control Bill, which has nothing to do with waste, will be introduced later this year.

**Mr. Timmins:** The Government is not doing anything about waste.

**Ms O'Sullivan:** The Ceann Comhairle will be relieved to know that my question does not have a preamble. Will the disability Bill be on the Cabinet agenda next Tuesday?

**The Tánaiste:** Yes, it has been on the agenda for the past couple of weeks.

**Ms O'Sullivan:** Will a decision on publication be taken next week?

**The Tánaiste:** I do not know. I do not want to be disrespectful to the Deputy but I cannot give her a commitment that the Bill will be published next week. It will be published as quickly as possible.

**Ms O'Sullivan:** The Tánaiste stated in January that it would be published shortly.

**The Tánaiste:** I am aware of that, but we want to ensure we get it right.

**Caoimhghín Ó Caoláin:** The Minister for Health and Children recently announced he was seeking a Cabinet discussion on the proposed terms of reference on the inquiry into malpractice in gynaecology and obstetrics at Our Lady of Lourdes Hospital, Drogheda. Has the matter been addressed at Cabinet and is legislation being prepared to provide wider terms of reference in order that this matter can be addressed substantively?

**The Tánaiste:** At this stage, legislation is not planned in the area in question.

**Mr. Durkan:** Since the Minister for the Environment, Heritage and Local Government has been missing for some days now, and given that his last major act was to spend €62 million of taxpayers' money without anything to show for it except redundant ballot boxes, which he is now trading—

**An Ceann Comhairle:** To what legislation is the Deputy referring?

**Mr. Durkan:** We are concerned about the Minister's safety. When it is intended to introduce legislation on health and safety at work? I am concerned to ensure the Minister is safe in future.

**The Tánaiste:** The Bill in question will go before the Cabinet within weeks and will be published before the summer.

**Mr. Durkan:** That is good news because we are concerned about the Minister's safety.

**Mr. J. O'Keefe:** We are more concerned about his sanity.

**Mr. Stagg:** Mindful of the Tánaiste's public resolve to resign from her position if her right-wing ideological demand for the privatisation of Bus Éireann was not fulfilled, is she aware of a report on Bus Éireann produced by independent consultants and presented to the Minister for Transport which shows that privatising the company would cost an additional €25 million? Will she now withdraw the so-called transport reform Bill?

**The Tánaiste:** Is the Deputy inferring that we would have to pay somebody to take the company?

**Mr. Stagg:** I hope the Tánaiste will resign.

**The Tánaiste:** I did not discuss privatisation. What I am interested in is competition and more services for consumers.

**Mr. Stagg:** It will cost her an extra €25 million.

**An Ceann Comhairle:** Allow the Tánaiste to continue without interruption, please.

**The Tánaiste:** Government proposals in this area will be published soon.

**Mr. J. Higgins:** Given his responsibility for the indiscriminate slaughter of civilians, will the Tánaiste justify the invitation to President Bush to come to Ireland?

**An Ceann Comhairle:** The matter does not arise on the Order of Business. I suggest the Deputy submits a question to the appropriate Minister.

**Mr. J. Higgins:** Nos. 86 and 87 relate to criminal justice and international co-operation, which are pertinent to this issue. When will the legislation come before the House and does the Tánaiste consider it necessary to implement it?

**The Tánaiste:** The heads of the Bill are expected in the middle of the year. The forthcoming summit in Ireland is an EU-US summit.

**Mr. J. Higgins:** Will the Tánaiste feel comfortable shaking President Bush's hand?

**An Ceann Comhairle:** I call Deputy Deenihan.

**Mr. Deenihan:** I will give the Tánaiste an opportunity to respond to my fellow Kerryman's question.

**An Ceann Comhairle:** If the Deputy does not have a question, we will move on to No. 10a.

**Mr. Deenihan:** Before Christmas, the Taoiseach assured me that the health and social care professionals Bill would be published early in the new year having given me a similar assurance during the previous year. The Bill has not yet appeared. Will the Tánaiste assure the House that it will be published before the end of the session?

**The Tánaiste:** It will be published in this session.

**Mr. Costello:** In view of the deteriorating situation in the prisons, in which there is gross overcrowding and a revolving door system is being operated again, and given that the Minister has closed down three prisons, is threatening to close down another one, prison officers have taken industrial action and prison medical doctors are on strike, will the prison service Bill come before the House before the system collapses?

**The Tánaiste:** I understood the Labour Party's policy used to be to close down all prisons. The legislation will be ready in this session.

**Mr. Costello:** What did the Tánaiste say? For the past five years, legislation has been promised to establish an independent—

**An Ceann Comhairle:** The Tánaiste answered the Deputy's question.

**The Tánaiste:** A Bill will be taken this session. I am not in a position to state when the prison service Bill will come before the House.

**Mr. Gormley:** Is the Progressive Democrats Party still adamant that the strategic national infrastructure Bill will not include incineration, as the Minister for Justice, Equality and Law Reform has indicated?

**An Ceann Comhairle:** We cannot discuss the content of legislation on the Order of Business.

**Mr. Gormley:** I want the Tánaiste to be clear about the position of her party.

**An Ceann Comhairle:** The matter does not arise on the Order of Business.

**Ms Burton:** What about Ringsend?

**The Tánaiste:** The legislation is before the Government.

**Mr. Gormley:** What is the position of the Progressive Democrats Party on incineration?

**The Tánaiste:** What is the Green Party's position on the caring coalition? Did the Deputy hear the comments of the Fine Gael Party on the matter last night?

**Mr. Gormley:** We have a clear position on incineration; we oppose it. What is the Tánaiste's position on it?

**Ms Lynch:** Yesterday evening, at approximately 5.30 p.m. a delegation of people in wheelchairs stopped traffic on Shandon Street in Cork which has just been redeveloped to the tune of €15 million.

**An Ceann Comhairle:** To what legislation is the Deputy referring?

**Ms Lynch:** I refer to the disability Bill. The street has been completely redeveloped, yet people in wheelchairs and with physical disabilities cannot access it.

**An Ceann Comhairle:** The Deputy will have to find another way to raise the matter.

**The Tánaiste:** I have already answered a question on the disability Bill. The matter to which the Deputy refers should be raised with Cork City Council, with which, I understand, she was involved.

**Ms Lynch:** I wish to respond to that remark.

**An Ceann Comhairle:** The Tánaiste has answered the question.

**Ms Lynch:** As regards my involvement on Cork City Council—

**An Ceann Comhairle:** I ask the Deputy to resume her seat.

**Ms Lynch:** As an elected Member of the House, I do not accept the slipshod, smart remarks of the Tánaiste.

**Mr. M. Smith:** She can give it but she will not take it.

**Ms Lynch:** The Minister should blow his horn.

**Mr. Durkan:** There should be no hooting from the Government benches.

**Mr. R. Bruton:** There are reports on an almost daily basis that financial institutions are not complying with their legal obligations. Yesterday the Minister for Finance stated  
*11 o'clock* outside the House that the Central Bank financial regulatory Bill would be delayed because of Dáil procedures. There has been no delay in the House and Report Stage was taken yesterday. The delay has resulted from the incompetence of the Government to bring forward amendments in a timely fashion, which adequately deal with the problems. I would like an assurance from the Tánaiste that the legislation will not be delayed, as the Minister for Finance has been reported as saying in today's newspapers, and that he will act on this, as he has insisted he will in the House.

**The Tánaiste:** The legislation is a priority for the Government and we hope to get it through as quickly as possible. With the co-operation of the Opposition, we can achieve our objective.

**Mr. R. Bruton:** The Tánaiste should convey that to the Minister who is blaming the Dáil for his own tardiness.

**Mr. McCormack:** Will the Minister for the Environment, Heritage and Local Government introduce legislation following his statement on rural housing or is that only an election gimmick to get over 11 June?

**An Ceann Comhairle:** Is legislation promised?

**Mr. Durkan:** Yes.

**The Tánaiste:** No, there are regulations.

**Mr. Durkan:** When will they be introduced?

**Mr. M. Smith:** They are being implemented. The Deputy should keep in touch with his local authority.

**Mr. McCormack:** The Minister for the Environment, Heritage and Local Government promised legislation.

**Mr. Durkan:** When will it be published?

**Mr. M. Smith:** Within days.

**The Tánaiste:** No legislation is promised.

**Mr. McCormack:** The Minister promised legislation, but he did not mean it as usual, just like electronic voting.

**An Ceann Comhairle:** On secondary legislation, it is in order under Standing Order 26



[An Ceann Comhairle.]  
for the Tánaiste to delay a reply until another day on regulations.

**Mr. Durkan:** She does not know. Does anybody know?

**Council Framework Decisions: Referral to Joint Committee.**

**Minister of State at the Department of the Taoiseach (Ms Hanafin):** I move:

That the proposal that Dáil Éireann approve the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision on the application of the principle of mutual recognition to confiscation orders,

a copy of which proposed measure was laid before Dáil Éireann on 18 May 2004, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights, in accordance with paragraph (2) of the Orders of Reference of that committee, which, not later than 2 June 2004, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

**Equality Bill 2004 [Seanad]: Second Stage (Resumed).**

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

**An Ceann Comhairle:** Deputy Crawford was in possession and he has eight minutes remaining.

**Mr. Crawford:** I welcome the opportunity to conclude my contribution on this important issue. I visited a disability group in Kingscourt, County Cavan, since I last spoke on the legislation. I listened to the group's story and, unfortunately, we have a long way to go before equality is achieved. Parents in this group provide 24-hour care for their children with few services available to them. They must bring them to school in Cootehill in their cars or travel on the bus with them because no assistants are available on the bus. No respite care is available and some parents must put their children in sheltered housing in Monaghan, which is a long distance from their homes. The Ceann Comhairle will have experience of service provision in Carrickmacross, County Monaghan. People with disabilities cannot access most premises, including public buildings, in the town and no parking is provided for them. Above all, it is impossible for them to get jobs.

We have debated the rights of people with disabilities frequently and we had a three hour debate on this issue over the past two days but people are seriously concerned about the delay in introducing disability legislation. The Government is not prepared to provide rights to people with disabilities, which it has promised for years.

Under section 24 there may be a difficulty regarding payments to people with disabilities, regardless of their ability. This is a serious issue and I hope the Minister of State will clarify it. Although people may be disabled, they are often well able to work with computers and so on and undertake many different jobs. If they can do the same job as an able person, they should be guaranteed the same wage as him or her and they certainly should not be paid at a rate lower than the minimum wage.

The Minister of State indicated in his contributions that amendments will be tabled that will provide for a parent or representative of a person with an intellectual or physiological disability to act in place of a person seeking redress. I welcome that development because it is important that somebody should be allowed to speak on behalf of people with such disabilities.

The Bill will also provide that licensed drivers under the age of 18 will have recourse to the Equal Status Act in the case of unreasonable treatment in regard to motor insurance. This will provide solace to the individuals concerned and it will be welcomed with great eagerness by able bodied young people. Nothing has annoyed people in rural Ireland more than the cost of motor insurance for young people because they must use a car to travel to their places of employment. Very often, their insurance is double the value of their cars. If this amendment is made, I will welcome it as a major step forward.

It has been mentioned recently that charges for school transport will be increased. While this is not provided for in the legislation, it raises the question of the equality of services available to people in rural areas as opposed to those available to people living in urban areas. That cannot be allowed to happen. A total of 47,000 medical cards have been withdrawn, which means that people who did not have to pay for school transport previously must do so now and if they have to pay higher charges, that would be unfair.

Children with Down's syndrome used to be looked after by independent support groups but they are now looked after by health boards. The services they received are no longer available to them. Ireland is a so-called Celtic tiger nation and it is not acceptable that people with disabilities cannot access services they were able to when times were much tougher.

Housing is also an issue. It must be ensured people with disabilities are given priority in this area. I was contacted yesterday by a constituent who has a disability. She holds down a full-time job but must climb stairs to reach her flat in the building in which she resides. She is not capable

of climbing the stairs and she must carry all her goods up as well. She must make a tremendous effort but she does not have better access to housing than anybody else on the waiting list. She is not a single mother but that should not be held against her. There should be equality in this regard and she should benefit.

I dealt with a case involving another woman a few years ago. She was 21 years old and she was seeking housing but because she was not married or did not have a child, she was not allowed to join the housing waiting list. I raised this issue at a Monaghan County Council meeting at the time but the issue was not resolved until she married.

There are also equality issues relating to the aged. I received a letter from Cavan County Council recently stating that urgent work that needed to be done to an elderly woman's house could not be done because of a scarcity of money. A new application has been forwarded to the person concerned. That application will be assessed under the council policy on essential repairs, which was recently adopted. It is nearly impossible for her to have the case processed.

In his speech, the Minister of State stressed the importance of ensuring that a coherent and consistent approach be maintained in our legislative and administrative infrastructure for equality. Last night I heard about a couple who received planning permission in Dublin. It had been granted for three months when a case was suddenly taken against them. The couple in question has been harassed for the past four years through all sorts of structures. It still seems that when one is in a position of privilege and power, one gets away with behaviour that the ordinary person would not. This is why we need to ensure the existence of a coherent and consistent approach.

I will return to this major issue which cannot be ignored. People are entitled to their rights irrespective of where they live or who they are. I will certainly maintain my right to defend them.

**Mr. Dennehy:** Like Deputy Crawford, I welcome the opportunity to contribute on the Bill. It is important and is part of a schedule of legislation affecting social issues in general, many of which are interlinked. We must continue to develop this process and make changes when they are needed.

In that context, Deputy Crawford and others referred to section 24 which amends section 35 of the original Act of 1998. There has been concern about this area but it needs to be clarified that certain cases are treated differently and different rates are paid. This compares with the issue of apprenticeship. Apprentices are paid different rates at different stages of their training for doing more or less the same work. As far as I know, a principle was accepted by the EU that, in training circumstances, sheltered workshops in particular, different rates could be paid to different people. However, it is important that we have clarity in this regard, and that is what the Bill sets out to

achieve. It is part of a raft of legislation and we must continue to address the relevant issue and make improvements.

This Bill, or any other legislation for that matter, will not on its own prevent abuses and discrimination from taking place. What it ensures is that when such discrimination takes place, the victim can take action. There will be a guarantee of a firm legal platform for taking such action against those indulging in discrimination.

Many citizens have a built-in bias against others, as we all know. It can be based on a variety of factors, including skin colour and gender. In many cases, the difficulty arises when these biased people gain power and abuse it. When the perpetrator is in a position of power it can be very awkward for the victim to take action against him or her. Therefore, we need this legislation to ensure a legal platform is in place to allow the victim seek redress.

The best way of tackling bias is education. We cannot depend on it alone, however, and we need a mechanism to support victims of discrimination. Ultimately, the victim must have a means of redress when any bad occurrences take place. That is what is involved in the Equality Bill.

I am well aware of the Minister of State's interest in and commitment to having equality legislation in place and I compliment him on that. Deputy Cuffe, in his contribution, referred to a form of begrudgery in the Minister of State's opening speech. I was surprised by this and I am not quite sure what the Deputy meant. The Minister of State has a duty to ensure the legislation he puts in place can be implemented and will stand up to legal challenge. I know he is committed in this field and I urge him to continue with the work he is doing in this regard.

The Bill will enact into law three EU Council directives on issues including the principle of equality between persons irrespective of racial or ethnic origin, the establishment of a general framework for equal treatment in employment and the implementation of the principle of equal treatment of men and women in access to employment, vocational training, promotion and working conditions. The Acts most directly affected by the directives are the Employment Equality Act 1998 and the Equal Status Act 2000. These two Acts were, in their own way, landmarks in the campaign for greater equality and anti-discrimination legislation. As we know, many cases have been taken based on them.

It is important that we also recognise that the two Acts have been catalysts for a sea change in the approach of those in a position to give instructions and those in positions of power. The legislation has led to an awareness on their part of how they should behave in certain circumstances. This change in approach is taking place day by day and the legislation ensures a more enlightened approach to the relevant issues.

Both Acts provided for significant and wide-ranging protection against discrimination in the workplace and regarding the provision of services

[Mr. Dennehy.]  
and related matters. I refer to ageism, access to employment for people with a disability, gender related issues and access to public buildings. The issue of fair treatment by all State bodies should also be considered because I am especially concerned about some of the quangos we put in place to run many of the services we provide.

Other Members have referred to discrimination against Travellers, on which I will elaborate if time permits. Age discrimination, unfortunately, is more or less taken for granted in society. In some instances, it is officially sanctioned and is policy. An example of its having been embedded in legislation was the compulsory retirement age of 65, which has recently been modified and discussed widely. The retirement rule was such that, in many areas of employment, anybody who reached the age of 65 was simply forced to retire regardless of medical condition or, more importantly, social circumstances.

The changes in demographics and longevity in particular have led to a change in approach to retirement, but I believe the factors that have led to this are all pension related. However, I welcome that we are becoming more flexible in our thinking on the retirement age. I have stated before that if people of 65 are capable of running marathons, they are quite capable of doing a day's work.

I have had concerns for many years about ageism in the workplace. I had responsibility for a large number of employees over a period of many years and I repeatedly made the point that while age can affect their output and ability to work, it brings experience, reliability and a commitment to the task that younger people may not have. I discovered that if one lost one's job ten years ago at the age of 50, one was more or less unemployable. That was a tragic situation where people were thrown on the scrapheap. Perhaps it was a perceived lack of mobility or doubts about the person's physical attributes that led to people discriminating in this way. There is a balance on the other side but people were not aware of it and simply continued to discriminate.

A person of 40, 50 or 60 years of age will bring attributes such as experience to bear on the task to be performed. We should be cautious not to discriminate on the basis of age. The strengths of people in the younger age groups will be different from those of the older age groups but an overall balance can be achieved if the older person is given the chance. If we accept the principle of equality and treat people with respect, regardless of age, it will be a big advance. However, legislation is needed to support that.

At the other end of the spectrum of discrimination based on age is the issue mentioned by Deputy Crawford, the treatment of young people seeking car insurance. There has been blatant abuse by the motor insurance companies of the concept of equality of treatment. Various methods are used to get around the legislation that is in place. The basic

method used by many companies is to give an unacceptable or outlandish quote. The quotes are little short of robbery. I am glad this issue is being examined in a number of practical ways. First, we are seeking to reduce the cost of insurance in general by taking steps we should probably have taken 20 years ago to deal with bad or illegal drivers and to improve the infrastructure. We are also doing it through legislation by not permitting discrimination against young people.

The companies, not satisfied with treating young people in that fashion, were also using gender as a basis for a different type of discrimination whereby different insurance rates were offered for male and female applicants. This has led to another debate in the context of proposed EU legislation. The insurance companies have explained how much more all other customers will pay for insurance if this practice is outlawed. The suggestion that this will increase insurance costs for everybody else is rubbish. Both the insurance companies and the legislators must put a regime in place to ensure that everybody is treated fairly and equally. If the laws are in place and are implemented, everybody's insurance premia will be reduced. We must stop the practice of unequal treatment. Female drivers might be happy with the present situation but if discrimination is allowed to start, it will be hard to stop. When there is such discrimination, we must intervene and stop it.

There are many other areas of discrimination to be tackled. I referred to quangos because I had an experience recently with An Bord Pleanála and a group of residents who live in Glasheen, near my parish in Cork. The Oireachtas introduces legislation to establish these bodies and then cuts them away from Government. There have been many complaints recently about parliamentary questions being disallowed because the Minister is no longer directly responsible for the body concerned. Many functions are being moved from the political arena and given an independent status, which leads to the establishment of quangos.

The difficulty arises when things go wrong in the quango. The difficulty for the group of citizens in Glasheen arose when planning permission was refused for a house on a small site at the side of another house. That was overcome by the applicants securing permission to double the size of the existing house, which people presumed would be for multiple uses. Residents asked me for my advice and I told them how to use the system by contacting An Bord Pleanála and making their objection. They did this. There were two objections. One was from the immediate neighbour, who slipped up and did not include the message from Cork City Council that he had been involved. His objection was disallowed on a technicality.

The second objection was most interesting. It was from the residents' association. The members did not hear anything from the board for some time so they inquired about their objection. They



were told the board did not have an objection from the association. They came to me to find out what they could do. We questioned An Bord Pleanála but were told that no such objection was received. The association produced the registered post receipt but the board told the residents — I spoke to the board's representatives with the residents — that their agent, An Post, had let them down. An Post was contacted and it produced a signed receipt for the letter from An Bord Pleanála's offices. It was signed by a certain individual and when I and the secretary of the association returned to the board we were told that the board had no such employee. We were told that An Post was most unsafe in that letters were thrown into all sorts of offices and the organisation could do anything with such letters.

After about a week of actively pursuing this matter, we were told that there was such an individual but that he did not work directly for the board. He was the employee of a security company which the board employs. He signed for the letters but the board maintained it was not fully responsible. After another two or three weeks of arguing about this, I asked about the equality of treatment for the appellants in this case. The board insisted it did not have their letter despite the fact that it had signed for the letter and that a package was delivered.

These residents are left in limbo. Their only recourse now is the courts. Everybody knows the costs of the courts and tries to avoid taking that course. However, the case I have outlined highlights how vulnerable the public is when dealing with quangos. I am not using the word "quangos" in an insulting way. It simply means quasi-autonomous non-governmental agencies. However, they apply their rules rigidly. The Minister should consider providing in legislation for a means of redress for people such as these residents who find themselves caught on a technicality. They have proof of their actions and that they did everything correctly but have been told the letter is not there and that the board will discriminate in favour of the person who applied for planning and not deal with the objection.

It is a scandal. An Post did its job even though An Bord Pleanála says it failed the residents. I believe I did my job by advising them on the procedures, without interfering in the rights or wrongs of the case or trying to get a particular decision. The residents have been let down by the public service and by the State. I am not sure where they can go from here.

Another issue I have spoken about over the years is the availability of employment for persons with a disability. The State could do far more in this regard given its huge bureaucracy and huge number of employees. For many years the objective was to have 3% of all positions in the public service allocated to persons with a disability. That objective was not met. Approximately five years ago, we agreed, in conjunction with the disabilities groups and national bodies, to widen the parameters that

would be applied to allow one to be designated officially as disabled. This meant one did not have to be, for example, totally blind or deaf. The parameters were widened substantially but the 3% target was not increased.

I was a member of the Southern Health Board and Cork City Council and each year I put down a question on this issue, inquiring about the current figures for the employment of disabled persons by both agencies. I did this to highlight the issue within the personnel departments involved and to make people aware of the need to discriminate in favour of such people. While I am not sure of the present figures, I would like to think we could keep working in that way. The Department of Justice, Equality and Law Reform was at 2.7% or 2.8% at the last count and I hope all other Departments are at least at that figure. I am told Dublin City Council is a leader with an achievement rate of 4%, on which I compliment it. The widening of the criteria for inclusion on the list meant that we should have probably increased the target to 4% or 5% for the employment of people with a disability.

It would not be much good to employ a person in a wheelchair, who would be located on the sixth floor of a building without appropriate facilities. I know huge work has been done and the OPW in particular is to be complimented for its efforts. However, we need to continue to highlight this issue to jog the conscience of people in this regard. In the area of access to public transport, all carriages of the trains used on the Dublin to Belfast line are accessible and work is being done on those used on the Dublin to Cork line. While all new trains are fully accessible, we need to continue to work on outlying areas. In the past two years we have had the experience of wheelchair passengers having to travel in the guard's van and being more or less shackled down for the trip, which is totally unacceptable.

There is discrimination in the way pregnant women are treated. One in four nurses have work sharing arrangements, mainly to allow them to start families. We should discriminate in a favourable fashion. We can discriminate in a negative or positive way. We try to discriminate in a positive way with weighted employment etc. We can do the same in other areas and this legislation will help. The disability Bill and all the other legislation the present and previous Government introduced will help. In particular I commend the Minister of State, Deputy O'Dea, for his record in this regard and I wish him well with the Bill.

**Mr. P. Breen:** I wish to share my time with Deputy Neville.

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

**Mr. P. Breen:** Fine Gael in general welcomes the Bill, which makes a series of textual amendments to the Employment Equality Act

[Mr. P. Breen.]

1998 and the Equal Status Act 2000, to implement a number of EU directives. It removes the upper age limit for the age ground of the Employment Equality Act and it enhances the reasonable accommodation of people with disabilities provisions under the same Act. However it fails to develop remedies and redress under the legislation to the point of being effective.

While the Bill is rather straightforward, it could have gone further to implement additional changes in equality legislation. Unfortunately the EU is driving these changes and not the Government. It is regrettable that in the area of equality as in other areas the Government has taken a back seat approach. It has not been the driving force for change in this area and its approach has been reactive. We have Europe to thank for the many progressive developments in this area and in other areas of law and society. While we can be very quick to condemn Europe for its rules and regulations, Europe has put the need for equality to the forefront.

The Bill addresses many aspects of the equality of citizens. However it does not address the question of equality for the Irish language. In my view and that of many in my constituency the failure of the Government to have Irish recognised, as an official EU language is unacceptable. I have received many representations on this matter. With the exception of Ireland all countries that signed the Treaty of Rome in 1957 or have signed treaties of accession since then, have had their national languages recognised as official languages of the European Union.

The decision by the Government in 1972 to exclude Irish has disadvantaged our people. Many of the new accession countries are much smaller than Ireland and yet their languages are recognised. Estonia has a population of 1.4 million and Slovenia has a population of 1.9 million. In Malta, where English is widely spoken, the national language, Maltese, is recognised as an official language by the European Union. Despite all the promises of the Government that the status of Irish would be recognised and the Gaeltacht Commission's findings, Irish has not been made an official language.

It is a fundamental principle of the European Union that language is central to people's identity on the basis that respect must be accorded to linguistic diversity. That diversity is not a brake on progress — rather it is central to the multicultural heritage, which has fostered the economic growth that shapes the modern Europe. This becomes important when people are applying for EU jobs. I recently read of 350 vacancies for English language secretaries. Candidates were required to have two official languages. Irish could not be listed as a second language as it was not an official language and this discriminated against Irish people applying

for such jobs. There are a number of similar examples.

It is disappointing as we enter the last month of the EU presidency, the Government has done very little to have Irish recognised as an official language of the EU, particularly as the ten countries that have just joined the EU had their languages recognised. We may have missed the last possible opportunity to have our native tongue recognised. It is a disgrace that when we elect our 13 MEPs on 11 June they will not be able to speak in their native tongue in the Parliament Chamber. Many of us remember when Mary Banotti MEP made her maiden speech in European Parliament she spoke some words as Gaeilge. She was asked to sit down or speak in English only as Irish was not an official language, which was sad and should have been addressed during Ireland's Presidency. I wish Mary Banotti well in her retirement from the European Parliament where she has spent 20 years.

We are all aware that the Equality Authority took Portmarnock Golf Club to court under the Equal Status Act 2000. This was an important case for the interpretation of the provisions of that Act as they affect registered clubs. It clearly holds benefit for women who play golf and equally holds benefit for the wider goal of gender equality in society, which is most welcome. Last Monday, the club had its drinks licence suspended for seven days after its rule excluding women was found to be discriminatory.

The legislation represents another lost opportunity to encourage employers to introduce family friendly work practices. On the question of disability Fine Gael has real concerns about section 9 which deals with the right of disabled persons to have access to employment. It uses words such as "burden", "disruption" and "detriment" in the context of determining whether a disabled person should be facilitated. The Government's approach to disability is more akin to an accountant's cost benefit analysis. This is totally unacceptable at a time when the Government has published only one disability Bill and has persistently delayed the second one. On the Order of Business each morning, Members ask the Taoiseach or the Tánaiste when the disability Bill will come forward and the House is told that it will happen shortly. This morning, I heard the Tánaiste say it will be published in the coming weeks. We will welcome it.

It was disappointing during Private Members' business on Tuesday and Wednesday that the Government missed an opportunity to make a difference to the lives of people with disabilities. It refused to endorse the Opposition proposal to convene a national summit on disability issues in tandem with the publication of the disability Bill. I commend my colleague, Deputy Stanton, who has done Trojan work on disabilities. Disability issues must be treated as priorities. It is sad that so many people are left on the long finger and it



is time for the Government to publish the disability Bill. There has been enough debate, discussion and consultation over the years. People with disabilities should not have to rely on the goodwill of the general public nor should they have to try over and over again to convince the Government that as equal citizens of the State, they should enjoy the same privileges and rights as able-bodied persons.

Deputy Dennehy mentioned the 3% of public service jobs which were reserved for people with disabilities. The rule was introduced in 1977 and the goal has been achieved for the first time in the Civil Service recently. Disability groups which have constantly campaigned for rights based legislation enforceable in the courts are justifiably disgusted by the proposed disability Bill which will not legally oblige the State to provide extra services for the disabled. It is wrong that services will be provided only if resource constraints permit. Once again, the Government has shown that its priorities are Exchequer driven while society's weakest link pays for its broken promises.

In my constituency, Clare County Council has made every effort to recruit people with disabilities and I commend it as one of the leading local authorities in this context. There are other cases however. A young girl working in a restaurant experienced a seizure, which was a once-off event. The following morning, her employer dismissed her. While she won her case for unfair dismissal, she received no compensation as her employer went out of business soon afterwards. It was a sad scenario. The Government should make legislative provisions in respect of employers who are not registered companies. It is important to note that the majority of employers abide by the rules and treat staff extremely well.

The Equality Bill appears to miss the opportunity to prevent discrimination in the context of parental, paternity and adoptive leave. Discrimination can be experienced by men as well as women but the Bill misses the chance to admit it. Fine Gael has concerns about section 24, which seems openly to prevent the payment of different rates of pay to disabled persons. It represents a regressive step and marks a departure from the EU principle of equal pay for equal work. While the Minister may be well intentioned in proposing the section, its effect will be discriminatory and provide an avenue for the exploitation of vulnerable people who for fear of losing their jobs will be reluctant to complain.

A great deal has been said about car insurance and discrimination against young drivers who are asked to pay very high premium rates. The issue must be addressed. I hope provisions will be included in the Bill in this context. While 41% of the Dublin Bus fleet is wheelchair friendly, rural based services must be improved. I acknowledge that trains are being upgraded. Public buildings must also be upgraded to provide facilities for the disabled, particularly small hotels and bed and

breakfast accommodation over two and three floors. While there are other aspects of the Bill I would like to talk about, the time is not available to me. I would particularly like to discuss provisions for people over 50 years who lose their jobs and feel they are the weakest people in society as no one wants them. I welcome the Bill which goes some way towards helping people to counteract discrimination.

**Mr. Neville:** I am pleased to contribute today to debate on the Equality Bill 2004. In the Employment Equality Act 1977 and subsequent Acts, provisions were made to prevent discrimination against women. This process was hailed as a very important development at the time, which it was. However, the employment of women and their equality should be re-examined with the benefit of hindsight in the context of increasing debate about the glass ceiling which prevents their promotion. The ambitions of the EU and the Government in the 1970s for equality to prevail in terms of women's rights and employment have not been realised.

We need only look at the Dáil and Seanad to realise that politics is one of the areas in which women have not established themselves in an equal position in terms of numbers in Cabinet or in political parties or in the Dáil or Seanad. The number of women who have reached senior levels within industry and the public service has not reflected the ambitions of people who were there when the Employment Equality Acts were introduced. There is just one female chief executive officer of a health board and only two female county managers at local government level. We must ask why that is the case. It is not because people do not wish for equality nor is it the result of a Government policy. However, there is something inherently preventing the full participation of women on an equal basis in all areas of private sector employment, the public service and the political process. Society, led by the Government and political parties, should seriously examine the reason our ambitions have not been realised 30 years after the acceptance of the idea of equality for women.

We must also examine our approach to the aged. I have raised the issue of discrimination against older people on several occasions. People age at different rates. A person of 70 may be as physically and mentally active and alert as another person of 50 or even 40 years of age. People can contribute at 60, 65 and even 70 to the same extent as another person of 50 due to the difference in the ageing process for each of us. We fail to recognise this fact when we tell people of 65 that they have reached retirement age and must cease to work. People should have the opportunity to retire or change employment from their 50s to their 70s.

Ageism should not exist in this area, rather the recognition of aged persons' capacity to continue contributing in their profession, employment and other areas. We should not have this idea that at

[Mr. Neville.]

a certain age, a person is looking back rather than forward and that his or her contribution is already made. There is a growing trend for people under 65 years to take early retirement. Many may have aged mentally and physically at an earlier stage. With the significant talent of this age group, the continued role people of an advanced age can play in society must be recognised. We can learn from how previous societies looked on the aged as the wise men and women rather than as pensioners.

Employment discrimination against those who have suffered a psychiatric illness is prevalent. I have met individuals who were treated in psychiatric hospitals and made full recoveries. However, when applying for jobs, they had to undergo medical examinations and wondered if they should reveal their past illness and treatment. While they should reveal this information, in doing so they encounter a level of discrimination from either public or private employers. A mindset exists among employers at all levels that there will be concerns if an employee has had a psychiatric illness, particularly in employment that tests one's cognitive abilities. Within the psychiatric profession, it is accepted that 90% of depression cases treated see a full recovery without any further effects, just like pneumonia or any other transient illness. Employers and recruitment agencies must be educated to be conscious that the stigmatisation of psychiatric illness can lead to discrimination, especially against those who have had hospital treatment. In doing so, employers are missing the opportunity to hire good employees who could significantly contribute to their enterprises.

In last night's debate, the Minister of State, Deputy Tim O'Malley, from the Limerick East constituency conveyed the State's approach to the provision of psychiatric services when he boasted that €90 million was spent since 1997 on the development of psychiatric services. This works out at €11 million on average per year. Compare this with the costs for electronic voting, with which the Minister of State, Deputy O'Dea, had problems, or the Punchestown equestrian centre. An annual spend of €11 million exposes the Government's true commitment to psychiatric care.

**Ms Lynch:** We are not all strictly female or male as each gender has certain traits of the other. In my case, I find it difficult to admit I am wrong, although I have little occasion to do so. The late Theresa Ahearn was a well-respected Member of the House and I recall debating with her on equality issues. I argued strongly that one cannot legislate for attitudes, while she was of the opposite view and argued it just as strongly. Two years ago I heard a statement that supported Theresa Ahearn's argument and I now accept she was right. The British politician, Mr. Jack Straw, not someone I would normally quote, during an

interview on discrimination and equality was informed by the interviewer that one cannot legislate for attitude. He agreed but added that one can legislate to ensure one's attitude does not detrimentally affect others. That should be the aim of anti-discrimination legislation.

Although people's attitudes can be changed through education, one must also ensure that attitudes do not impinge on others. Enforcement on that basis is as important as legislation. This process is begun by educating people to respect others, no matter what their imperfections. I admit I come from a group of people who are not perfect. It would be lovely if we were all colour blind but we are not. It would be lovely if gender was irrelevant, but it is not, although in certain instances it should be. Education is the starting point against discrimination, but legislation must ensure that attitudes do not impinge on other's lives.

Certain elements of the Bill need to be taken on board. Ireland has still not implemented the anti-discrimination at work EU directive. It is not as we have been asked to introduce wide-ranging legislation with draconian penalties. The EU normally asks directives to be introduced at the lowest possible level. If anti-discriminatory or equality legislation is about anything, then it needs to be all-encompassing. Areas will be found where new forms of discrimination emerge, although they are few and far between. We have been around long enough to know what we do not want to do.

I find peculiar and disturbing the provision under job justification that one can be refused a job on the basis of gender. I do not want to paint all employers as awful people. The majority of employers do a very good job, keep their companies going, try to make a profit, keep the staff happy and so on. When it comes to employing staff, however, and interviews for jobs, if employers can find a way to employ a man instead of a woman, they usually will.

The only two great leaps forward for women in the area of employment have taken place in times of crisis. We now have approximately three women at county manager level in  
12 o'clock the country, but the number of women at grade III level in the local public service is enormous. As one goes up the pyramid of grades, the number of women becomes smaller. For some reason — perhaps it is the mindset — women drop off the pile.

The report issued yesterday by the Equality Authority states that a considerable number of the complaints received by it were related to discrimination because of pregnancy or sexual harassment. We can have it one way or the other. Do we want the population to increase to fund pensions for our older generation or do we not want women to have children any more? If we want them to have children, we must organise the workplace to ensure they can do so without it impinging on their prospects.

Deputy Neville asked why women do not reach beyond the glass ceiling. I can understand why he is puzzled about this. Many men do not think about it very deeply. Most of the women with whom I deal, as, I am sure, does the Minister of State, because we have similar constituencies, do not even get out of the basement. The glass ceiling is one thing, but these women need to get to the second floor at least. The reason more women are stuck in low-paid employment and do not reach the higher levels is child care. My response to anyone who asks me about the issues facing women is "child care." We cannot have it both ways. We cannot say we want women to participate in society if we also accuse them of not being at home for their children when the young lad — or the young girl, as it was in my case — is found to have broken someone's window.

We cannot be the social housekeepers of the world as well as entrepreneurs without flexibility and assistance from the State. I have never believed in the concept of the superwoman, but there are mechanisms we can put in place to ensure women do not suffer discrimination and that they can help to contribute to society. This is essential. Women's participation in society benefits not only women but men as well. It is of benefit to all of society. We will need to consider this further.

To return to the issue of job justification and gender, I could never figure out why there were not more women in the area of gynaecology. Why are 98% of all gynaecologists men? It is not as if they will ever need to treat a man. The reason for this is that the area is a closed shop, a boys' club. There are many good gynaecologists and I thank God for them. As they say, if everything is going right, one is paying too much, and if something goes wrong, one will never be able to pay enough. However, I do not understand why there are not more women in this profession.

I will return to the issue of the protection of religious ethos in schools and so on. When this measure was first introduced by Mervyn Taylor, I opposed it, despite being in the same Government. I must admit I received severe abuse because of this, which did not all come from outside the party. I accept fully that schools that have a particular ethos need to protect it. My children were deliberately sent to a convent school. This does not necessarily mean, however, that somebody who does not share that ethos cannot promote it if that is his or her job.

We should not give to particular sections of society the right to discriminate. We should give them the right to employ people who are capable of doing their jobs and to dismiss those who are not. We know there are enough of them about. However, to give a section of society the right to discriminate is dangerous. We should support these people. We should agree that ethos is important and must be upheld and protected. If someone is damaging that ethos, he or she can be dismissed to protect it, but we should not give

people the right not to employ someone because he or she does not share a certain view.

Only 10% of Irish companies have voluntarily altered their workplaces so that people with disabilities can work there. This is probably because most companies do not realise there is a grant system and a major network of support to ensure that people with disabilities can work. I spoke at length last night about people with physical disabilities because I know something about this area. To deny someone the right to work because of the design of a building, which is not related to the person's ability or capacity to do the job is to deny ourselves the value and contribution of worthwhile people.

I agree with Deputy Neville about people who have suffered from mental illness in the past and the type of discrimination that can result. Mental illness is the new leprosy. We do not want to talk about it. This is because it is so close to home and we know any of us could be struck by it tomorrow. If employers want to employ people with disabilities, there are grants and advice available. Some of these people are incredibly gifted but simply cannot access certain buildings. This building is a case in point. I am not certain that if I were in a wheelchair, which I have been, I would want to suffer the humiliation of being carried in and out of here or having to sit outside while one of the ushers brought me a microphone. If we want change, we should start at home. The physical design of buildings which excludes people is disgraceful and should be dealt with.

Women earn much less than men despite the equal pay directives and legislation. Men earn €13.77 per hour on average, while women earn €9.86. It is estimated that this adds up to a difference of €1 million over the working lifetime of a woman. We all speak from our own experience and mine is of women who have not been treated equally. There is also the issue of women who work in the low-wage economy.

They do so following marriage to juggle child care. It is much easier to work from 7 p.m. until 10 p.m. or 11.30 p.m. cleaning offices when one's husband or partner is at home, or one's mother can drop in and mind the children. It makes life a bit easier to be at home during the day when the children are very young or to be able to pick them up from school because there are not adequate child care services.

There is the example of a young woman who worked for a local authority and had reasonable prospects, but brought home just €320 a week. If I were to tell this story about someone working in McDonalds from 9 a.m. to 5 p.m., five days a week, bringing home €320 a week, we would all be outraged. This woman had reasonable prospects but she had a four month old baby and child care was costing her €250 a week, leaving her with €70. Anyone knows that food for a baby costs €40 a week. She had a car, because there is no public transport system. This woman gave up her job as she was not able to match her



[Ms Lynch.]  
outgoings with her income. She reckoned that if she stayed at home and looked after her child at least she would not be in debt. This is what drives home the lack of a support system. If we want a society which caters for the next generation, we must put the mechanisms in place to ensure this happens.

If the Bill proposes that employers will be allowed to pay people with disabilities lower rates per hour than their able-bodied co-workers, I throw my hands in the air. It is an awful mindset and a terrible attitude. People in this society who are disabled, because of an accident in the womb, at birth or after birth through illness, appear to be of lesser value — I am not talking about social value but economic value — than those of us who can stand upright, negotiate stairs and do not need special toilets. I ask the Minister of State to remove this section from the Bill.

Nowadays there are many types of employees. On the one hand, there are those who have been in the workplace for years and, on the other, there are new employees being employed at a lower rate, which causes huge friction. Not only do people with a physical disability, or those of us who are less than perfect, look different, but they will now be treated differently, despite doing the same job. As this is one of the worst measures in the Bill, I appeal to the Minister of State to remove it — I believe I am appealing to someone who knows what I am talking about.

I hope great changes for the better will be made in the Bill. Elements of it are excellent, and I compliment the Minister of State on these, but there are measures which need to be improved. Those of us who have been discriminated against in one form or another will appreciate if the legislation protects us from such attitudes.

**Dr. Cowley:** This is an important Bill which seeks to amend the Employment Equality Act 1998. I am grateful to have an opportunity to speak on the Bill. It proposes to make further and better provision in regard to equality of treatment in the workplace and elsewhere. It proposes to implement the principle of equal treatment between persons irrespective of racial or ethnic origin, establish a general framework for equal treatment in employment and occupation and implement the principle of equal treatment for men and women in regard to access to employment, vocational training and promotion, and working conditions, which is extremely important.

However, several commentators have said the Bill does not go far enough. It proposes to transpose the three EU directives into the Employment Equality Act and the Equal Status Act. These include the race directive, the framework for employment directive and the gender equal treatment directive. It removes the upper age limit under the Employment Equality Act and enhances the reasonable accommodation requirement for people with disabilities under the

same Act. It fails to develop remedies and redress so that the legislation can be effective and persuasive, and does not measure up to the Equal Status Act in terms of improving the functions of the State as required under the race directive.

It is obvious that this is a necessary change. Europe has always driven us. It has been instrumental in keeping us on the straight and narrow in regard to employment law, in particular, and equality issues. We have our Constitution, but it has escape clauses, which means that some people are more equal than others. Our rights under the Constitution are balanced by escape clauses. This means that, in the interests of the State and so on, these rights are qualified. Under EU directives, we are obliged to implement these measures. We have often been slow to implement directives, but in some instances, we have over-implemented directives such as the nitrates directive and the habitats directive. These are important issues, which it is better to implement later rather than never.

Major advances on equality issues have been made by the Equality Authority of Ireland. The chief executive officer, Mr. Niall Crowley, has done very good work in this regard and continues to raise issues of extreme importance to society. While I welcome a standard of equality and proper employment practice across Europe, some areas are not covered by the directives. These areas have suffered badly in this country. There is the European working time directive which affects consultants and junior hospital doctors. While these people may be confined to working very few hours per week, general practitioners still work 168 hours a week, which does not make sense. There needs to be more co-ordination in the European Parliament and in the Council of Ministers in respect of the anomalies in the system. I do not know why a general practitioner should have to work 168 hours a week, all the hours God made, while a junior hospital doctor does not have to do so. When I worked in a hospital, I worked a one in two rota. My locum currently works 168 hours a week unless he can get a locum to replace him. These are the inequalities that exist in the current system.

This is important because these directives are based on logic. If someone holds a responsible job, such as a lorry driver, we must ensure that he does not drive too far. This directive is one way of ensuring that he is not a danger to himself and others. It is rational that junior hospital doctors should have a limited number of working hours because people's lives depend on them. Having worked around the clock as a doctor in a rural area, I know that there is a need for rest periods. That is not covered by EU legislation, which is a major problem. There are other areas that are not covered by equality legislation and I do not know why. However, I welcome the legislation before the House, warts and all.

Europe has dictated to us and we have been happy to comply because we are in Europe for

the long haul. We have failed miserably in those areas in which Europe has not been involved. It trusted us to do the right and honourable thing with the funds it gave us, such as Structural Funds. Successive Governments failed to distribute the resources they received for the people in the deprived areas in Ireland. They denied us most of the funds and that is obvious from the mid-term review of the national development plan. The figures for expenditure on roads, public transport and other infrastructure show that we did not get the funding. We did not get it because the Government did not give it to us. That is why I have been elected to the Dáil — to make the point that for successive generations, Governments knew how people would vote and so did nothing for them.

There must be change. The most economically deprived area in Ireland is in my constituency. That should not be tolerated because people in the west matter. If the Government could ensure that half the number of graduates from the west would not have to come to Dublin for their first job, as is the case at present, it would mean a great deal to people in the west. It would also help the people of Dublin who can only move around the city at the same pace as 100 years ago — the pace of an ass and cart. Knock Airport was to have a tax incentive programme but it was blocked by the Government. The excuse was that it was prohibited by EU regulations, but it was our own Government that was responsible.

This legislation deals with the elderly, which is important. It means that someone over 65 who suffers from discrimination can be protected by this legislation. As a student in the US many years ago, I noticed that many old people were working. It is their right to work but our elderly were denied by legislation. I therefore welcome this aspect of the Bill. Younger people under 18 also need to be covered. It is obvious that the elderly have been forgotten because they do not have a voice. The sight of elderly people in institutions was the sad side of migration. They often did not have the right to live in their own area. The most deprived and vulnerable people in our community were those who had to leave our area and go to an institution where they knew no one. Like the old Indians, they lost heart and died because they were alone, with no resources or support from the new community. People should have a right to housing, to live in their own community and to keep their friends.

St. Brendan's village gives people the opportunity to stay in their own area no matter how old or disabled they are. Even if it cost twice as much, it would be worth it, but it is in fact more cost-effective and is the largest employer in our area. Every village needs something like it. I have nothing against nursing homes or far-away institutions, which are necessary, but we need a community alternative. Equality is about allowing elderly people who have never left their community to remain there. Community is where people are most happy and it also cost-effective.

In this country, some people are more equal than others. In the west, there is a lack of infrastructure to provide sustainable employment and viable business. Roads, railways and airports are not sufficiently developed and, as a result, some people are more equal than others. This is due to the imbalance in regional development. The EU is not to blame for this. It lies with our own Government.

There is a bias in favour of the rich in Ireland and the Bill should cover this issue. The Government can create tax breaks to ensure the construction of nursing homes by business people with an agenda. They may have an agenda to improve the lives of the elderly, but the primary motive is to make money. There are three actors in this situation. The State provides long-term accommodation for old people, as does private enterprise and is thriving as a result, while the community is in the middle. Community is not catered for and the Bill should cover this problem. If I had drafted this legislation, I would have ensured that communities would have the same opportunity as private enterprise. Why should private enterprise, which is profit-driven, have the edge on people who want to support the elderly in their community? Much remains to be done.

I will welcome the Bill if it improves the lot of Travellers. Some people have stated that it will water down the rights Travellers already have. When people refer to Travellers, others switch off. It is obvious that Travellers have had to become legalistic and prepared to take on the State.

People say we should consider the Aborigines in Australia who were treated badly. The native Indians in America were treated badly also. Their buffalo were killed off by the settlers over the years and they were put into reservations, which were subsequently taken over and many of those people became alcoholics at the lower end of the socio-economic scale. The same happened to the native Aborigines.

We are treating our Travellers in the same way. We need to open our eyes and not have a bias against Travellers. If it did not exist, we would not have Travellers who cannot get accommodation. Our Travellers have a right to housing but if a serious attempt was made by local authorities to solve the problem, we would not have a so-called Traveller problem.

I know Travellers who are the salt of the earth, and I have met Travellers who are looking for houses. One might think of a Traveller as someone who lives on the side of the road but these people were brought up in a house as part of a large family. Travellers have larger families than the average family. Their life expectancy is poor because they are deprived — nobody is making that up. They have poor life expectancy because they are treated badly, they have inadequate access to services and they do not have proper houses. Children in a large Traveller family in, say, County Mayo go to the same



[Dr. Cowley.]

school as other children and play on the same football teams but when it comes to getting married, they end up on the road because they cannot get housing. If there are larger Traveller families, there will be more Travellers looking for houses, but that issue has not been addressed. Travellers deserve equality and I would be happy if this Bill were to give them that, but the fear is that it will not do so. I ask the Minister to examine this area carefully and ensure there is no further discrimination.

There has been a major opportunity to be proactive and creative in all these areas. This Bill should provide that Travellers have the same rights as everybody else. It should be spelled out, but reading through it one can see it is a most complex document which one would have to spend days and nights reading to get any sense from it. I do not understand that. I ask the parliamentary counsel who draft legislation to try to do so in a more user-friendly way because it is difficult to make sense of a document like this one. It should refer to valuing our Travellers, who are our ethnic group, and ensuring they are not housed on the edge of some clearance out of sight and out of mind. We must promote a Traveller culture and provide facilities such as a Traveller village. I try to promote issues such as that but local authorities do not want to know about them. Local authorities have been before the courts for neglect, and rightly so.

There is inequality on the ground and as a general practitioner I witness that. Such inequality should be addressed in a Bill like this one. Manifestations of that inequality include the Hanly report and the radiotherapy report, which refers to discrimination against people in local areas. It is all about the centralist agenda and bringing people to the major cities where, incidentally, the political parties are located. People are being drawn away from their areas. If there are no services in an area, people will not stay in it. There is a vicious circle of removing services from an area which results in people leaving the area. If people go to an area where there is no doctor, garda, bank or post office, they will not stay in that area. Who wants to bring up their children in an area which does not have a proper school, post office or any of the necessary services? That is a type of apartheid in terms of equality and health.

There are many incidences of inequality that need to be addressed. For instance, BreastCheck is available in one half of the country, and I will not ask the Minister to say which half. Cervical screening was supposed to be introduced nationwide by 1999. There are many other instances across the board I could talk about but I will conclude on that point.

**Mr. Connolly:** I wish to share time with Deputy Morgan.

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

**Mr. Connolly:** This Bill is to be welcomed in that several EU directives relating to equality are to be assimilated into Irish legislation, thus updating it to accord with changing circumstances in Ireland. If we are to become a truly multi-ethnic society, all remaining vestiges of discrimination on whatever grounds must be eliminated.

Discrimination on ethnic grounds and incitement are not unknown quantities in the Ireland of today. Ethnic conflict has become, to some considerable degree, a basic feature of many modern societies, undoubtedly due to the fact that these societies have increasingly diverse populations. This growing diversity can be attributed to the extended global pattern of migration. Racism, racial discrimination, xenophobia or a related intolerance are generally at the root of every conflict, whether it be in Northern Ireland, Rwanda, Zimbabwe, Sudan or the constituency republics of the former Soviet Union.

The concept of race describes a group of people with the same physical characteristics and with notable cultural and social similarities. In view of this description, racism can be defined as an attitude of prejudice, bias and intolerance among various racial groups. Xenophobia is another emerging problem and has become a social and human rights issue in the contemporary world due to migration.

Several countries have fallen into the trap of seeking to resist immigration by people from other racial or ethnic groups. How else can the children of Filipino nurses view this country's continued resistance to their coming here? Both racism and xenophobia are a violation of human rights, and this Bill goes part of the way to eradicate them.

Movement of people across boundaries continues to cause problems among nationals of recipient states and non-nationals. This is due to competition for scarce resources, ignorance and in-built prejudice. For the states themselves, migration raises questions of security, economic management and sovereignty.

This Bill makes slight progress in the area of accommodation for disabled people and employees. However, it has taken 27 years for the public service to reach a target of 23% employment of people with disabilities in some areas. Other areas have much more to do and I do not have a sense that this issue is being driven as a policy in many public service and private companies. It is essential to ensure there is no further discrimination against disabled persons.

There appears to be a latent reluctance on the part of the Government to legislate positively to provide for pay parity for the disabled. Section 24 of the Bill permits pay disparity in the case of disabled people to be maintained. Once that clause is in place, employers will use it. They will

abuse the law, and I have no doubt about that. That appears to be totally at variance with the principle of equal pay for equal work, which appears to legitimise discrimination among some of the weakest in society.

It should be remembered that democracy is only as strong as the weakest link, and the true measure of democracy is how we care for the weakest in society. The continuing discrimination against working mothers has not been addressed in the Bill, particularly the short-changing of working mothers in regard to child care. Female third level college entrants are currently out-stripping their male counterparts by over 25%, and many of them will be working parents in a decade.

The Bill does nothing to provide for family-friendly workplace policies and affordable child care facilities to enable our brightest and best young graduates to remain in the workforce. A recent ESRI study, which coincided with international women's day, reported that women are paid 15% less than men on an hour by hour basis, despite that they do the same work. The research showed that the 15% gap exists virtually across the board while in managerial positions the disparity increases to 28%. The smallest gap is in the public service. However, most chief executives and senior executives in the public service are male and, while women receive equal pay, they do not hold as many senior executive positions.

Much of this continuing discrimination against women is due to the family responsibility role. The existence of legislation has not prevented such discrimination in the past, particularly in areas of recruitment, training, pay and pensions. Such inequalities must be addressed urgently and this Bill provides an excellent opportunity to move legislation in that direction.

Some sections of the Bill give cause for concern. Section 47, in particular, affords non-nationals no protection from discrimination on racial grounds with regard to higher education grants. Under this section, non-nationals who have applied for refugee status but have not been granted that status will still be open to discrimination from health boards, vocational education committees, immigration officers and public authorities. In this regard, the Bill falls short of the aim of achieving full equality in practice.

Section 9 requires employers to take appropriate and practical measures to facilitate and accommodate people with disabilities in the workplace. This is to be welcomed as it should ensure that businessmen will have to meet their responsibilities to disabled people. The qualification of disproportionate burden in the matter of providing training or enabling disabled persons to advance in employment may be abused by some employers to permit them to avoid their responsibilities. I have no doubt this will happen. This qualification is wide open to abuse by rogue employers who would use it to

avoid providing for disabled persons in the workplace. Prior to now, employers were merely obliged to provide reasonable accommodation for employees with disabilities at no more than a nominal cost. This enabled certain unscrupulous employers to abdicate their responsibilities to disabled persons. That the Bill strengthens this area considerably and places the onus on employers to comply with its provisions for accommodating persons with disabilities is to be welcomed.

The long-awaited disability Bill still awaits publication despite that it appeared in the programme for Government and Sustaining Progress. Equality issue for persons with disabilities are intertwined with the disability Bill which was to have been published last autumn and enacted before the end of 2003. With local and European elections looming, the disability Bill appears to be as far away as ever. This provides some insight into the Government's attitude to equality matters as far as the disabled are concerned. Sustaining Progress also promised a disability Bill by the third quarter of 2003 in tandem with the commitment in the programme for Government. However, the disabled are compelled to wait until the Government decides how equally they should be treated and when their rights should be enshrined in equality legislation.

Certain exemptions allowed to immigration officers, landlords and service providers are maintained in the Bill. It had been recommended that these exemptions be removed.

The broad thrust of the Bill is to be welcomed and it is important that every person is enabled to contribute on a positive level to society.

**Acting Chairman:** As the Minister of State will reply at the end of the debate I ask Deputy Morgan to limit his contribution to five minutes.

**Mr. Morgan:** Throughout 2003, my party called for the transposition of these directives into the law of the State because of their importance in enhancing protection from discrimination for people in this State. The transposition of the directives by the Minister for Justice, Equality and Law Reform is deeply flawed in that he failed to consult representatives of people whose rights will be affected by the legislation while also ignoring the recommendations of the Equality Authority on the proper transposition of the directives. The way in which the directives are being transposed is flawed because it is coloured by the Minister's right-wing opposition to a rights-based society. He has expressed this opposition on many occasions.

I will confine my remarks to the employment related aspects of the Bill which include 41 amendments to the Employment Equality Act 1998. Recently, I raised in the House the unacceptable rate of unemployment suffered by people with disabilities. A report published by the National Disability Authority earlier this year

[Mr. Morgan.]

shows a severe lack of progress made over decades in enabling people with disabilities to enter the workforce. My party colleagues and I have concerns regarding section 9, which deals with the nature and extent of employers' duties to reasonably accommodate people with disabilities. The changes in section 9 stem from article 5 of the framework directive which requires employers to take appropriate measures to enable people with disabilities to have access to employment, participate or advance in employment and undergo training. However, this is qualified by the provision that employers do not need to take such measures if they would impose a disproportionate burden on the employer. The previous speaker alluded to this and I agree with his comments.

We are especially concerned about the factors which may be taken into account when assessing whether such measures would be a disproportionate burden on the employer. These give employers greater scope to avoid making provisions for disabled people than was envisaged in the framework directive. Sinn Féin will seek to amend this section by removing a number of the factors which can be taken into account when determining whether a disproportionate burden is being placed on the employer. These will include the number of persons who would benefit from such measures, any disruption caused by them and the nature of any benefit that would accrue to a person likely to be affected by them. In particular, the number of persons affected should not be taken into account when assessing disproportionate burden as this would create a major disincentive to increasing the participation of disabled people in the workforce.

Failure of employers to take steps to accommodate people with disabilities remains a primary obstacle in progressing from community employment, education and training schemes to employment. The desire of people with disabilities to enter the workforce can be seen from the high percentage participating in CE schemes. However, fewer than 10% of people with disabilities progress from CE schemes to the open labour market. This indicates that they are not being facilitated in making this transition.

I reiterate Sinn Féin's call on the Government to make the cost of workplace adaptations tax deductible as an incentive to employers to be more progressive in their attitude to these matters. There must also be a higher standard of compliance in the public sector and in larger companies which have greater resources at their disposal. This is especially evident when one considers that the State has failed to implement the 3% target for employment of people with disabilities in the Civil and public service, which was set in 1977.

Section 10 reduces protection against discrimination for those attempting to access employment by amending section 17 of the Employment Equality Act and removing the

protection of the Act from non-nationals where nationals are defined as persons who are lawfully resident in this State. Sinn Féin agrees with the contention of a number of groups concerned with equality issues that this attempt to reduce protections in existing legislation is in violation of the principle of non-regression contained in the directives being transposed. I will give way to the Minister of State.

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. O'Dea):** I thank Deputies for their lively and interesting contributions to this important Bill. Many issues were raised which Deputies signalled will be debated at greater length on Committee Stage. However, I would like, at this stage, to address some of the important points raised.

I totally reject the assertion by a number of Deputies that there was a lack of consultation on the Bill. The Bill was published in January 2004 following an extensive consultation process with the social partners, the community and voluntary pillar and relevant Departments and agencies in the latter half of 2002. The consultation process took account of submissions received and discussions with interested parties in a series of bilateral meetings and, where possible, issues raised have been addressed in the Bill. Many of the organisations participating in the Equality Coalition fall within the community and voluntary pillar and would have been represented in this context as well as being free to make individual submissions to the Department of Justice, Equality and Law Reform. In that regard, separate submissions were received from Pavee Point Travellers' Centre and the Irish Traveller Movement.

On the question of publicity, the Government has made no secret of the fact that legislation to amend the Employment Equality and Equal Status Acts to give effect to the EU equality directives was being prepared or that it was hoped to bring such proposals through to enactment as soon as possible. If anything, therefore, an extended time has been available to interested parties to consider pertinent issues. These matters have been the subject of a number of Government press releases, including widely reported press statements on the legislative programme at the commencement of each Oireachtas session and my press release re publication of the Bill in January.

I agree the legislation is complex. The principal Acts clearly represent complex protective legislation requiring checks and balances, and providing for the establishment of the Equality Authority and the Office of the Director of Equality Investigations. The Bill provides for a series of amendments to the Acts, some substantive and some technical, primarily to give effect to requirements of the EU directives. It is important that this process is transparent and that the provisions proposed to implement the directives are clearly identifiable. At the same



time, the benefits of a consolidated approach are recognised. For this reason, a decision was taken at an early stage of the drafting process, to provide the members of the Oireachtas with consolidated texts of the Acts as amended by the Bill as initiated. Subsequent to the outcome of the parliamentary process, the final versions of these texts will be made available generally.

Deputy Costello criticised the lack of a consolidation Bill and requested that the Government withdraw this Bill to await a consolidation exercise while at the same time complaining of delay. The Deputy cannot have it both ways. In reply to Deputies who claimed we are taking a back seat on equality by merely following Europe, that is not true. In fact, the reverse is the truth. Irish equality law on the grounds of race, religion, sexual orientation, age and disability predates EU law in these areas. Furthermore, there is currently no law in force at EU level covering discrimination in the supply of goods and services, except on the ground of race. The provisions of this Bill are, in the number of grounds covered and in the range of activities in which discrimination is prohibited, far in advance of what is required simply to meet our EU obligations.

Deputies referred to the Equality Coalition's claim that protection will be reduced for vulnerable groups. The purpose of the Employment Equality Act and the Equal Status Act is to protect vulnerable groups with nine discriminatory grounds cited in the legislation. The equality directives are being applied comprehensively to all nine grounds, beyond what is required in the directives, and there is no reduction in the level of protection provided across these grounds.

In response to Deputy Durkan, the Framework Employment Directive does not allow the retention of the upper age limit of 65 years in the Employment Equality Act 1998. The Equality Bill therefore removes this limit from that Act. This reflects the fact that the workforce is becoming older and that older workers should be facilitated in remaining in employment and be fully entitled to the protections from discrimination contained in our equality legislation.

Several Deputies called for the imposition of a positive duty in the legislation on employers and service providers. However, there is no requirement in the directives to do so and I am not aware of any EU country which imposes a statutory obligation on private sector concerns to promote equality of opportunity. The Government, by establishing the Human Rights Commission, ratifying the Council of Europe Framework Convention on National Minorities, implementing the Employment Equality Act 1998 and the Equal Status Act 2000 and by introducing the European Convention on Human Rights Bill has been meeting its obligations under this section of the British-Irish Agreement.

Deputy Boyle repeated, in the context of this debate, the ill-founded criticism that the Government's referendum proposal would somehow create a class of persons without human rights or with a lesser set of human rights in the State than Irish people. That is not true. Deputies Costello, Cuffe and Deenihan raised a number of concerns on the proposed new exclusion for certain employments in the home. These are, that the exclusion continues to be blanket in nature and does not have to be justified or shown to be reasonably necessary, that discrimination in employment is most commonly practised at the point of recruitment and, that the provision is indirectly discriminatory to women. The new provision will replace what were relatively sweeping provisions under sections 26(2) and 37(5) of the Employment Equality Act, the retention of which would be inappropriate. This provision was the subject of a Government amendment on Committee Stage in the Seanad to ensure that the exclusion allowed is confined to access to employment only.

Contrary to Deputies' assertion, the directives recognise and provide for the need to permit difference of treatment based on a characteristic related to any of the discriminatory grounds where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement provided that the objective is legitimate and the requirement is proportionate. The general application of this principle is reflected in the new provision proposed in respect of section 25 of the Employment Equality Act under section 16 of the Equality Bill.

In regard to the more specific exclusions to preserve the right to individual and personal privacy, it is proposed to remove the exclusions to which I have referred and to provide instead for a limited exclusion applicable to access to employment consisting of the provision of personal services in the home and which affect the private or family life of the person concerned.

In implementing Article 5 of the Framework Employment Directive, section 9 will amend section 16(3) of the Employment Equality Act to raise the duty of reasonable accommodation placed on employers by providing that this will entail taking appropriate measures unless this would impose a disproportionate burden. I have taken on board Deputies' suggestions as to how that might be defined and will be happy to discuss them by way of amendments submitted on Committee Stage.

Deputy Costello indicated opposition to section 24 which provides that a different rate of remuneration is permitted for persons with disabilities in certain cases. There is good reason that section was introduced in the format used. Again, I will be happy to discuss that matter on Committee Stage. A number of objections have been raised, most vocally by Deputy Lynch,

[Mr. O'Dea.]

about the exclusion of religious bodies under section 37(1) of the Employment Equality Act. I will be happy to discuss any amendments in that regard on Committee Stage.

Deputies have repeated the Equality Coalition claim that the Government will be able to discriminate against asylum seekers and certain migrants in respect of any aspect of policy or provision in this Bill. This is not the case. Section 49 exempts only those actions taken in accordance with a provision governing or arising from the entry into and residence in the State of non-nationals. Asylum seekers are a temporary legal category of persons awaiting a decision on their claim to be given refugee status. Differences of treatment between asylum seekers, on the one hand, and refugees on the other are on the basis of legal status, not nationality.

Section 47 provides that the Minister for Education and Science does not discriminate where he or she restricts the making of higher education grants to EU nationals or provides for the payment of grants at differing rates as between EU nationals and others. There is nothing in section 47 that prohibits the Minister for Education and Science from giving grants to non-nationals. All that section does is give the Minister for Education and Science discretion as to whether the conditions should be restricted to EU nationals. No other member state has such a wide system of student support and it was considered that paying grants to all-comers could place intolerable strains on the student support system and might act as an incentive for non-EU nationals to come to the State.

I do not have time to deal with the many other matters raised. However, I will be happy to deal with Deputies concerns by way of amendments tabled on Committee Stage. I am sure all sides of the House believe, as I do, that the progressive and comprehensive nature of the legal and administrative framework for equality introduced by the Government during its previous term in office is strengthened by this Bill. The prohibition of discrimination in the workplace and the area of service provision on the nine grounds continues to provide employees and individual citizens with greater protection than they secure on the basis of EU citizenship. The amendments made by this Bill are welcome extensions of our existing legislative provisions and I look forward to their detailed consideration on Committee Stage.

Question put.

**Deputies:** Vótáil.

**An Ceann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Boyle, Cuffe, Gormley, Ó Caoláin, Morgan, Ferris and Gregory rose.*

**An Ceann Comhairle:** As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 68 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

**Equality Bill 2004 [Seanad]: Referral to Select Committee.**

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. O'Dea):** I move:

That the Bill be referred to the Select Committee on Justice, Equality, Defence and Women's Rights, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

**Foreign Conflicts: Statements.**

**Minister of State at the Department of Foreign Affairs (Mr. Kitt):** The most pressing issues of concern in Iraq at present are the ongoing violence, the abuse of prisoners, the effective transfer of sovereignty and the plight of the Iraqi people. I will deal with each of these issues in turn.

Violence in Iraq has reached a horrific level. Casualty figures are mounting higher with every passing day. In its May conclusions, the General Affairs and External Relations Council expressed its concern that the current campaign of terrorist violence is leading to significant loss of life, particularly among civilians, and is impeding the path to political progress and economic reconstruction in Iraq. In addition to the dreadful individual suffering, there is a clear threat to the welfare of the Iraqi people and the successful transfer of sovereignty.

I am deeply concerned at reports that at least 40 people were killed yesterday by US forces. I am aware that investigations are continuing into this incident. The loss of so many lives in this terrible tragedy underlines once again the urgent need to restore stability to this unfortunate country. I urge the United States to make every conceivable effort to avoid civilian casualties and to conduct operations in accordance with international humanitarian standards.

I am extremely concerned at the recent reports of abuse in detention centres in Iraq which have emerged. I categorically condemn such abuse and take this opportunity to reiterate the abhorrence expressed by the Taoiseach and the Minister for Foreign Affairs at the abuse and degradation inflicted on Iraqi prisoners by members of the coalition military forces. The Government has publicly and strongly condemned the mistreatment and abuse of prisoners in Iraq by



US and UK forces and made its concerns known directly to the US and UK authorities when the allegations first came to light.

In addition, shortly after the news first broke, the Government condemned these abuses in the conclusions on Iraq which issued following the Euro-Mediterranean ministerial conference in Dublin on 5 and 6 May. These conclusions, agreed jointly with our EU partners and colleagues from the Mediterranean region, which included eight Arab states, were posted on the Presidency website on 6 May.

The Government fully supports UN Secretary General Kofi Annan's insistence that all detainees should be fully protected in accordance with the provisions of international human rights law. It should also be noted that Security Council Resolution 1483 of 22 May 2003 calls upon all concerned to comply fully with their obligations under international law.

Both the UK and the US have obligations under international humanitarian law and international human rights law towards persons detained arising out of the conflict in Iraq. Both are parties to the four Geneva conventions on the laws of war of 1949, which reflect customary international law. The two conventions most relevant to detainees in Iraq are the third Geneva Convention relative to the treatment of prisoners of war and the fourth Geneva Convention relative to the protection of civilian persons in time of war.

The treatment of prisoners of war is specifically covered by the third Geneva Convention. This convention contains detailed provisions on the duties of the contracting parties towards persons being detained, including an obligation to treat detainees humanely and a prohibition on acts of violence and intimidation, insults and making detainees objects of public curiosity. Further, no form of physical or mental coercion is permitted to obtain information from detained persons.

In line with this, both the Government and the European Union have condemned as contrary to international humanitarian law any incidents of abuse of prisoners in Iraq by occupying forces which have taken place. The UK Ministry of Defence has also stated that it had already commenced a trawl of its records last March in response to the Amnesty International report.

On Monday, the EU Council of Ministers, acting on the initiative of the Irish Presidency, adopted the following conclusions:

The Council expressed its abhorrence at recent evidence of the mistreatment of prisoners in Iraqi prisons. The Council condemned any instances of abuse and degradation of prisoners in Iraq, which are contrary to international law, including the Geneva Conventions. The Council welcomed the commitment by the relevant governments to bring to justice any individuals responsible for such acts involving the abuse of Iraqi detainees, and their commitment to rectify any

failure to adhere to international humanitarian law.

The Irish Presidency also ensured the inclusion of similar statements in the Presidency conclusions issued after the recent EuroMed ministerial meeting in Dublin and in the joint communiqué adopted at Monday's meeting between the EU and the Gulf Co-operation Council. These meetings also allowed us the opportunity to discuss the issue with a number of Arab states and Iraq's neighbours in the region and to hear their reactions and analysis of the implications.

It is clear from the extracts of the report of the International Committee of the Red Cross, ICRC, published in the media that some prisoners were subjected to severe ill-treatment. Whatever the precise legal definition of this, there can be no doubt that the appalling treatment meted out was contrary to international human rights norms and is totally unacceptable.

It is for the various investigations being carried out to determine the nature of this abuse and whether it was systematic, as has been suggested, and to discover at what level such abuse was sanctioned. It would not be correct for me to pre-empt the outcome of such investigations. Similarly, I am not aware that figures on the number of prisoners being held in Iraq have been issued by the authorities concerned or any authoritative body such as the ICRC.

Neither the Minister for Foreign Affairs, Deputy Cowen, nor I have officially received a copy of the ICRC report. The report in question is strictly confidential and intended only for the authorities to whom it is presented. The ICRC has been vocal in expressing its concern that this report was made public without its consent and the possible damage this might cause to its work in the future. Consequently, the ICRC would not be in a position to discuss the issue of prisoners' welfare since the invasion of Iraq with any third party. Therefore, neither I nor my officials have had discussions with the ICRC on this issue.

It is clear that concerns in the ICRC interim report were brought to the attention of the relevant authorities prior to the presentation of the report in February. The ICRC director of operations has stated that the report represents the summary of concerns that were regularly brought to the attention of the coalition forces throughout 2003. The ICRC director of operations went on to explain that this is a routine part of the process through which the ICRC works.

As I stated, the Government has made our concerns known directly to the US and UK authorities. Both authorities have assured us that investigations are already under way and that those responsible will be brought to justice.

In addition to these inquiries into the specific allegations of abuse, an independent report on the human rights situation in Iraq is being prepared by the United Nations Office of the High Commissioner for Human Rights. This

[Mr. Kitt.]

report will look at the period between April 2003 and May 2004. It will cover, among other issues, the treatment of prisoners in detention.

Some Deputies have suggested that the Government should call for an international tribunal to examine compliance with the Geneva Convention since the invasion of Iraq.

**Mr. M. Higgins:** That is correct.

**Mr. Kitt:** However, the Office of the UN High Commissioner for Human Rights is regarded as independent and preparation of its report is already under way. I eagerly await the publication of this report. In addition, the US and UK Governments are clearly now focusing on their own internal investigations. The Government will continue to work to reinforce the need for the entire international community to respect and maintain international law on the treatment of prisoners.

I also condemn the assassination earlier this week of the chairman of the Iraqi Governing Council, Mr. Abdul Zahra Othman Mohammad. I condemn all violence and terrorist attacks, including the kidnappings and brutal murder of hostages, in particular the horrible and savage execution of Mr. Nicholas Berg, an act of barbarity which deeply shocked all of us. The taking of hostages is to be deplored in all circumstances and I reiterate the European Union's call on those responsible to desist from further such activity.

This current campaign of terrorist violence in Iraq is impeding the path to political progress and economic reconstruction in Iraq. This political process is crucial. It aims to restore Iraqi sovereignty and independence, preserve its unity and make the Iraqi people truly masters of their own destiny, with the political system of their choice and control over their natural resources. While this process will not solve the security problems, it will be a powerful contributing factor. The UN involvement in the process is also vital, as it would lend a strong sense of legitimacy to the process.

A strong UN role is an essential element for the success of reconstruction efforts in Iraq. We are pleased the Iraqi Governing Council has invited the UN to help with the transfer of sovereignty at the end of June and future national elections and that the Secretary General of the UN has accepted this invitation. His special adviser, Lakhdar Brahimi, said the UN is confident an Iraqi caretaker government can be formed ahead of the transfer of power at the end of June to guide the country until free and fair elections are held in January 2005. We welcome the provisional ideas which special adviser Brahimi has submitted as a basis for the formation of an interim Iraqi government.

There are three strands to his proposals. He proposes the establishment of a caretaker government with a president, prime minister and

two vice presidents. Continuing with the Iraqi Governing Council in its present form or with some adjustment is not an option, as the transitional administrative law calls for dissolution. The UN can help by consulting widely and identifying points where consensus can be forged. Brahimi proposes that a national conference of at least 1,000 people should be convened to forge a national consensus on the challenges ahead. The conference would appoint a consultative council which would be available to advise the government. Finally, he stresses the necessity of confidence-building measures by the coalition provisional authority to improve and stabilise the situation and thus facilitate the other steps in the process.

Mr. Brahimi is in Iraq conducting a further phase of consultations to consolidate consensus around the ideas he outlined in his briefing to the Security Council on 27 April, and to make the necessary adjustments. Once broad support for the framework is evident, the mission will proceed to help facilitate an Iraqi consensus on the composition of the caretaker government, as well as of the preparatory committee for the national conference. We support the continuing efforts of the special adviser and his team.

Informal consultations have commenced in the United Nations Security Council on a new resolution on the powers of the interim Iraqi government. Key issues include control of Iraqi police and army units and control of detention centres. We look forward to the UN playing a vital and growing role endorsed by the UN Security Council in the run-up to transition and beyond.

As holder of the Presidency of the EU, the Government recently had exchanges with the UN Secretary General and his special adviser, former Iraqi Human Rights Minister, Abdelbaset Saaed, and United States Secretary of State, Colin Powell, senior figures in the Governments of other permanent members of the UN Security Council, the Secretary General of the Arab League and Governments of the region as well as NGOs. We stressed our key positions in these bilateral contacts, which are that we support as rapid a transfer of power as possible to a democratically elected Iraqi government and that the UN should play a strong and vital role in the transition process. We also continue to raise the issues involved with EU partners and seek to achieve consensus on the situation and the way forward.

The European Council in October 2003 requested the High Representative and the Commission to work on a medium-term strategy for the EU's relationship in Iraq. The recent spring European Council recalled this invitation and noted the EU's determination to assist the Iraqi people. This strategy, which will give us a framework in which to fulfil this commitment, is due to be presented to the European Council in June.

It is important not to lose sight of the current plight of the ordinary Iraqi people on the ground. The EU is contributing substantially to reconstruction activities in Iraq. Humanitarian assistance is particularly important. The operational environment in Iraq remains difficult for humanitarian and development agencies. Many organisations have had to cease operating within Iraq until such time as the security of personnel can be safeguarded. Agencies such as UNICEF's world food programme, WFP, the Red Cross-Red Crescent family and others continue to operate on the ground with the assistance of Iraqi nationals. Once again I pay tribute to those who continue to take risks for humanitarian purposes, especially the many Iraqis working for humanitarian agencies, who risk their lives on a daily basis.

Although the situation in Iraq remains of grave concern, there is positive news. Food availability is not a major problem, according to the WFP. A little more than 12 months ago when I addressed the House, Iraq was facing severe food shortages. The UN, through the WFP, played a vital role in the delivery of enormous volumes of food to those in need. This was one of the largest operations of its kind. At the beginning of the current conflict, 60% of the Iraqi population — 16 million people — were dependent on food rations. The latest reports to hand indicate that food distribution under the public distribution system is working and effective. The April monthly distribution was delayed only in Falluja, owing to the conflict there. This resumed in early May.

However, the development needs of Iraq remain enormous. The needs assessment conducted by the UN and World Bank depicts a country in distress. The social and economic indicators symbolise a country whose economic and social fabric is near collapse. The health care system is in a state of disrepair. The water and sanitation systems have been degraded. Iraq had one of the best education systems in the Middle East in the 1980s. Expenditure per pupil was a little more than \$600 in 1988. This decreased rapidly to approximately \$47 ten years later.

The children of Iraq are particularly vulnerable. Almost half of Iraq's population is under 18. One in eight children die before their fifth birthday. Some of these statistics approach those of sub-Saharan Africa. A clear picture has not yet emerged of the impact of the ongoing violence on children and on social indicators generally. However, it must be assumed that humanitarian needs in crisis areas are increasing.

Emergency operations, no matter how effective, are designed to meet the immediate needs and relieve the suffering of the most vulnerable. However, all of us passionately interested in the establishment of a peaceful, open, democratic and prosperous Iraq must look to the future. We must engage in recovery and reconstruction. We must examine rebuilding the livelihoods of the people and facilitating an

environment in which the tremendous potential of the Iraqi people can be realised. We need to examine the optimal way in which this recovery and reconstruction can take place.

Ireland participated in the donor conference on Iraq which took place in Madrid last October. More than 70 countries and 20 international organisations pledged their support for the reconstruction of Iraq. Loans and grants pledged at the Madrid conference amounted to approximately \$32 billion. This is an extraordinary amount pledged to one country for reconstruction purposes and is indicative of a strong commitment by the international community to assist the recovery of Iraq and its people.

I welcome this desire to help rebuild a new Iraq. As Minister of State with responsibility for development co-operation, and in the context of the need to achieve the millennium development goals, MDGs, I can only hope that the same commitment can also be demonstrated by the international community in sub-Saharan Africa as well. Ireland pledged up to €3 million in additional funding for Iraq at the conference. We have fully delivered on our initial pledge of €5 million for humanitarian activities. These funds were delivered through partnerships with NGOs, UN agencies and the Red Cross-Red Crescent family and they were utilised to meet basic needs in the sectors of water, sanitation, education and health. The new funding will continue to be targeted at poverty reduction, with an emphasis on the education sector and the requirements of vulnerable women and children.

The Madrid conference agreed that, to maximise donor co-ordination, an international reconstruction fund facility for Iraq should be established into which contributions by the international community may be channelled. This facility is being administered by the World Bank and the UN, in close co-ordination with the Iraqi authorities and donors. The establishment of the facility is to ensure donor concerns in relation to transparency, accountability, monitoring and implementation are met and that activities are carried out in a way that meets the benchmarks of best development practice. Ireland, in its role as holder of the Presidency of the EU, participated in the deliberations leading to the establishment of fund.

I have continually stressed and we made clear once again in Madrid that it is essential that the recovery and reconstruction process must be owned by the Iraqi people and that high levels of international engagement need to be sustained for many years. In particular, the UN should be at the heart of the recovery process. Its experience, capacity and credibility are essential ingredients in carrying forward the recovery of Iraq.

The ability to address humanitarian, recovery and reconstruction activities in an effective manner is, of course, a function of a secure and stable environment. The fact that experienced and able development agencies from the UN



[Mr. Kitt.]

system and international NGOs cannot operate on the ground undermines the recovery effort. All our experience suggests that success depends not only on the availability of resources but on the security environment. The UN Secretary General stated at the Madrid conference that security will be the major constraint into the future. I fully share and support this view.

The situation in Iraq is very bad. Nevertheless, there is a way forward. We continue to support as rapid a transfer of sovereignty as possibly to a democratically elected Iraqi government. We welcome the provisional ideas which the UN Secretary General's special adviser, Lakhdar Brahimi, has submitted as a basis for the formation of an interim Iraqi government. We support the continuing efforts of the special adviser and his team. We look forward to the UN playing a growing role endorsed by the Security Council in the run-up to the transfer of sovereignty and beyond. A new Security Council resolution would be helpful in gathering broad international support which could assist in stabilising the new government. We look forward to the day when a sovereign, independent, democratic and peaceful Iraq, whose territorial sovereignty is preserved, is reintegrated into the international community.

**Mr. Noonan:** I wish to share my time with Deputy Durkan.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. Noonan:** I thank the Minister of State for setting out in a sober fashion the background to these statements. The conflict in Iraq is an appalling tragedy for the people of Iraq, especially the children, for the moral authority of the United States and Great Britain, and for the United Nations which has been so ineffective in the lead-up to the war, apart from some interventions of a beneficial nature on the humanitarian front. The United Nations is still an ineffective force in solving the conflict in Iraq. In a wider sense, the conflict represents a tragedy for all of us in western democracies because we are now seen on the Arab street as imperialists who do not understand Islamic culture and whose values are despised and deplored, even by the intellectuals in Arab countries.

It is difficult at times to understand how we, the coalition forces in particular, got into such an appalling mess so quickly. One of the great moral dilemmas has always been whether it is permissible to do the right thing for the wrong reasons. In this case, the dilemma is associated with the fact that the coalition forces frequently saw themselves doing the wrong thing for the right reasons.

As the insurrection continues in Iraq and involves not only the traditional supporters of the Ba'athist regime but also the wider Sunni community and many in the Shiite community,

and as the coalition forces react even more strongly to suppress the insurrection by force of arms, the situation simply gets worse. We have witnessed breaches of the Geneva Convention by the United States and Great Britain and appalling numbers of civilian casualties, and we have heard reports of the killing of 40 people at a wedding party as late as yesterday. As day follows day, the moral basis of the intervention, to which there was never a legal basis, falls into decline. It is an appalling tragedy.

I mentioned that wrong things are being done for the best of reasons. I stated at a meeting of the Joint Committee on Foreign Affairs that a thumbnail history of the 20th century would present it as a conflict between fascism, Marxism and democracy. After the First World War and the subsequent events in Spain and Portugal, fascism became a defeated force. Thereafter, there were two competing systems, Marxism and democracy. After the fall of the Berlin Wall in 1989 and the freeing and democratisation of eastern Europe, there has been only one system. That system, liberal democracy, is admired and supported by all. The countries in which it obtains have liberal economic policies and strong civic societies independent of the state.

However, a small intellectual elite of idealistic, intelligent, well-researched but often naive people on the conservative side of the spectrum in the United States has decided that democracy was on the back foot in the 20th century and that it must be spread and become a worldwide system in the 21st century. This elite is prepared to use the force of the greatest power the world has ever seen to do so. This approach is naive, although I recognise its idealism.

We all deplore the time when the United States, through the CIA, was prepared to support any dictator anywhere in the world provided that dictator supported American interests. The new philosophy and ideology, of the United States is such that it is prepared to topple dictators by intervention and replace them with democratic regimes. However, the ways and means of doing so have not been thought out and those who propagate the theory are not able to implement it in practice. They have neither the knowledge, skill, information, world view familiarity with other people's cultures, ambitions, desires or domestic programmes to allow them do so. Thus, they enter a quagmire that is sucking them down.

I notice the Minister of State was brave in trying to bring forward solutions but, at present, there is none. The conflict just gets worse by the day. One of the greatest problems is that there is no legal basis for new developments in the world. We all know there is a threat of terrorism internationally and that this threat is seriously magnified if terrorists have weapons of mass destruction. The ultimate fear is the well-organised terrorist cell with an atomic weapon in a western European or North American city. Certain countries feel they must protect themselves by intervening in other sovereign



states if those states are harbouring terrorist groups. That presents us with a considerable dilemma because, under the UN Charter and international law arising therefrom, there is no legal basis for such intervention. That is the key factor that makes the United Nations so weak in this respect. Of the permanent members of the Security Council, at least three have intervened against international law and the UN Charter which they are obliged to support.

The United States has intervened quite frequently, as has Britain. Russia has intervened in Georgia, and Israel, which is not a member of the Security Council, has also intervened. While one can justify their interventions on pragmatic grounds and on grounds of self-defence or domestic policy, they have no mandate under the UN Charter or international law. If circumstances have changed since the charter was introduced, as they have, then it behoves all departments of foreign affairs in all countries to contribute to a new debate to establish a new legal basis. Without a legal basis, the hands of the United Nations are tied.

I agree with the Minister of State that power in Iraq should be transferred as quickly as possible to some form of domestic regime. It is not a natural entity. As the insurrection continues, the very concept of a united, federal Iraq is put at risk. However, if the country splits up, I cannot see how neighbouring states, particularly Turkey, will allow an autonomous Kurdish state to emerge in northern Iraq. I cannot see how Iran will not seek to dominate a Shiite state in southern Iraq or how all sides in Iraq would not be suspicious of a resurgent Sunni regime in the centre of the country with the former leadership core of the Ba'athist regime back in charge.

I agree with the Minister of State that power must be transferred immediately. The United States, Great Britain and other coalition allies must see it through, but they will do so at an enormous price. The United Nations must get involved again and try provide a real legal basis for the occupation of Iraq. Without it, we are going nowhere.

It is an enormous tragedy that a group of intellectuals formulating a new ideology, trying to create a new world order with the best of intentions and promoting a type of democracy with which many of us could agree has got itself into such a mess. It is also tragic that it has argued its case using such simplistic slogans which we have heard so often such that it believes God is on the side of the democrats and that the war is between good and evil. Furthermore, as the coalition's occupation continues, it is undermining the very democratic values it seeks to propagate and bring to other people.

How can one argue for western democracy in Iraq after the breaches of the Geneva Convention and the incidents of torture in the detention centres? How can one tell people whose children have been killed at a wedding party that democracy will bring them benefits? Then one

hears the recital of conditions on the ground such as hunger, lack of education, the degradation of water, sewerage and electricity systems and the destruction of a society which was well educated and modern as late as the early 1980s. It is an appalling tragedy.

**Mr. Durkan:** We are now facing a truly awful mess. A situation that was bad for the people of Iraq before and during the reign of Saddam Hussein is now even worse. Atrocities take place daily on one side or the other which are equal to the worst atrocities committed by Saddam Hussein on his people. Scarcely a day goes by that the public is not shocked at the depths to which human beings are prepared to go to achieve their aim.

Many years ago, before becoming a Member of this House, I was involved in a campaign of disobedience. For my sins, it was deemed correct that I serve a term in prison. What I learned during that era was that being a prisoner means one is dependent on the whims of those who surround one. On my first evening in prison I recalled a book I had read, "Darkness at Noon" by Arthur Koestler. I believe it was published in the early 1960s. I vividly recalled his words, when I was placed in that situation, about total dependence on those who surround one. One is under their complete control.

What was shocking to the worldwide community was that what appeared to have been, and still is in many ways, the great democracy of America, for some unknown reason seemed to condone the most appalling atrocities committed on prisoners who were, in effect, prisoners of war. All international precepts were abandoned and the basest degradation was descended into by great powers. The approval of the rest of the free world was sought for what appeared to be a good and justifiable cause. It was, effectively, a holy war and we have heard a great deal about those in times gone by.

What astounds me is that people who were trained, or were supposed to be trained, to look after prisoners so easily slipped down into the abyss of horror and the sordid mess of torturing prisoners, stripping people of their dignity, grinding them into the ground and treating them worse than they would treat animals. Animals would not be treated that way. By their actions they bring into disrepute the democracies they purport to represent. The way we comment on this and allow things to happen in our name without any interference is a sad reflection on our society today.

I am aware that the Government has remonstrated with the United States but I do not know the strength or extent of those remonstrations. To what extent were the views of the people here represented to the US Administration? The people of the United States are secretly, and lately more publicly, deeply embarrassed by what has happened. It is a huge embarrassment. It is appalling to imagine that

[Mr. Durkan.]

people in custody could be treated in that fashion. We have accused Saddam Hussein and his ilk of doing the same things to people in the same situation. We condemned and criticised it, and rightly so. Now we see our friends appear to do the same things in the name of democracy. That is a sad reflection on our society.

It proves we have obviously learned nothing, regardless of how many wars we have experienced over the past 50 or 100 years and how many times we have plumbed new depths in the tyranny to which we can descend in an attempt to teach other people what we see as a lesson. I cannot understand how these things happened without intervention, even in a prison or an internment camp. Prisons are peculiar places and I speak as somebody with some knowledge of the subject. Notwithstanding that, how is it possible that these actions could take place without detection? I cannot understand it.

War brutalises people. Prison also brutalises people. One treats people as one is being treated and one reacts accordingly. Each intrusion into an individual's narrow space brings a reaction from the individual. That is understandable. When one is a prisoner and dependent on the surrounding authorities, one tends automatically to resent and resist any intrusion into one's personal space.

That leads us to the morality of a war that has reached this juncture. It is becoming more sordid, messy and indecent as each day passes. It started as what appeared to be a justifiable intervention, albeit without the approval of the United Nations. It was an intervention in the old style, as it were, to help the great and good. It is not that anymore. It has slipped sadly into a morass and is now an embarrassment to all. I am not suggesting that there were serious atrocities committed previously in Iraq which would justify an intervention. However, the intervention brings itself into disrepute when one views recent events. There is a salutary lesson in this.

There is a salutary lesson for this country for two reasons. One is that Ireland is known to have friendly relations with the United States. That is true and the United States has been good to Ireland, as this country has been to the United States. One should always expect to hear good advice from one's friends in times such as we have gone through in recent years but I am not sure that the advice the Government gave to the US authorities was correct. It might have been better to tell our friends that they should not do this.

That point was taken up by the Opposition parties in this House to a greater or lesser extent, according to their viewpoint. Deputy Gay Mitchell clearly set out the line to be followed by Fine Gael. It was that in the absence of the vital approval of the United Nations, the intervention was flawed. He was correct. Deputy Michael D. Higgins on behalf of the Labour Party and other Members of the House made the same point, to

a greater or lesser extent. Each viewpoint had one thing in common, the lack of approval from the United Nations. Various reasons were put forward as to why that approval could not be achieved at the time.

These concerns were expressed from a genuine feeling that something was wrong and that there was the potential for it to get worse before it got better. That is exactly what happened.

I hope we have learnt something in the time since then. When dealing with the ongoing situation we obviously have not learnt anything either in this country or worldwide in terms of how to remain true to some code, honour and international concepts, trying to ensure that whenever an intervention such as that is made, it must be justified and approved. It must also carry with it recognition that any diminution from an international code of conduct such as the Geneva Convention will automatically be followed by a removal of the validity of the original cause, which may have been just.

I hope the Taoiseach as President of the European Union is now talking directly to the US authorities and telling them that we, as their friends, believe that what is now happening is totally unacceptable and that they should take heed.

**Mr. M. Higgins:** I am very happy to have the opportunity of participating in this discussion on the most recent and appalling developments in Iraq. I welcome the tone of the contributions so far from the Opposition Members even though they enable me to differ with them as well as with the statement of the Minister of State.

In the preface to his thoughtful speech, Deputy Noonan referred to the great intellectual movements and challenging movements of this century and the last in terms of fascism, Marxism and democracy. Unfortunately at the background of this appalling level to which we have fallen, there is another movement, the newly developed movement of unaccountable international capitalism. We must remember that it exists and has changed all the relationships. Social democracy might have saved capitalism from itself on occasions and equally on occasions the labour movement and trade unions might have softened the impact of transitions in economics. However the reality is that a new totally uncontrolled, unaccountable capitalism — for example in the United States case driven by the oil industry — is at the root of this problem.

While I do not intend to delay on this preface, I want to make a point that will, I hope, make that connection. We should remember that those who questioned prisoners in a prison in Baghdad were recruited from private companies with no experience or commitment to any tenet of international law. Last night's "Panorama" programme gave a list of the companies that contracted to interrogate prisoners. Why have the funds allocated under the Madrid pledge not been spent? They are not spent because not a

single contract in that area has been given to a company outside the United States. These hucksters want to grab every cent that is going in restoring the devastation that was not accidental. It was not accidental because the Americans bombed the water system, sewers and reservoirs and insisted that only their companies and friends would have a contract to restore them.

This is an appalling and sad day. This is one of the very few places where we can use language to express what we feel morally and what we expect from the Government. I have given up hope of the Government answering honestly a question on Iraq. Whoever takes the opportunity now might do so. Why will the Government not answer the questions we ask it? Where does it stand on the principle that started this, the principle of pre-emptive strike? It has been said this was invented by the Project for the New American Century, the neo-conservative lobby, which suggested that if the country has spent the money on defence and has the capacity, it should be seen as powerful. What is the Government's position, clearly and unequivocally, on the illegality of pre-emption?

Will the Government say what everyone knows, that the "war" — to use its word not mine — or rather the international co-operative movement against terrorism, which was discussed and agreed at the United Nations, was severely dislodged by the illegal invasion of Iraq? Not only was there no evidence of the existence of weapons of mass destruction, which is a tissue of lies, but there was no evidence of the existence of terrorist networks in Iraq. Al-Qaeda had made three attempts on the life of Saddam Hussein. The cliques were coming from Saudi Arabia, with which the United States was dining every other week. Where is the Government on that issue? There is and there was no connection between the invasion of Iraq and the international movement against terrorism.

The Americans then created the finest recruiting ground in the world for every kind of terrorist group that will see their cultures degraded, their citizens humiliated, their religious beliefs mocked and exploitations of gender relationships and cultures thousands of years old. Even in here every day I hear people tripping off their tongues in the same phrase "the war in Iraq and the war on international terrorism". There was no connection and it was that group of bigots who when they were taking time off from supporting uncritically the Israeli attack on the Palestinian people decided to promote that agenda of invading Iraq.

We stayed silent and we were degraded and shamed. When we are quacking on about our outrage over the pictures we are still not in a position to say that some of the people involved, private or in the army, did not go through Shannon with the Government's agreement. It is now time for questions to be answered. In the absence of other opportunities, we will have one great opportunity when the presiding officer of

all these disgraceful developments in humanity will visit this country and be entertained by our Government. I will be protesting wherever I can and I hope people throughout the country will say in the streets morally what is not being said on their behalf by their Government. It will be the only chance we will have.

When I first stood for election a long time ago, in 1969, people in politics could be expected to speak out. At the time the concept of a press release did not exist. However people like Michael McInerney and Donal Foley wrote articles in the newspapers when *The Irish Times* was a newspaper of record. I now read articles in *The Irish Times* by somebody included for balance, Mark Steyn, who referred to what took place in Abu Ghraib in an interesting way. He referred to the bodies piled and manacled on top of each other as follows: "Making a homoerotic pyramid of young Iraqi men naked with their bottoms in the air is not my idea of a good time." There was a time when that piece would not appear in *The Irish Times*. Repeatedly this column of bigotry, homophobia and racism that is presented every Monday contains attacks on what we call the basic decencies on some principle of balance. The editor of that newspaper would want to indicate to me what she is balancing when she produces material like that.

I worked on the McBride commission on prisoners. When we published the report and the Minister would not agree to discuss it with us, we could rely on *The Irish Times* to be interested in prison welfare. However instead of this we are supposed to take the notion that this is an arena of abuse. We are all being degraded. Ministers will not answer questions and will not state where they stand on the war. They will not say it is illegal. They will not say unequivocally the Geneva Convention is being broken and we condemn them for it. Why should I have to take it when the Minister of State says he is waiting for the four inquiries by the United States forces? What nonsense. His accountability is to us, the people, and not to the United States forces. He is not in a position in any event to deliver on it because many of the people questioning the prisoners were recruited from private companies. Others were reservists.

It is easy to blame a poor 21 year old female from a trailer park in West Virginia, but that is to forget the Taguba report. Why did the Minister of State not mention it? The Taguba 2 o'clock report showed very clearly as did the "Panorama" programme that all along there was evidence of systematic abuse. Functions were handed over to interrogators which were not theirs and for which the Geneva Convention offers no protection. In one statement after another on Afghanistan, Guantanamo Bay and other matters, the Secretary of State of the United States said prisoners were being looked after in the spirit of the Geneva Conventions but not in compliance. Yesterday, I asked the Minister for Foreign

[Mr. M. Higgins.]

Affairs to establish an independent international commission to answer any questions on compliance. The Minister of State is not in a position to say that he can implement anything as he has no commitment from his St. Patrick's day friend that if the United States was found to be in breach of the Geneva Convention, it would comply with its provisions. The Minister of State has no control over the private contractors and he knows as well as me that many of those involved are reservists.

President Bush used the word "uncomfortable" to describe his feelings on looking at these pictures. While I can be positive about making suggestions as to where we go from here, I must note the degradation of journalism and discourse and the inadequate ability of people to discuss these matters on the basis of moral or philosophical principles. Language has been fixed up and statements spun. It is time for a speech from the Minister for Foreign Affairs in this Chamber on these issues and for people to have the courage to condemn the abuse as people should. We were told yesterday that when the four internal inquiries and the investigation of the UN High Commissioner for Human Rights are completed, the Government will arrive at an opinion. There was a time when this country had an opinion and Governments were not afraid to state where we stood on issues like this. No doubt, the Minister of State will say the recommendations of the reports are being implemented, but people will continue to have hoods placed over their heads.

I used the Geneva Convention to condemn the disgraceful treatment of US soldiers by Saddam Hussein's regime. I have often referred to it. The beheading of a person in front of a camera is an appalling level to which to sink and condemnations of such an act should be unequivocal. I condemn Islamic extremism. How can one argue, as I have seen in various newspaper columns, that there is some kind of equivalence? In *The Irish Times* Mark Steyn said there had been more fuss about a man with woman's underwear over his head than about a man who had no head at all. This is typical of the slick, degrading, immoral rubbish which is being propounded every Monday in that newspaper. It is an example of the degraded level to which we are falling and the loss of the moral capacity to debate these issue. The first reaction on many kept television stations around the world was to wonder how the pictures of abuse got out. It was suggested that it might have been a pity that they were released and that it might have been better if they had never been made public. This is in contrast to the substantive moral position of whether any person should be treated in this way.

It was claimed that the authorities had not had a chance to train its soldiers in the Geneva Convention. Does one need to have studied the Geneva Convention to treat another human being without degradation? Every subtle cue was

invoked in terms of the gender relations between cultures and the fact that women were involved in abuse rather than men. Sexual abuse was used systematically. Every nuanced technique had been rehearsed in Afghanistan and, probably, Guantanamo Bay. Many isolation and hooding techniques were rehearsed earlier in Northern Ireland. There is no point in being a Parliament if we cannot speak without equivocation on matters like these. One does not hedge and say one is waiting for four internal inquiries to be completed and for the UN High Commissioner to publish his report and deliver it to Kofi Annan.

The next question involves what other options were available. The best model is probably the federal one suggested by former ambassadors to the region, including Dr. Galbraith. The possibility of a project to hold Iraq together as a federation and create some form of administration is becoming fragile. There is also the protectorate model of the United Nations, but I have never heard it advanced by the Government in the House. The protectorate model has the advantage of enabling the United Nations to go in with the support of the full force of a meaningful Security Council resolution. The United Nations cannot return to Iraq if substantive powers are not transferred to an interim authority on 30 June. How could it? What is on offer to Mr. Brahimi of the United Nations is an invitation to stay around and help prepare for the elections next spring, but he cannot accept it. He could accept the invitation if Iraq were declared in the interim a United Nations protectorate and that body could anticipate the support of a sufficiently strong Security Council resolution. The UN would then have control over Iraq's oil resources, exports and imports and the running of its health services.

This process would require those who see material benefit in the reconstruction of Iraq to walk away from their illegal conflict. That is the difficulty. It would be a principled position to support this proposal. It would be interesting to hear Ireland make a suggestion of that sort occasionally. Instead, it crawls along and speaks from one side of its mouth to say it is doing its bit for the United States though it is tough. From the other side of its mouth, the Taoiseach makes a bilious attack and contends that he was against the war all along. In his final hallucination he says the 100,000 people who marched against the war supported him. Frankly, the great revisionist must revisit his morals. I rank these comments with all the other abuses of language.

The pronouncements from the Department of Foreign Affairs on this issue are dishonest. The Taoiseach sat where the Minister of State, Deputy Kitt, is sitting now and indicated that everything had been proved by Colin Powell's famous presentation to the Security Council. While poor Colin Powell, who has sacrificed his reputation on bogus information from an informant known as "curved ball", is apologising for everything he said, the Taoiseach has never



returned to the House to do so. It would be interesting to hear him say he is against the war and is sorry for ever facilitating anything which helped it to take place. He never will.

The public is considering the language being used. When language is debased in the press and Parliament and the Government attends international meetings to say nothing it creates an incredible political apathy. People's moral instinct is for decency. People with whom I discussed the photographs of abuse did not need to have read the Geneva Convention to know they were appalling. They did not need to have read it to know the abuse should never have happened. They asked what the Dáil will say about it.

I do not contend that we should continuously issue strong statements condemning various things and that diplomacy does not matter. I have defended diplomacy, the writ of which had not been exhausted when this war was started. There were many possibilities. France had not said it would vote automatically against any Security Council resolution. Despite the clarification of that matter by the French ambassador for the Government, we have drifted along. Once the war had started, it was as if we could do nothing but take the money at Shannon Airport. As the Taoiseach said, if we did not take it, someone else would. That is the level to which we have descended. People, who want more from their politicians, are looking forward to them clarifying on the doorsteps where they stand on the war and President Bush's re-election Irish roots visit. No doubt this will be atmospheric in Dromoland.

The Minister of State, Deputy Kitt, knows I hold him in high personal regard. However, what he has accepted as inevitable on behalf of the Government makes him as guilty as the Government of complicity and evasion. By not answering the questions asked, the Government is keeping a comprehensive silence on important moral issues and is party to what is happening. It cannot say if any of these hirelings sent to torture in Baghdad and elsewhere travelled through Ireland.

Inevitably, I will be accused of anti-Americanism. I studied and taught in the US and I know the feelings of decent people there. Some of the finest intellectuals, to which Deputy Noonan referred, including Peter Galbraith's father, have written humane and thoughtful documents on the war. In the US mid-west, there are many for whom George Bush's little neo-conservative clique do not speak. I am not anti-American but I am against this poisonous policy that rolls on from one part of the world to another, trampling on cultures, democracies and people as it goes. It is incredible how easily old concerns are dismissed.

Respect for human rights led to agreements such as the Geneva Convention. The world was shocked after the gates of Dachau and the camps were opened. Never could humankind sink to this level again and, as a result, the finest moment for

human rights emerged. Standards were set down for us to honour and below which we should never fall. The moral instinct of a common shared humanity and a discipline that both small and large countries would take upon themselves has now been shed for a set of pragmatic statements on interests.

For the past 20 years in this House, I have listened to Members argue that international affairs and foreign policy is about interests, not norms. That was the old abuse when moralists were considered old-fashioned and a bit of drag. What is the justification for the theory of interests and individualism that allows a private company to run a prison and women to abuse men from another culture? There are no weapons of mass destruction or terrorist networks and Iraq was not attacking its neighbours. It is now suggested the Iraqis are better off without Saddam, of which I have no doubt. Are we, however, better off that international law and moral principles have been cast aside?

We have seen the most degrading images of the abuse of the most vulnerable outside the context of war. Few war images equal them. Does the Government believe this was the abhorrent behaviour of a few people or is this the systematic abuse related to the ability to contract out the gathering of information for a political project in an illegal war to sadists? That is exactly what took place. Shame on the Government that it has not the courage to condemn it unequivocally. A statement was dragged out of it because of the EU Presidency. Only when it was asked questions did it condemn these images. That is not good enough. I am grateful to have the privilege to ask questions in this House. I will enjoy the other privilege of being on the streets at the end of June.

**Mr. Gormley:** I wish to share my time with Deputies Ó Caoláin and Cowley.

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

**Mr. Gormley:** It is now over a year since the beginning of the war in Iraq. Even the most staunch supporter of it must now acknowledge that it has been an unmitigated disaster not just for the USA and its allies, but for the Iraqi people, President George W. Bush and Prime Minister Tony Blair, whose career is at an end. This counterproductive war has destabilised the Middle East and sowed the seeds for further terrorism, as was predicted at the time. It was not a war on terrorism, as no weapons of mass destruction were found, but a war for resources, particularly oil. As Deputy Michael D. Higgins said, it was stimulated by the neo-conservative lobby in the US. This was based on a lie propagated by Colin Powell at the UN Security Council when he claimed, as did Donald Rumsfeld, that weapons of mass destruction existed in Iraq.

[Mr. Gormley.]

We knew that the Government knew this was a lie from an article in *The Independent* of London, which I raised in the House. It has not been denied by the Minister for Foreign Affairs or the Department. A high-ranking official in the Department of Foreign Affairs said to one of his British counterparts that it knew there were no weapons of mass destruction. The Government knew all along and its position has been shameful. We, alone of the neutral states, facilitated the American war effort in Iraq. No explanation has been given by the Minister for Foreign Affairs or the Minister of State, Deputy Kitt, why the Government did so. One can only come to the conclusion that it was kow-towing to the US. In the run-up to the war, the Minister for Foreign Affairs said the Government would wait for a second UN resolution. Although it never came about, the US was told it could use Shannon Airport for its war effort.

The Minister for Foreign Affairs claims I have a fixation with Shannon Airport. I believe I have more of a fixation with truth and justice. To Fianna Fáil and Progressive Democrats Members, I say the Government's position is morally bankrupt. Aer Rianta statistics for the first quarter of 2004 show a dramatic increase in US troops stopping over at Shannon Airport - 16,697 troops on 161 flights in March compared with 7,922 in January. In the first quarter, 35,926 troops went through Shannon Airport, down only 9% from the first quarter of 2003 when the US was gearing up for the Iraq war. This shows that we are not at the end of a war but in the middle of a worsening situation.

The Minister, as usual, claims this is a fixed arrangement with the US. However, a memorandum dated 16 December 2002 shows this not to be the case. This document revealed that what was occurring at Shannon was not normal but entirely exceptional. The text noted: "on an exceptional basis, a decision was taken to provide landing and refuelling facilities pursuant to the State's obligations under UN Security Council Resolution 1368" which requested states to work together after the events of 11 September 2001 to combat terrorism. That has been well documented. In fact, the war has led to further terrorism. In light of that knowledge, why does the Government not take a different position? Why does it not say to the Americans that circumstances have changed and they can no longer use Shannon Airport? It will not do that.

The position of the Government on Iraq has always been highly suspect. The Minister, Deputy Cowen, justified the war by saying that the aim was to remove a tyrant. However, for the Government, Saddam Hussein has not always been a tyrant. If we are to believe Liam Lawlor, the only problem in Iraq before this was that Ned O'Keefe did not get up early enough in the morning to conclude the big deals.

**Mr. Kitt:** I will tell the Deputy all about that sometime.

**Mr. Gormley:** I wish the Minister of State would do so. I find it reprehensible that at a time when this tyrant was gassing his own people and was engaged in bloody wars, when the Government knew he was not a fit person to govern, it concluded business deals with him, only afterwards condemning him to justify this war. That is hypocrisy.

**Mr. Kitt:** That visit had nothing to do with business deals.

**Mr. Gormley:** It is total and utter hypocrisy. As a consequence of this, the Israelis can now use the fact that the coalition forces are combating terrorism in Baghdad, Falluja and Basra to justify their combating terrorism in Rafah. The problem is that the rule book was torn up at the beginning. The coalition ignored international law and adopted the doctrine of pre-emption, which means anything goes. Now we hear about abuse and torture in jails in Iraq, although we know that what happened in Guantanamo Bay was in contravention of the Geneva Convention. However, that was too close to the events of 11 September 2001 and there was heightened emotion. People could not condemn what was happening.

We have got ourselves into this mess. I say "we" because I am talking about the Government representing this country. When I look at the nauseating pictures of Lynndie England with an Iraqi prisoner on a leash, I wonder whether President Bush will bring a leash on his visit to Ireland and put it around the neck of the Taoiseach or the Minister, Deputy Cowen, because that would be a true symbol of the subservient nature of our relationship with the United States.

**Mr. Kitt:** That is out of order.

**Mr. Gormley:** It is not out of order. The Government's support for the American war effort is out of order. That is the problem. It is a serious matter. Will we display real backbone and moral courage when the American President visits? What will the Government's message be? Will it be another brown-nosing session, as has been the case for so long?

The Government's stance is reprehensible and without substance of any kind. It is, as always, about money. As far as the Government is concerned, it always comes down to one thing. It is never a matter of morality. When talking about the peace process the other day, the Taoiseach said it was about getting business back up and running. It is not about improving the lives of people. People's lives have been damaged immeasurably in Iraq and the entire region.

**Caoimhghín Ó Caoláin:** The Government has scheduled statements on Iraq but has presented

no motion that would define its position in exact terms. This was done deliberately. In its usual fashion, it wants to have it both ways. I challenge the Government to table an amendment to the motion tabled by the Sinn Féin Deputies and published today and to use Government time to debate it instead of staging these statements which are nothing but a face-saving exercise for the discredited international policy of this Administration.

The Government is led by a Taoiseach who was content to repeat in the House the spurious justifications advanced by the US and British Governments for the illegal invasion of Iraq. He was content to allow Shannon Airport and Casement Aerodrome to become military bases for a belligerent power. The same Taoiseach then claimed that he agreed with the 100,000 people who marched on the streets of Dublin and Belfast to oppose his collaboration with the war and to demand that Irish neutrality be respected and sovereignty restored to our airports and territory.

The Taoiseach and the Minister for Foreign Affairs cannot now, with any credibility, issue verbal condemnations of any aspect of the brutal occupation of Iraq by Anglo-American forces, given that they facilitated the invasion and continue to facilitate the occupation. The millions who demonstrated throughout the world against the Anglo-American invasion correctly predicted that it would lead to a nightmare for the Iraqi people, thousands of whom would be killed. They warned that it would lead not to the Iraqi people liberating themselves from the brutal dictatorship but to a Western military occupation which would create a vicious cycle of brutal repression and resistance. They warned that it would lead to human rights violations on a mass scale. Sadly, all these are now happening. Those who said “no” to the invasion and the war were right. President Bush and Prime Minister Blair, along with the Irish Government, were clearly wrong.

Even before the invasion took place last year, the Anglo-American alliance had been discredited in the eyes of the world and exposed as exponents of falsehoods. The British Government’s so-called dossier on weapons of mass destruction in Iraq was proven to be a concoction thrown together to provide propaganda cover for the invasion. In a reply to a letter of protest from Sinn Féin TDs that I delivered to the then British ambassador in Dublin, Ivor Roberts, he relied upon the discredited dossier and claimed that Iraq had “continued to try to produce nuclear weapons”. What was presented as hard information from British intelligence had already been exposed as a sham well before the invasion took place. Since the invasion, not a shred of evidence has been found to support the wide claims about weapons of mass destruction. These were the very claims upon which the Taoiseach and the Minister for Foreign Affairs relied to justify their support for the invasion.

The news of torture of prisoners in Iraq by members of the British and US military forces should come as no surprise to anyone in this country. As mentioned by Deputy Michael D. Higgins, all the techniques of torture that have been exposed, including hooding, sensory deprivation, humiliation, beatings and attacking with dogs, were used by the British Army in the Six Counties in the wake of the introduction of internment without trial in 1971. Britain was convicted of inhuman and degrading treatment of prisoners by the European Court of Human Rights in a case brought by the Irish Government. What we are seeing in Iraq is nothing new. These are the tried and tested methods of occupation used by the British in Aden, Cyprus, Malaya, Kenya and in our own country. We, above all nations, should be loudest in our opposition to the disastrous revival of Western military occupation and Western imperialism in the Middle East and the Gulf region.

How can the Government justify its support for the military occupation of Iraq which is imposing on the Iraqi people the colonial methods tried and tested in many countries by Britain and the USA? There is growing evidence that the US defence secretary, Donald Rumsfeld, ordered the use of these brutal methods on prisoners. It does not seem to concern this Government in the slightest that Donald Rumsfeld was so assured of his sense of ownership of Shannon Airport that he was photographed addressing his troops there as if he were in a US air force base in America. Who, among those depicted in the released photographs that expose the degradation of Iraqi prisoners, lined up on Irish tarmac before him?

The current political and military chaos in Iraq is happening not because the people of that ancient civilisation are unable to govern themselves, it is a direct result of this disastrous intervention by western powers. It will have unmeasured consequences throughout the region and throughout the world. We see the results in Palestine with the Bush Administration giving free reign to its main ally in the Middle East, the Israeli Government, to slaughter the Palestinian people with impunity. As our motion states, the only way forward for the people of Iraq and the region is a speedy end to the occupation and I urge all Members to adopt it.

**Dr. Cowley:** I do not know how President Bush sleeps in his bed at night. Last night on RTE News we saw the horrible sight of at least 40 Iraqis being killed in a remote Iraqi village. They were attending a family wedding. Of the 40 people killed, ten were women and 15 were children. Twenty-six of the people killed came from one family. These were people just trying to get on with their lives and this is what happened to them. If this is “friendly fire”, I would not like to see unfriendly fire. This is war.

We saw last night reports from Rafah in the Gaza Strip where an Israeli helicopter discharged



[Dr. Cowley.]

four tank shells on a peaceful demonstration of 2,500 people, including children and teenagers, and the death toll was 40 people. What did the daddy of all this bloodshed in Iraq and elsewhere say? The leader of the so-called free world, President Bush, said that it is essential people respect innocent life. It is a pity he did not respect innocent life when he went into Iraq.

We should think back to Rwanda and man's inhumanity to man. There is no need for this. We can see how war breeds injustice and brings out the worse in people. Saddam Hussein is supposed to have tortured people in Abu Ghraib prison, but it is happening again. It is a case of the kettle calling the pot black. I am sure it gave people a real feeling of *déjà vu*. Who is fooling who? Did we not know this would happen? We knew it would happen. There is no excuse for what is happening. We saw the lines of black bombers travelling through Shannon Airport to Iraq, courtesy of our so-called neutral Government. We knew they were going to create shock and awe and that innocent lives would be blown away — it was a case of blood for oil.

I spoke in this Chamber about the terror felt by those malnourished children we knew existed in a country that was so deprived because of sanctions by the western world. Imagine the terror felt by these young children and their mothers in their beds, waiting for these black bombers to arrive. These half starved children were blown into oblivion by another evil dictator replacing the one who went before. Those who survived, including their fathers, mothers, brothers and sisters, were probably tortured in the same prison.

It is difficult to have to say that the Government was told all of this, which it was. I recall standing in Parnell Square speaking to the thousands of people who marched. These people were not hardened political animals, they were people one would meet out on Sunday. Everyone knew the war was about blood for oil. The people sent a strong message to the Government at the time that what was happening was not acceptable, war was not inevitable and it should convey this message to President Bush. However, the Government did not listen. It was said that people were anti-American. I am not anti-American, nor are the people who marched. The people who were tortured are the ones who must bear the brunt of what is happening. Members of the House did not get an opportunity to vote on the use of Shannon, which was wrong.

I strongly urge the Government to ensure justice and fair play for all those unfortunate victims of human rights violations in Iraq. These long-suffering Iraqi people must be supported and not tortured or beaten further into the ground. The planes are still travelling through Shannon. We should support these people by not allowing the planes to travel through Shannon. The Government should put a stop to this. Given its Presidency of the EU, the Government should

use its exalted position to make a strong case to stop these planes and draw up a powerful human rights initiative on Iraq. The innocent children who still survive deserve more than they are getting. What is happening is further compounding their misery and increasing their death rate.

This is breeding more inhumanity towards man and more terrorism. How can the Iraqi people think any differently when they see what America has done. America has done what Saddam Hussein said it would do. It took over their country and bombed and tortured them. The Americans will not be seen as any different from Saddam Hussein. What it is doing is plain for anyone to see. People spoke about good intentions, but the road to Hell is paved with good intentions. There is no point people crying crocodile tears about what happened. These people are still hungry and deprived. To continue to support the war effort is hypocrisy of the highest order and it should stop now.

The majority of people in the US are now saying the war should not have happened. They are saying it was not worth it financially or because of all the people who died. It was an illegal war and an illegal act. My understanding is that anyone who is an accessory in a criminal act is to blame to a certain degree and subject to punishment. We have not heard a word of regret about the part played by the Government in all the lives lost and all the misery, and it is time we heard it.

Debate adjourned.

#### **Visit of Speaker of Belgian Parliament.**

**An Ceann Comhairle:** Before proceeding with the business, I would like on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte and a most sincere welcome to Mr. Herman Decroo, Speaker of the Belgian Parliament, who joins us in the Distinguished Visitors' Gallery. I hope he will find his visit enjoyable, successful and to our mutual benefit.

#### **Foreign Conflicts: Statements (Resumed).**

**Ms O'Donnell:** This is a timely debate. As well as the appalling deaths of civilians yesterday in Iraq at the hands of American forces, and the many thousands of lives lost in Iraq in the past year, this week Iraq has suffered the loss of the head of the Governing Council, Abdel-Zahraa Othman, assassinated in Baghdad on Monday morning last. As a man of moderation, he is a loss to all Iraqis and to everyone who wishes to see the country reach its full political and economic potential.

The continuing loss of life brings into sharp focus the huge challenge of stabilising Iraq as the deadline for the transfer of sovereignty approaches on 30 June. It also shows yet again



that the enemies of a new Iraq are determined to disrupt the progress towards freedom and democratisation, whether this is American-led or UN-led. The killing of Mr. Othman, and of many others involved in nation building and UN activities, demonstrates that extremists are not just intent on ending American and British involvement in Iraq, but want to see a descent into anarchy and civil war and even perhaps a return to the tyranny in the style of the old regime.

As we reflect quite properly here today on the flaws in the US and UK strategy in Iraq, and there are many, we would do well to reflect on the strategic goals of those who are actively destabilising Iraq. For the sake of all Iraqis, and the wider region, every effort must be made to prevent a descent into anarchy. There is an urgent need for calm and balanced voices in international affairs. These are extremely testing times for Iraq, first and foremost, for America and Britain and the International community, including Ireland in its role as Presidency of the European Union.

The images of Iraqi prisoners being tortured and humiliated at Abu Ghraib prison, has rightly caused deep offence around the civilised world. Our instinct is to demand responsibility for such violations, military responsibility on the ground as well as political responsibility at the highest level.

Article Three of the Geneva Convention on to the treatment of prisoners of war is unequivocal. It prohibits "violence to life, in particular murder of all kinds, mutilation, cruel treatment and torture". Also outlawed is "outrages upon personal dignity, in particular, humiliating and degrading treatment". Those horrific images of Iraqi prisoners recently published by the print and electronic media represent crime scenes. Many images showing what went on in the prisons suggest coercive and sexually loaded subordination of Iraqi male prisoners, many hooded, bound, and naked. These images are tailor made to cause maximum offence to Muslim sexual sensibilities.

From time immemorial war has brought out the worst in human kind. Dehumanising the enemy has frequently been employed to assist soldiers to take life and to overcome the in-built human resistance to doing so. However, these images that have so scandalised the world have not happened in the heat of battle. The sadistic and pornographic elements are plain for all to see and raise very serious issues about the training and psychological assessment of military personnel who are given control of prisoners in times of war. Clearly, standards have been allowed to fall below levels acceptable to civilised values. So, how is it that a country like the United States, which claims to be a leader in democratic values and to honour the rule of law, can find itself so shamed? Could it be that in the so called war against terrorism anything goes? I think the answer lies not in the criminal perversion and

human frailty of young reservists who were actors in these images but rather a quite dramatic slippage of morality at the command levels in the US administration. Many friends of the American people, like ourselves, have been frankly appalled at these developments.

The date of 11 September 2001 was a defining moment in modern times. Such a savage and seemingly unprovoked attack on peaceful citizens in New York and Washington by terrorists and the visible and appalling loss of life has brought profound changes in the American psyche. In times to come, this will be the subject of massive research and analysis. Right now, we all are living through the outturn of what has recently happened to the American political and military mind. Fear, incredulity and vengeance has taken hold and leadership has been found wanting in the American political class and judiciary. The most complicated issues have been simplified and dummed down. Anyone who is not with America is against America. Many have asked questions about the manner in which prisoners in Guantanamo Bay were being hooded, shackled and abused outside the jurisdiction of the US and the remit of international law. It is now suggested that the Pentagon may have authorised this non-compliance with international law to extend into Iraq for purposes of interrogation. Guantanamo Bay set the tone and it was base. The US has not signed up for the International Criminal Court and now we know why.

Confidence in the US military will not be restored solely by courts martial of relatively low-ranking reservists. The credibility of the United States is now on trial. If knowledge and complicity is proven between the Pentagon and this abuse and if democratic accountability is to mean anything, there must be resignations at the highest level in the Bush administration.

While the current situation is grave, it is also important not to lose sight of the larger picture in Iraq. The fate of 23 million brutalised and traumatised people is in the balance and we have to be on their side. This requires a fair minded and sober approach that avoids extreme positions and unrealistic demands. Some have reacted to the prisoner abuse scandal by calling for an immediate withdrawal of coalition troops from Iraq. This would be irresponsible at this time. If such a premature withdrawal were to happen it would undoubtedly result in the fracture of Iraqi society and an abandonment of the civilian population. It would also trigger an unprecedented humanitarian crisis. The American, British and other forces have obligations to Iraq that will not be met by withdrawal. Neither will they be met by the killing of civilians and oppressive military operations against the civilian population such as those we saw yesterday. Confidence amongst Iraqis in international assistance can only be built by co-operation and not domination.

As the current holder of the EU Presidency, Ireland is uniquely poised to ensure that every

[Ms O'Donnell.]  
 effort is made in this regard. For the sake of the Iraqi people, we need to find a consensus through the United Nations that is not compromised by purely strategic considerations but driven by political realities and humanitarian considerations. All sides must now realise that a peaceful and prosperous Iraq is in everyone's best interest. Without it the security of the Middle East and the wider world cannot be guaranteed. Israel, backed by the US, is breaking international law with impunity. Standards are at an all time low in the Middle East and the occupied territories. The current offensive in Gaza is a disgrace. That is why after 30 June there needs to be a clear indication that the "occupation" in Iraq has given way to "facilitation" and nation building. That is why we should criticise America if it is found to have committed war crimes. I do not hesitate to criticise the US on this issue. Without such visible signs of a real transfer of sovereignty, as well as some voice of sanction on wrongdoing by the occupying forces, the Iraqi government will have little chance of earning the respect of all its citizens and of defeating extremist forces.

Conflict between the European Union and the United States only encourages and emboldens the common enemy of all liberal democracies. In a global age we are all equally at risk. This has been dramatically highlighted by the current threat by al-Qaeda facing the United Nations special representative to Iraq, Lakhdar Brahimi. The people who oppose Mr. Brahimi do not make distinctions between America and Britain, on the one side, and France, Germany, and Russia on the other. When they murder and threaten senior UN personnel they show contempt for the entire community of democratic nations. That is why it is now crucial for the United Nations to speak with one voice and common cause on Iraq.

Despite all the tragic scenes witnessed in recent months, many Iraqi citizens still hope things will eventually come right for them. There is much healing to be done around the world. The anger in the Arab street is vexed and hot. It is no less genuine or vengeful than the bewildered pain in the American heart since 11 September 2001.

**Mr. O'Dowd:** I am glad to have the opportunity to express a view on this serious international issue. The reality is that it was Saddam Hussein who built that jail in Iraq. The images of Iraqi prisoner abuse by American soldiers are evil but Saddam was even more evil. On one day alone, Saddam Hussein killed more than 2,000 prisoners in the same jail and we must not lose sight of that fact. Iraq under Saddam Hussein was an evil and a dangerous dictatorship. It had the potential to destabilise all the Middle East. When President George W. Bush decided to invade Iraq, he assumed Iraq had weapons of mass destruction and the potential to develop them. We all believed him and Mr. Tony Blair. That is why

many of us supported the invasion. We also believed that a democratic Government would be put in place if Saddam Hussein was deposed. Looking at the issues as we saw them at the time, we felt there was justification for what they were doing and that despite our concerns, they were right. That has proved not to be the case.

The truth is there are no weapons of mass destruction, the Americans had no plan other than to depose Saddam and there was no government in waiting which had the support of the majority of the Iraqi people. Instead, we have the awful catastrophe we are seeing today. The images on our television screens highlight the total lack of leadership the Americans and British have shown.

I am pro-American. I value the contribution America makes to our society, particularly to jobs in this country. Yesterday's announcement of investment here of €1.6 billion by an important American company is an indication of our strong economic ties to America, and it has strong economic ties to Ireland. Valuable employment is being created by American money in Ireland. There are also strong ties between the citizens of Ireland and people in America. For generations, Irish people have found a home, jobs and support in America. We have benefited greatly from our connection with the American people.

The difficulty is that we now have to challenge what America, and particularly George Bush, has done. I want to make the distinction that I am pro-America but I am anti-Bush. The policies of the American Government, as enunciated by George Bush, Donald Rumsfeld and all the others, are anathema to those of us in Ireland and we are right to criticise constructively and in a firm way, what has happened in Iraq. In the absence of the weapons of mass destruction and the reason for this war, George Bush should go and Tony Blair should also resign because they no longer have any credibility in the actions they have taken. It is clear that those of us in Ireland must learn from this conflict. For the future peace and stability of the global community, Ireland must stand by the authority and integrity of the United Nations.

In numerous debates on this issue in the run-up to the conflict in Iraq, Fine Gael articulated an unambiguous position in stark contrast to the confusion of the Government parties. We stated that unilateral action against Iraq by any state was not acceptable and action, if taken, must have multilateral support and must be authorised in an appropriate way by the United Nations Security Council. Fine Gael stated clearly that Ireland should support a new United Nations resolution on weapons inspections in Iraq and that if this resolution was not adhered to, Ireland should then participate in the debate on a further resolution setting out the actions to be taken by the United Nations to meet such a failure. Ireland cannot have it both ways. If we are opposed to unilateral action, we must consider the case

where multilateral action, as authorised by the United Nations, would command our support.

During the debate on the use of Shannon and the over-flying of Ireland by United States forces on their way to Iraq, Fine Gael made it clear it would support such action if it had a United Nations mandate. When challenged, some other parties said they would oppose such a war with or without United Nations support. That is an untenable position. Either we have multilateral action duly mandated by international law or the rule of law itself is called into dispute.

Certain political parties have stated for years that they oppose any action not mandated by the United Nations. However, when it looked like the UN might mandate war in Iraq in certain circumstances, they abandoned that position. In other words, their views were not based on principles but on telling a segment of the people what they wanted to hear. That is an appalling way to approach a serious policy issue which has such life and death implications.

In standing by the authority and role of the United Nations in international disputes, Fine Gael articulates our commitment to the United Nations. In sidelining the United Nations by pursuing unilateral action in Iraq, damage has been caused to that agency that will not be easy to repair.

Making sure we do not allow such harm to be done to the United Nations in the future is one of the key lessons that must be learned from the conflict in Iraq. We must not forget that dreadful attack on the United Nations headquarters in Baghdad last August, which claimed 22 lives, including that of the United Nations High Commissioner for Human Rights.

**An Ceann Comhairle:** I am reluctant to intervene but does the Deputy intend to share time?

**Mr. O'Dowd:** I wish to share time with Deputy Boyle.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. Boyle:** I am grateful to Deputy O'Dowd for sharing time with me. The most recent photographs that have become available today of American soldiers with sadistic grins and thumbs-up signs crouching over the corpse of an Iraqi man with eyes bandaged appear to be as emblematic of much of the attitude surrounding this war as any image we have seen in recent weeks. I fear that the attitude of the American Government, and not that of the American people, has brought about Guantanamo Bay in terms of the decision that some prisoners are of lesser worth than others and, in the conduct of policy, that some people are of lesser worth than others. We know the number of American and British soldiers who have died in this conflict. We know that soldiers from other countries who have taken part in this so-called coalition have died.

We do not know the number of Iraqis who have died. No one has considered it important enough to count those numbers, and the obvious inference, in terms of western reportage of this conflict, is that it is somehow less important whether people who are Iraqi live or die.

Military manoeuvres are continuing, whether they are attacks on the coalition forces or the actions we saw yesterday in attacking a wedding party, which is still referred to as collateral damage. When the language of war becomes so debased and the reasons the war started are lost on the mists of time, we should at least ask why we have allowed our airports to be frequented by people who have done this in the name of democracy and decency.

**Mr. Andrews:** I was a history teacher in a previous career and one of the highlights of Irish history we used to teach related to Winston Churchill praising himself for not having invaded Ireland during the Second World War for frolicking with German and Japanese embassies. The then Taoiseach, Éamon de Valera, roundly rebuked him and made the statement that if Britain's need had become a moral code, the rules of international law would become nought. That strikes me as being resonant today because there are some people in the American Administration who appear to believe America's need has now become a moral code, such that it can ignore basic principles of international law, walk circles around fairly accepted concepts of multilateralism and take the world down a road which has not been travelled previously. I would be concerned about that view in the US Administration.

What was done in the Abu Ghraib prison in Baghdad is related to this observation. The Pentagon appears to have realised that it was not making progress in Iraq, that Shiite and Sunni insurgency was growing and that the only way to stop it was to exercise dubious practices which had not been previously used in international law. A report produced last February makes the matter clear. The Pentagon wanted to bring special programmes into Iraq which had been successful in Guantanamo. There the Americans had created a category of person called an illegal combatant so as to avoid the application of the Geneva Convention. In Baghdad, the Americans decided the best way to get information about insurgency was to treat prisoners in the manner illustrated so graphically in newspapers and television programmes.

The buck stops with leadership. I predict that Mr. Rumsfeld will not be Secretary of Defence at the end of this year. Even if President Bush manages to win the election, Mr. Rumsfeld's position is not tenable because of what has happened. He must take responsibility for that.

Deputy O'Dowd referred to our attitude to America and cited the example of Mr. Churchill and Mr. de Valera. The Governments of Ireland



[Mr. Andrews.]

and Britain have sometimes been at loggerheads but the people of Ireland and Britain have always been close. The ties of history, often created by emigration, have always been close. The Irish and American people are also extremely close, again because of emigration and recently because of our business connections. This closeness should never be confused with legitimate criticism of the US Government, and particularly of the present administration.

While the United States has charged itself with the role of world policeman and with world governance, it has no accountability to the rest of the world. We cannot vote for the American president or put any American out of office. Nevertheless, Americans assume for themselves responsibility for world governance. This sets a dangerous precedent. It shows us that America's need to root out al-Qaeda and to stop insurgency in Baghdad has become a moral code. It is a basic principle enshrined in the Geneva Convention that any prisoner is entitled to human dignity whether he or she is an illegal combatant, a prisoner of war or in any circumstance. Prisoners have been denied human dignity and that is my concern.

We should not merely wring our hands in condemnation. We must consider what happens next. The United Nations is clearly the only institution which can bring Iraq back to normality. I would not oppose the division of Iraq under a system of federal government to allow for the serious ethnic differences which were suppressed during the regime of Saddam Hussein. The UN holds the only authority in the eyes of the world and of Iraqis to ensure that transition. However, it be not wise for the United States to withdraw from Iraq at present. Whatever the merits of the US arrival in Iraq, the speedy departure of the Americans would be more chaotic than their arrival.

We must consider the future of the UN and what it can do. In March 2003, the French said they would not support a UN resolution which contained an ultimatum to Iraq. This effectively disarmed the United Nations with regard to Iraq, despite the 17 resolutions outstanding relating to Saddam Hussein and his compliance with disarmament requirements. As such, the United Nations is in need of radical reform. The charter of the UN needs to be reviewed on the basis that some of the great threats to world peace and stability are from non-state actors. The Geneva Convention was written at a time when combatants met each other in uniform in muddy fields and took potshots at each other in a reasonably civilised way, if any war can be civilised. Nowadays that is not the case. The rules of engagement have changed completely and the UN must recognise that. It must review its charter and review the issue of pre-emptive strikes to which Deputy Higgins has referred and consider the circumstances of the threats from al-Qaeda and similar terrorists.

A report is due from the United Nations on these issues and I believe it will point the finger at the Pentagon and at a much higher level than criminal activity by individual soldiers. There has been a concerted level of abuse designed to gain information to stop the insurgency. We should await the outcome of that report. If it contains what I have predicted, we must make it clear to the United States that we condemn its actions and call for accountability before some international tribunal. It is a matter of regret that the United States will not ratify agreements such as the Kyoto Protocol, bans on landmines and the test ban treaty or recognise the International Criminal Court. This attitude was also typical of the previous US administration under President Clinton. We must bring pressure to bear on the United States to bring that country to account before the world it claims to govern.

We should not miss the occasion of the visit of President Bush to engage him on these issues on which Irish people hold strong and principled views. I hope those views will be conveyed to President Bush when he visits.

**Ms McManus:** Two excuses were given by the United States and its coalition allies for the launching of a pre-emptive strike against Iraq. One was to remove and destroy weapons of mass destruction and the second was to bring democracy to Iraq. We know now that there were no weapons of mass destruction. Fourteen months on, not a single weapon has been found that could be described as such and there is little to suggest that Saddam Hussein had the capacity either to produce or use such weapons, and certainly not on the scale suggested. The only conclusion that can be drawn is that the military intelligence used to justify the war and to mislead the United Nations was deliberately falsified and designed to mislead.

The second reason given for the war was to bring democracy to Iraq and the entire region. Once the Iraqi people had seen American-style democracy in action, it was said that the demand for democratic reforms would spread though the Middle East like a bushfire. We were told, and US troops were told, that they would be greeted as liberators and welcomed with flowers and open arms by a grateful Iraqi people. There is no doubt that many Iraqis were only too happy to see the overthrow of a brutal dictator who had inflicted such suffering on his own people, but neither is there any doubt that the majority of Iraqi people now greatly resent the occupation of their country by the United States and its allies, and there is little doubt that a major contributing factor in this has been the approach and tactics of the troops and the US Administration.

I am sure the question people throughout the Middle East will be asking is what type of democracy President George Bush and his allies have brought to Iraq that promotes the right to abuse and humiliate prisoners so extensively. It is not good enough for the United States to say that



Iraqi prisoners were subjected to even more brutal treatment in the very same prison by Saddam Hussein's regime. That was the case and we should acknowledge that fact. However, we are entitled to expect more of a democratic country that styles itself as the leader of the free world than from a despised dictator.

There is no doubt that the treatment of these prisoners represents a breach of virtually every principle of the Geneva Convention. When we see photographs like these, the refusal of the United States to recognise the authority of the International Criminal Court becomes obvious. Does anyone in the United States Administration have any idea of the impact on conservative Islamic opinion of graphic photographs of the humiliation and sexual degradation of Iraqi prisoners? Can anyone be in any doubt that these photographs will be used to recruit yet more young Muslims to extremist groups? Do they wonder what image is being presented of a western culture defined by such cruel depravity?

It is also difficult to believe that such activities could have been carried out without the knowledge and consent of the military's political masters. We cannot be sure where the political trail leads, but it almost certainly leads to the Pentagon and probably to the White House. That puts Ireland in a potentially embarrassing position. Not only have we allowed our facilities at Shannon to be used to facilitate a war that had no legal authority, but we are now faced with an official visit by the President of the United States when the international reputation of the US has never been at a lower ebb. Will the Secretary for Defence, Mr. Donald Rumsfeld, be a member of the Bush entourage? Will the Taoiseach and other Ministers be lining up on the runway at Shannon to shake the hand of the man who many reputable US publications claim approved this appalling treatment?

If all this were not bad enough, yesterday we witnessed the further impact of US military activity. Whether the target of the US attack was a wedding party, as most independent observers state, or a suspected safe house for foreign fighters, as the US claims, the result was the same, dead women and children and more dismembered bodies. All of this and the continuing violence that has led to the deaths of hundreds of Iraqi civilians over recent weeks shows that the time has come for a new political initiative to establish order and the rule of law. It is clear that the United States and its allies cannot deliver peace and stability.

The United Nations must be placed in direct charge of efforts to restore peace and to ensure the reconstruction of Iraq. This will require a new mandate from the Security Council. We urge the Taoiseach to use the coming weeks to seek support for such an initiative before the Irish Presidency ends.

**Mr. Carey:** There is a danger, in the context of commenting on the situation in Iraq, that we will

be driven by the politics of the last atrocity. It is difficult to avoid. An article in this week's *The Economist*, probably encapsulates what many of us feel. It states:

On Capitol Hill, American officials apologise and squirm in the face of evidence that the maltreatment of Iraqi prisons at Abu Ghraib was widespread, known about long before it found its way into the public domain and, much more callous — as new pictures and videos are said to show — than has been depicted in the ugly enough photographs published already. From Iraq comes a spectacle of an American civilian, Nick Berg, being beheaded in “retaliation” on video. Not since September 11th has the world felt so close to a collision between what Arabs see as an arrogant, decadent and hypocritical America on one side and what Americans see as an implacable, violent Islam on the other. Did the Iraq war have to end this way?

It did not. As Deputy Andrews stated earlier, it is difficult to believe the specialists and operatives photographed carrying out those atrocities did so entirely of their own volition. One has to wonder whether there was collusion involving those from much higher up the command chain.

At a recent meeting of the Oireachtas Joint Committee on Foreign Affairs, we met with parliamentarians from Turkey. Among that delegation was a former Foreign Minister from Turkey. In reply to a question I put to him in terms of what advice he was able to give to the American Administration prior to the invasion of Iraq, he suggested that whatever else they did when removing the first, second or third layer of the Ba'ath regime, it should not be entirely dismantled. It strikes me at this stage that we are reaping the rewards of the coalition forces disregarding fairly widespread advice that Iraqis are a generous, disciplined and dignified people. Relieved of Saddam Hussein's abhorrent regime they may well have been capable of taking on self-governance much earlier than is now likely to be the case.

The Government has been active in its role as President of the European Union, and in a national capacity, in relation to Iraq. Ireland participates in the United Nations group of friends and the Iraqi core group. This participation furthers the EU aim of contributing to the political process in Iraq and to reconstruction activities through the Iraqi core group. Ireland also seeks to influence the situation in Iraq through bilateral contacts with key players. In this regard, the Government has had exchanges with the United Nations Secretary General, Kofi Annan, and his Special Adviser, Lakhdar Brahimi. We have offered them our continuing support for their efforts in Iraq.

Government representatives have met with senior figures in the governments of other permanent members of the UN Security Council. We take every opportunity to speak to the

[Mr. Carey.]

current EU members of the Security Council, Spain, Germany, France and the UK. We also engage with other UN agencies, international organisations and our NGO partners. I am well aware of the work being done by the Minister of State, Deputy Kitt, in his capacity as Minister of State with responsibility for development in that area. In these bilateral contacts, we have stressed our key positions, that we support as rapid a transfer of power as possible to a democratically elected Iraqi Government and that the UN should play a strong and vital role in the transition process.

During a meeting of the Oireachtas Joint Committee on Foreign Affairs today, Deputy Michael D. Higgins and I suggested the West is remiss in its attempts to try to impose western style democracy not just on Iraq, but many other countries where, possibly, another model of democracy other than that practised by western Europe might be more appropriate.

We will also continue to raise the issues involved with EU partners and seek to achieve consensus on the situation and the way forward. As a result of such work, the spring European Council adopted an important declaration which welcomed recent positive political developments on Iraq, including the signing of the Transitional Administrative Law and the UN's acceptance of the invitation received from the current Iraqi authorities to assist with the formation of an interim government and with the preparation for elections.

The Council also noted the European Union's determination to assist the Iraqi people as they enter a new era in the history of their country. In October 2003, it requested the High Representative and Commission to work on a medium-term strategy for the EU relationship in Iraq. This is expected to be ready for the June European Council. The recent spring European Council noted the European Union's determination to assist the Iraqi people.

With regard to the participation of troops from EU member states in Iraq, it should be noted that these forces are acting in a national capacity and are not representing the European Union. It is for individual member states to make decisions on the deployment of their troops. The EU has welcomed the capture of Saddam Hussein as a crucial step forward towards peace, stability and democracy in Iraq and in the region. It has called for a fair trial, according to the rule of law, so that justice is done. As I stated earlier, as did Deputy Andrews, the principles of the Geneva Convention must be applied to all prisoners. That also applies to prisoners of the Afghanistan war.

The EU and its member states contribute to the International Reconstruction Fund Facility for Iraq, IRFFI, administered by the United Nations Development Programme on behalf of the UN and participating UN agencies. The facility aims to help donors channel their resources and co-ordinate their support for

reconstruction and development. These resources will be used to restore and strengthen the delivery of key public services, improve livelihoods, reduce poverty and strengthen governance, human rights and civil society. In addition to support for reconstruction activities, €100 million has been provided by the European Commission to Iraq for humanitarian relief.

As holder of the Presidency of the European Union, Ireland is pleased to join with other donors as a member of the Iraq reconstruction core group. This is a valuable opportunity to work closely with other donors to ensure that reconstruction efforts in Iraq are successful.

Ireland's humanitarian assistance to Iraq this year will be channelled through trusted partners such as UN agencies, international organisations and trusted non-governmental organisations, NGOs. At the Madrid donors' conference in October 2003, Ireland pledged up to €3 million in further assistance to Iraq in addition to the €5 million funding package for humanitarian programmes which was delivered in 2003.

The Government continues to face questions about Ireland's position in respect of the invasion of Iraq in March 2004. For Ireland and several other members of the EU, it was a matter of great regret that the Iraqi crisis reached a point where military conflict began. Both the Government and this House made that clear at the time of the invasion of Iraq. When Security Council Resolution 1441 was adopted, the council was acting in the belief that Iraq possessed weapons of mass destruction. We know now that no weapons were found.

I will conclude with a brief summary of the current situation with regard to all the issues involved and Ireland's position on them. The deal struck on 29 April in Falluja which involved the withdrawal of US marines to allow a newly created Iraqi security force to take control of the city has so far been successful. US troops remain in place around the city for the time being. However, fighting continues in the holy cities of Najaf and Kerbala. In addition to fighting on the ground, coalition forces are also faced with the constant threat of terrorist attacks. The European Union has condemned these attacks which have caused so many deaths and I reiterate that condemnation. This current campaign of terrorist violence in Iraq is impeding the path to political progress and economic reconstruction in Iraq. It is doing no favours to the Iraqi people.

The Government is concerned at the recent reports of abuse in detention centres in Iraq. I categorically condemn such abuse. I reiterate the abhorrence expressed by the Taoiseach and the Minister for Foreign Affairs of the abuse and degradation inflicted on Iraqi prisoners by members of the coalition military forces. The US and UK authorities have expressed their commitment to rectifying the situation and dealing with the perpetrators of abuse. I look forward to that happening at an early date.

The United Nations Secretary General, Kofi Annan's special adviser, Mr. Brahimi, said in a press conference in Baghdad on 14 April that the United Nations was confident an Iraqi caretaker government could be formed ahead of the transfer of power at the end of June to guide the country until free and fair elections are held in January 2005. On 27 April, following his report to the Secretary General Mr. Brahimi briefed the Security Council on his proposals.

The Government welcomes any resolution which gains requisite support at the United Nations and satisfies the concerns of the UN in its mission to Iraq. It must also be in keeping with the goal of seeing the earliest possible restoration of the sovereignty of Iraq and a democratically elected Iraqi Government.

**Mr. J. Higgins:** The criminal conspiracy by the imperial powers, Britain and the United States, which was represented in the invasion of Iraq, was not out of any consideration for the Iraqi people but to seize control of Iraqi oil and establish a military bridgehead in the Middle East for these imperial powers. The invasion of Iraq was carried out on foot of a monstrous lie: the alleged presence of weapons of mass destruction by the Hussein dictatorship. That lie was faithfully repeated by major sections of the capitalist media throughout the world and slavishly repeated by the Taoiseach, his Minister for Foreign Affairs and by the other members of the Government.

In front of the entire world, the pretext of the existence of weapons of mass destruction has been blown away. The argument about bringing democratic standards and high moral standards to Iraq, an Iraq degraded by the Saddam Hussein dictatorship, now lies in the gutter of Abu Ghraib. It lies shattered in the same way as the moral degeneracy of the Saddam Hussein dictatorship was evident there.

The support for the United States-led occupation of Iraq, preferred and continued by the Irish Government, shames our people. It was against our will and the will of the majority. In the course of the Iraqi crisis, from before the invasion, through it and through the occupation, the Taoiseach has conducted himself like a political amoeba of the most primitive kind, without backbone, morality or conviction. Terrified of offending the Bush regime and certain big business interests around it in the United States, he has simply twisted and turned in front of their pressure, ignoring the wish of the majority of the Irish people.

The war crimes in Iraq for which the United States military is responsible stain the Irish Government, the parties in Government and the Deputies who went through the lobby to justify the use of Shannon Airport as a refuelling depot for the United States military. The excuse put forward that the assistance given in Shannon Airport amounted to nothing is an utterly hypocritical excuse. If those people were

identified, would it be considered an inconsequential act to have refuelled the cars that came to the South 30 years ago, to blow innocent people to bits in the bombing of Dublin and Monaghan?

Inviting President Bush to Ireland in June is an affront to the oppressed people of Iraq and to those who have been killed, wounded or bereaved, as it is an affront to the suffering Palestinian people. Irish politicians who will welcome President Bush to Ireland and shake his bloody hand will dishonour the integrity of the Irish people who are revolted by the criminality of the United States and its invasion, occupation and abuse of prisoners. They are revolted by the United States support for criminality in Palestine. Irish people will turn out *en masse* in mass protests to disown any welcome for President Bush in Dublin on Friday, 25 June and in Shannon the next morning.

The so-called handover to an Iraqi Government at the end of June will be an utter fiction. The United Nations, equally in my view, has no credibility with the Iraqi people, having imposed the murderous sanctions that claimed an awful toll of victims in the course of the 1990s. The only solution is to end the occupation now. The future of Iraq and the Middle East should be democratically put into the hands of the Iraqi people and the people of the Middle East region in general. Islamic fundamentalism offers no way forward for the masses nor does clerical dictatorship that certain elements wish to impose in Iraq.

The demand for the withdrawal of the occupying forces should be linked to the building of democratic mixed militias, involving all the peoples and components of Iraq such as the Shias, the Sunni, the Kurds and the Turkomen. Democratic committees should be set up cutting across sectarian differences and cutting across those who would divide to rule Iraq. The fight is not only against military occupation but against the economic exploitation motivating the occupation, namely, the theft of the oil of the Iraqi people. These resources should be put under the democratic control of the Iraqi people and the people of the Middle East. A new future completely free from imperial intervention and interference could be established for the people of the region on the basis of the struggle for a democratic socialist Middle East in which its resources would be for the benefit of all.

#### **Estimates for Public Services 2004: Messages from Select Committees.**

**An Ceann Comhairle:** The Select Committee on Communications, Marine and Natural Resources has completed its consideration of Vote 30 for the year ending 31 December 2004; the Select Committee on the Environment and Local Government has completed its



[An Ceann Comhairle.]  
consideration of Vote 25 for the year ending 31 December 2004.

## Ceisteanna — Questions.

### Priority Questions.

#### Rural Environment Protection Scheme.

1. **Mr. Timmins** asked the Minister for Agriculture and Food when REP scheme III will be implemented; and if he will make a statement on the matter. [14886/04]

**Minister for Agriculture and Food (Mr. Walsh):** The European Commission presented Ireland's proposals for amendments to REPS to the agricultural structures STAR committee meeting on 11 May 2004, with a recommendation that they be approved. Following discussion on a technical issue raised by another member state, however, the chairman deferred the vote on the Irish proposal to the next meeting of the committee to allow for clarification of the issue by the Commission's legal services. The issue relates to the manner in which REPS payments are related to a land area which may not be the same as the area that is subject to agri-environmental undertakings. It arose from further legal interpretation of the regulation within the Commission services since the current REPS was approved in September 2000.

While I was disappointed at this unforeseen delay, especially as Commissioner Fischler and his officials had co-operated fully in progressing the Irish proposal, the issue is a technical one. My officials made immediate contact with the Commission following the STAR committee decision and they met senior Commission officials earlier this week to identify precisely the matters which need to be addressed. Following the meeting, my officials and the Commission have exchanged further information and I am confident that the matter can be brought to a successful conclusion very shortly.

It is important to point out also that this temporary delay will put no REPS farmer at a financial disadvantage. My officials have confirmed with their counterparts in the Commission that when the revised scheme is introduced, all farmers with a start date or anniversary date after 1 March 2004 will be in a position to benefit from it.

**Mr. Timmins:** Does the Minister agree it is most disappointing that a scheme heralded as cut and dry collapsed at the last minute? While it may be nothing more than a temporary delay, as the Minister indicated, it shakes people's confidence in the system when an agreement made in 2000 has still not been finalised almost four years later. I assume the matter will be addressed at the next Agriculture Council. Will

the Minister assure the House that agreement will be reached on that date? I wish to see the matter brought to a conclusion.

**Mr. Walsh:** While it is disappointing that a technical issue has delayed formal approval of the scheme, the matter is before the Commission's services and is being resolved. I hope a resolution will be found as early as next week. At any rate, the decision will not place any farmer at a disadvantage and no loss will accrue as a result because the scheme will take effect from 1 March this year. A person making a fresh application after that date will be entitled to the full, increased REPS rate. As the Deputy will be aware, the average increase is 28% and €260 million has been allocated to be expended under the scheme. Any person currently in REPS II whose anniversary date occurs any time after 1 March will automatically transfer to the new REPS III scheme.

Once we get clearance of the technical problem at services level, we will be required to await the next STAR committee meeting in June before making application forms available to farmers, who will then be able to apply to the scheme in anticipation of the formal decision of the next meeting.

**Mr. Timmins:** Did the Minister or his officials have prior knowledge of the technical difficulty before the meeting of the STAR committee took place?

**Mr. Walsh:** We had no prior knowledge. The sequence was that Ireland submitted the new REP scheme to the Commission in the first week of December last year. The matter was dealt with in the Commission in consultation with Ireland and formally approved by the Commission services which recommended its approval at the STAR meeting held earlier this month. It is unprecedented for any such approved recommendation of the Commission to be delayed. In this case, the delay was due to a technicality.

As I stated, for all practical purposes farmers will not sustain any loss or inconvenience because the scheme will be retroactive to 1 March this year. Nonetheless, we want to receive clearance for the scheme in order that forms can be made available to enable farmers to apply. The decision to increase the allocation to REPS by €70 million or 28% to €260 million was made in an effort to encourage farmers, in view of the nitrates directive, to meet best farming practice. This is the reason we negotiated an enhanced REP scheme and we want to implement it as quickly as possible.

#### World Trade Negotiations.

2. **Dr. Upton** asked the Minister for Agriculture and Food his views on the proposal by the EU to offer access for an extra 50,000 tonnes of Hilton beef cuts and a further 50,000



tonnes at the successful conclusion of the WTO talks; his further views on the impact this decision will have on the beef industry here and on whether the quality assurance on the imported beef is the same as that produced locally; and if he will make a statement on the matter.  
[14884/04]

**Mr. Walsh:** I presume the Deputy is referring to high quality beef imports in the context of the proposed Mercosur agreement. I have expressed my concern to Commissioner Fischler about the direction of the Mercosur negotiations and particularly the extent of the Commission's apparent willingness to negotiate an enhanced level of access to the Community market for beef from these countries. It is my view that to concede increased import access to non-EU beef at this time will put Irish and EU suppliers at a disadvantage and will limit the ability of the domestic beef sector to take advantage of the recent CAP reform. One of the important considerations from the Luxembourg agreement was that there would be a reduction in EU production, which would in turn lead to increased returns for those who continue to produce. I am concerned about the handing over of these benefits to non-EU suppliers at this stage in the WTO negotiations. A substantial Hilton quota is already available to the Mercosur countries, amounting to 40,300 tonnes per year at preferential import duty rates. In addition, there are additional significant commercial imports at full duty rates into the EU from these countries. These are possible because of their scale of production in the countries in question and the considerable exchange rate advantage they are experiencing. The import into the EU of high value cuts is of particular concern in that the ability of Irish beef exporters to maximise returns from the marketplace is dependent on maintaining returns from medium and high value cuts. Their efforts are being undermined by the ability of third countries to target their commercial exports, paying full import duties, at the higher end of the EU market while disposing of the lower value part of the carcase on their domestic market or to the global manufacturing trade. By exporting high quality cuts only, as compared to all cuts from the carcase in their natural proportion, third country suppliers are maximising the benefit of their limited volume access to EU markets by securing high value outlets for these high value cuts. A further increase in the Hilton quota to Mercosur would exacerbate this problem. The Commission services have indicated that they are determined that the EU should not pay twice in these negotiations and that any offer is conditional on reciprocation from the Mercosur countries.

*Additional Information.*

With regard to quality assurance, beef imports into the European Union from third countries must have been sourced in countries and in premises which are currently listed and approved by the European Commission and subject to veterinary audits by the EU's Food and Veterinary Office. In addition, such imports are

subject to checks laid down in the harmonised rules prescribed at European level and must be accompanied by the prescribed veterinary health certification from the competent authorities in the country of export.

The Community beef labelling requirements, which are compulsory in all member states, apply to beef sold at retail level within the Community, regardless of whether that beef was produced within the Community or in a third country. Where beef is imported into the Community from a third country it must, at a minimum, be labelled as "Origin: non-EC" with an indication of the third country in which slaughter took place.

**Dr. Upton:** I thank the Minister for his extensive answer and for expressing concern at the impact any such agreement will have on the Irish beef industry. Does he agree the beef industry has had a hard time in the recent past and the last thing beef producers need is the introduction of further competition where that is done domestically or at European level? Is he confident quality assurance in this area is adequate and comparable with that expected in other European countries and with the rigorous quality assurance standards insisted upon in Ireland?

**Mr. Walsh:** With regard to quality, beef imports into the EU from third countries must be sourced in countries and premises currently listed and approved by the European Commission and which are subject to veterinary audits by the EU's food and veterinary office. In addition, such imports are subject to checks laid down in the harmonised rules prescribed at European level and must be accompanied by the prescribed veterinary health certification by the competent authorities in the countries of export.

Beef labelling requirements, which are compulsory in all member states, apply to beef sold at retail level within the Community, regardless of whether the beef was produced within the Community or in third countries. Where beef, for example, is imported into the Community from a third country, it must, at a minimum, be labelled as "Origin Non-EC", along with an indication of the third country in which the slaughter took place.

**Dr. Upton:** Labelling is pertinent in regard to this issue. However, labelling a product as non-EU is inadequate because of concerns about issuing labels that specifically state the country of origin. That is the direction in which the consumer wishes to go. Is the Minister confident that testing procedures in Ireland, where spot checks presumably are done, are adequate to ensure beef of a lesser quality is not imported, particularly beef that contains residues?

**Mr. Walsh:** The efficacy of the testing procedures is constantly improved and enhanced and the Food Safety Authority of Ireland is the competent authority in terms of enforcement. Its chief executive appeared before an Oireachtas committee yesterday and commented on this

[Mr. Walsh.]  
 issue. Procedures are tightening all the time and consumers must be protected from adulteration and toxic residues. The competent authorities in Ireland and the EU food and veterinary office maintain confidence. Their primary objective is the protection of the consumer and they do precisely that.

### Genetically Modified Organisms.

3. **Mr. Ferris** asked the Minister for Agriculture and Food if he has abandoned his previous opposition to allowing genetically modified crops here; and if so, the reason therefore. [14888/04]

**Minister of State at the Department of Agriculture and Food (Mr. Treacy):** The Government's position on GMOs has been consistent from the outset and was adopted as a result of the report of the interdepartmental group on modern biotechnology published in October 2000, which recommended a positive but precautionary approach towards GMOs and biotechnology in general. I outlined to the House on previous occasions the potential benefits of modern biotechnology provided such activities are carried out under the most stringent controls and based on full scientific evidence to ensure human health and the environment are fully safeguarded. Such safeguards are in place following the adoption by the Council and European Parliament over the past two years or so of a raft of regulations on GMOs which also provide for consumer choice through the labelling provisions.

The Irish decision to support the proposal for authorisation of EU sweetcorn Bt11 for marketing in the EU as a food was taken initially by the Department of Health and Children, following consultation with the Food Safety Authority of Ireland and on the basis of the scientific risk assessment undertaken by the Netherlands food assessment body and the EU scientific committee on food. These bodies concluded that Bt11 GM sweetcorn was as safe for human food use as conventional sweetcorn.

This position was adopted at the relevant EU regulatory committee which is serviced by the Department of Health and Children but the application did not receive the necessary qualified majority. Under Community rules it was then necessary for the Commission to put forward a proposal to the Council for a vote on the application. However, the necessary qualified majority was not achieved at the Agriculture Council and the decision to authorise the GM sweetcorn reverted to the Commission, which adopted the regulation yesterday.

The GM areas of direct relevance to my Department relate to the issue of the co-existence of GM crops alongside non-GM crops and controls on the authorisation and labelling of GM feed. The Commission decided that co-existence should be addressed at member state level and has provided a series of guidelines to assist in dealing with the issues that arise. All member states, including Ireland, are in the process of

drawing up strategies and best practices to provide for effective co-existence arrangements.

An interdepartmental interagency working group has been established within my Department to establish the appropriate measures necessary for Irish farming practices and farming conditions and it has been given the task of identifying and evaluating the issues and implications for crop production in Ireland that would arise from the cultivation of GM crops and developing proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming.

*Additional information not given on the floor of the House.*

The working group, as part of its work programme, is meeting relevant stakeholders in the preparation of their recommendations. These discussions will include the Northern Ireland authorities with particular reference to their co-existence strategies.

My Department has also introduced a sampling and analysis regime, in co-operation with the State Laboratory, aimed at ensuring that feed imports are labelled in accordance with the new labelling and traceability regulations recently introduced for GM food and feed. The Irish position on the future authorisation of GM events will be on a case-by-case basis, where scientific risk assessment and the controls provided by EU legislation will be critical considerations.

**Mr. Ferris:** The Minister, together with the former Minister for the Environment and Local Government, Deputy Noel Dempsey, issued a statement in April 1997 in which they described GMOs as the largest nutritional experiment in human history with the consumer as a guinea pig. Is the Minister satisfied the guinea pig is okay from a health and safety point of view? Does he accept there has not been democratic consultation or decision making involving the Oireachtas or relevant committees?

It is asserted that GM crops could lead to higher productivity and returns for farmers but that is not the case. Monsanto's ready soya produced a yield which was 6.7% lower than the average yield of conventional varieties in 1998. A trial in 2000 highlighted a 11% differential. A 1998 University of Arkansas trial proved that GM soya and cotton produced lower yields and profits. Trials on GM oil, rape seed and sugar beet proved they generated between 5% and 8% lower yields than conventional crops. The main US and Canadian farmer representative groups have come out against GM foods because of the economic returns they yield.

I refer to co-existence with naturally produced foods. Commissioner Fischler was asked a question about this at the agriculture committee last week.

**An Ceann Comhairle:** We are rapidly running out of time for this question. The purpose of Question Time is to elicit information.

**Mr. Ferris:** How will farmers whose land has been contaminated as a result of GM production be compensated?

**Mr. Treacy:** I have not heard of a farmer in Ireland who has been affected by GM contamination. I do not know where the Deputy is coming from. However, he raised a number of issues. I am satisfied the best international brains are deliberating on this issue. We established a national body which issued recommendations. This issue was discussed by the relevant authorities in each member state, the European Commission, various committees, the European Parliament and the Council of Ministers and it went back to the Commission. Various agencies in Holland and Germany drew conclusions on the issue and the FSAI was consulted. The Department of Health and Children adopted a serious attitude to the issue and maintained the consistency of the Government's position, which is to be cautious but positive.

Many products have been of major benefit throughout the world in terms of animal and human health as a result of the experiments that have taken place. We will deal with this issue on a case-by-case basis and that will ensure our national food standard is protected and the great quality of food produced here is maintained without any threat from GM products.

#### EU Directives.

4. **Mr. Timmins** asked the Minister for Agriculture and Food the recent discussions he has had with the Department of the Environment, Heritage and Local Government with respect to the nitrates directive; and if he will make a statement on the matter. [14887/04]

**Mr. Walsh:** The implementation of the nitrates directive is, in the first instance, a matter for the Minister for the Environment, Heritage and Local Government. Ireland is legally obliged to put into effect an action programme for the further implementation of the directive. The European Court of Justice, in its judgment of 11 March 2004, held that Ireland had not fulfilled its obligations under the nitrates directive by reason of its failure to establish and implement an action programme in accordance with Article 5 of the directive. It is open to the court, on the application of the European Commission, to impose substantial fines on Ireland if early action is not taken to give full effect to the directive.

The terms of the action programme need to be finalised at an early date given that EU co-funding of schemes such as the rural environment protection scheme, REPS, the disadvantaged areas compensatory allowance, early retirement and forestry schemes is conditional on satisfactory implementation of the directive. Compliance with the directive has also been specified as one of the conditions for farmers' participation in the single payment scheme following the decoupling of farm supports from production.

A draft action programme prepared by the Department of the Environment, Heritage and

Local Government in conjunction with my Department and in consultation with Teagasc was presented in December last to representatives of the main farming organisations and other stakeholders. Written submissions on the draft action programme have been received from 70 stakeholders, including all the main farming bodies, and a revised draft is being prepared by officials of the Department of the Environment, Heritage and Local Government together with officials from my Department.

Under Sustaining Progress, the Government is committed to using the flexibility in the nitrates directive to seek European Commission approval for organic nitrogen limits of up to 250 kg. per hectare per annum to be allowable in appropriate circumstances. It was also agreed in Sustaining Progress that the Government would engage with the main farming organisations and other interests on the development of the action programme for implementation of the directive. The consultations initiated by the Department of the Environment, Heritage and Local Government in December last are part of that process. The issue has also been discussed at meetings, including a meeting earlier this week, between officials of both Departments and the farming pillar under Sustaining Progress.

Once the draft action programme is finalised and submitted to the Commission, Ireland will also submit a derogation designed to take account of the unique characteristics of Irish agriculture. Guidance documentation to support farmers in the successful implementation of the action programme is being developed by my Department.

*Additional information not given on the floor of the House.*

A number of significant steps have been taken to address the costs at farm level of the implementation of the draft action programme. The Government, in Sustaining Progress, stated: "recognising the importance of the Nitrates Directive and its impact on certain farmers, a number of initiatives shall be taken in the context of optimising the use of available EU and national budgetary resources". These initiatives included a review of REPS, with 28% higher payment rates, and changes to the terms and conditions of the farm waste management scheme and dairy hygiene scheme including, in particular, increasing the income and eligible investment ceilings.

The improvements in the farm waste management schemes and the dairy hygiene schemes are already in place and changes to REPS, delivering an average increase of 28% in payments to farmers, are expected to be approved shortly by the European Commission with retroactive effect from 1 March. The scheme of capital allowances for expenditure on farm pollution control has been extended to the end of 2006. A committee is examining issues associated with the possible introduction of low-cost wintering facilities such as earthen bank tanks for the storage of livestock manure.



**Mr. Timmins:** I realise the implementation of the directive is not the Minister's responsibility in the first instance, but does he agree that the procrastination of various Governments since 1991 has left us in a position such that little can be done about the matter? Will he confirm that we are talking about a level of 170 kg. per hectare? I understand this figure has been mooted for several months, yet in recent days farm organisations seem to be up in arms, and quite rightly so, because there seems to be no way around it. Where did the false dawn come from? If my memory serves me well, the Minister stated during the Estimates meeting that the limit would be 170 kg. per hectare and that he would seek a derogation of up to 250 kg. per hectare for those who need it.

The policy we have of sweeping things under the carpet and waiting for someone else to make a decision has landed us in a position in which farmers are facing a difficult scenario. I am sure the Minister has agreed that procrastination has caused the difficulty. Given that the level is 170 kg. per hectare, is there any way the Minister can influence the European Commission into increasing it? I understood from talking to Mr. Fischler last week that he felt there was room for manoeuvre. Will the Minister confirm this?

Upon how many farmers will the limit of 170 kg. per hectare have an impact? For how many farmers will the Minister be seeking a derogation? When will the revised draft be sent to the EU? Have we any idea what the cost to farmers will be?

**Mr. Walsh:** The position is that the directive dates from 1991 and we are grappling with it 13 years later. We were entitled to a transitional period in the mid-1990s before the full implementation of the directive but did not avail of it. In the autumn of last year, the Netherlands was taken to the European Court of Justice and then it became a legal matter. We were taken to that court and a decision was made on 11 March which meant that neither the additional limit nor the transitional period was available to us any longer. Therefore, we are now left with a general limit of 170 kg. per hectare on foot of the court decision. However, it was intimated by the Commission that if we sought a derogation and supplied it with supporting scientific data, it would regard our case sympathetically. Although there will be a general limit of 170 kg. per hectare, we are saying we want to increase it to 250 kg. per hectare by way of derogation.

One might ask why this poses a problem. The problem is that the stakeholders feel there will be too many conditions attached to the derogation. It would be the job of the negotiators to say they want a limit of 250 kg. of organic nitrogen per hectare because of Irish conditions and as few attached conditions as possible. That is what we are about to do.

Within the next couple of months, we must supply an action programme to Brussels, stipulating the limit of 170 kg. per hectare but seeking a derogation allowing for a limit of 250 kg. per hectare. The derogation sought will be

deliberated upon and we will probably have a definitive outcome by November this year.

We will be implementing the direct payment system from 1 January 2005 and we will be liable to substantial fines of perhaps €20,000 to €30,000 per day if we do not meet our obligations. We would be jeopardising the direct payments and the compensatory payments. Time is running out, but we have a few months in which the social partners, stakeholders, the relevant Departments and Teagasc can create an action programme and a parallel application for a derogation shaped to suit Irish conditions.

**Mr. Timmins:** It is important to point out that the Minister—

**An Ceann Comhairle:** We exceeded seven minutes. We must proceed to Question No. 5 in the name of Deputy Upton.

**Mr. Timmins:** —and Minister of State have been in the Department for a long time during that period.

**Mr. Treacy:** We have been very generous in the way we have treated everyone.

**Mr. Timmins:** The buck stops with the Minister of State.

#### **Food Safety Standards.**

5. **Dr. Upton** asked the Minister for Agriculture and Food his views on the recent report by the FVO, following a mission carried out from 15 to 18 September 2003, on the control systems for the placing on the market and use of plant protection products and for pesticide residues in foodstuffs of plant origin; if he has satisfied himself with the response to the recommendations in the report; if he has further satisfied himself that there are sufficient resources in place to ensure the delivery of the appropriate level of confidence in the testing regime for the products referred to; and if he will make a statement on the matter. [14885/04]

**Mr. Treacy:** I was pleased with the results of the mission carried out last September by the FVO in that the audit did not identify any serious flaws regarding the control systems for the placing on the market and use of plant protection products and for pesticide residues in foodstuffs of plant origin. Some of the criticisms made in the report reflected a misunderstanding on the part of the FVO regarding the controls in place. The mission report identified a few issues that should be addressed. In each such case, either steps were already being taken to address the concerns or have since been taken. I am satisfied that adequate resources are in place for the delivery of the appropriate testing, as required under the relevant EU legislation. The development of the new laboratory complex in Backweston and the recruitment of further staff will further enhance this testing regime.



**Dr. Upton:** I am afraid I cannot share the Minister of State's confidence or the confidence he attributes to the FVO on this report. Reading the report is a negative experience. One bad report can be considered an accident but two bad reports must surely be carelessness of some sort. Yesterday, one will have seen on the Europa website that there is yet another report on residues in animal products. It is very negative and critical. What action can be taken to inspire confidence in the consumer at home and to inspire confidence in our exports?

**Mr. Treacy:** The audit mission, by its nature, focused on flaws in the system in place. Its function is not to point out the positive aspects of the system and the progress made but to highlight the difficulties and flaws. In the past three years, the number of samples analysed by the laboratory has increased by some 240%, a huge increase. We have increased staff numbers and will continue to do so. We are building a modern complex at Backweston. Some Members of the House believe we should not do so but we are proceeding with it because we believe it is important. It will be done and will have a major impact. This laboratory was the first in Ireland to be accredited to ISO 17025 standard and it continues to maintain that accreditation status.

There was further expansion of the testing capacity of the pesticide control service in 2003 to permit it to assess applications for the authorisation of plant protection and biocidal products in a timely manner for the risks arising for humans, animals and the environment. The staff has increased by 16% since the beginning of last year and a further eight people will be recruited over the next year. Given the investment made, the equipment that has been purchased and the productivity and performance that operates there, high standards have been achieved. We accept there are negatives in the report. We addressed some of them immediately and we are addressing others. By and large, we are as good as any other member state in terms of performance.

**Dr. Upton:** The previous mission was carried out in 1998 and six recommendations arose from it. One of them was addressed in the intervening five-year period and two were partly addressed. However, it appears that nothing was done about three of them. Does the Minister agree this is scarcely a timely method of dealing with this problem? While I accept that the report on animal products is not part of today's question, because it only appeared yesterday, it is an extremely serious and negative report. Products are not tested for nitrofurans, for example. There was a question earlier about the import of beef and poultry from South America. Nitrofurans have been found in poultry from South America but we do not test for them in this country. What type of confidence does this inspire in the consumer and the exporter?

**Mr. Treacy:** Obviously we operate to the highest international standards and best practice. The FVO is there to ensure that happens. As we make investments in human, technical and physical resources, it is obvious we are committed to improving facilities and increasing performance. Performance has been increased by 240%. We are mindful and take account of the recommendations in the FVO report. We have already implemented some of the recommendations and we were in the process of implementing others before the inspection. However, that would not be taken account of during the inspection and probably would not have been obvious to the inspectors from the FVO. On that basis, people can be assured we are working to achieve the highest standards and to eliminate any doubt in the testing process. We will continue to work to achieve that.

**Dr. Upton:** There is a serious concern for our export market if we persist in failing to address these issues. I welcome the Minister's commitment to enhanced resources and supports and the recruitment of new staff. That is particularly relevant to the life products and meat. There are also issues regarding the co-ordination of the residue testing process. There are six or seven laboratories but some of them are not accredited. One private laboratory that is used is not accredited. There are issues that must be addressed with regard to consumer protection and confidence both at home and in our export market. This information is on the EUROPA website and is available internationally. It does nothing to inspire confidence when it is so negative.

#### Other Questions.

---

#### Bovine Diseases.

6. **Mr. Timmins** asked the Minister for Agriculture and Food his plans to change the policy of full herd culling of BSE infected herds; and if he will make a statement on the matter. [14757/04]

**Mr. Walsh:** I have no plans to change the policy of full herd culling of BSE infected herds for the present, although the position is kept under ongoing review. Current EU law requires the slaughter of the entire herd, birth cohorts and progeny when a BSE case is confirmed. However, it also permits by derogation the slaughter of birth cohorts and progeny only where the epidemiological circumstances justify such an approach. In practice, other member states with substantial numbers of BSE cases avail of this derogation because it is generally accepted that, from a scientific perspective, the main cause of BSE is consumption of infected feedstuffs, with a theoretical possibility of maternal transmission from dam to calf. Horizontal transmission is not

[Mr. Walsh.]

considered to be a significant factor in the spread of the disease. Such countries are not, however, as heavily reliant on exports as Ireland and all have substantial domestic markets. Over time whole herd depopulation along with the full spectrum of BSE controls operating in Ireland have become critical elements in providing reassurance to consumers and in marketing Irish beef and dairy produce at home and abroad. In these circumstances and while cases continue to be confirmed at current levels, it is not possible to assess precisely the market reaction to any decision to terminate Ireland's whole herd slaughter policy. In addition, a change in policy would impact on individual farmers whose herds may be affected by the disease. Farmers left with animals which have been in the same herd as a BSE positive animal would face grave difficulties in selling beef or milk to processors.

All the evidence available indicates that BSE numbers here are declining and that the reduction will be maintained. Consequently, net Exchequer costs of whole herd depopulation will be lower in 2004 and in future years compared with expenditure in 2003. Although savings could be achieved through adopting a partial depopulation approach, such savings must be weighed against the possible adverse reaction on markets, particularly in third country export markets which are valued at €1.4 billion per annum, and the impact on individual farmers. I am, however, keeping this and other aspects of our BSE controls under ongoing scrutiny.

**Mr. Timmins:** The Minister of State, Deputy Treacy, when discussing GM foods, stated he was relying on the best scientific brains for advice and direction. Does the Minister agree there is no scientific evidence to show the route we are taking at present is the correct one? Does the Minister not have any concerns that, with the import of replacement cows, the arrival of Johne's disease has the potential to be a greater danger than BSE has been?

**Mr. Walsh:** All the scientific evidence shows the main cause of infection is infected feedstuffs. The main reason for full herd depopulation is commercial. If, for example, a farmer supplying milk for the production of infant formula food has a BSE occurrence in the herd and only partially depopulates, it will be extremely difficult for the manufacturers to have the confidence to continue taking milk from that herd. At present, however, whole herd depopulation, a complete fumigation of the premises and an interval before repopulation with a new herd obviates that situation. The same applies to export markets, particularly third country markets, for our dairy and food products.

Deputy Upton referred to confidence. Confidence is the key issue, particularly in Ireland's case given that we export 90% of what we produce. If a scare arose somewhere and it

was discovered that infection occurred in some herds in Ireland and this was followed by only partial depopulation, it would leave us vulnerable. Thankfully, the numbers are relatively small with only 62 cases this year. The incidence is reducing considerably so there is not a large cost involved. However, the commercial implications are major. I intend to continue with whole herd depopulation for the present. It is worthwhile.

**Dr. Upton:** The Minister correctly identified meat and bonemeal as the element responsible for infection. Is there ongoing monitoring of meat and bonemeal? If that item could be taken out of the equation, BSE incidence in younger animals ought to disappear. It is a cause of concern that young animals occasionally present with BSE. There was a recent case in County Meath. Will the Minister give his view on the action being taken to ensure no meat and bonemeal is available in the system?

**Mr. Walsh:** I can give an assurance, as far as it is possible, that there is a total ban and it is being implemented. The figures will show it is effective. There is a later question on the situation in County Meath and it is answered comprehensively. There will always be an occasional outbreak but, thankfully, they are few and far between. The vast majority of the current small number of cases are in excess of six years of age. We hope that trend will continue.

#### **Rural Environment Protection Scheme.**

7. **Mr. Deenihan** asked the Minister for Agriculture and Food the situation with respect to REP scheme III; and if he will make a statement on the matter. [14754/04]

48. **Mr. J. Brady** asked the Minister for Agriculture and Food when REP scheme III will commence; and if he will make a statement on the matter. [14785/04]

**Mr. Walsh:** I propose to take Questions Nos. 7 and 48 together.

As I stated in my reply to Question No. 1, the European Commission presented Ireland's proposals for amendments to REPS to the agricultural structures STAR committee meeting on 11 May 2004, with a recommendation that they be approved. Following discussion on a technical issue raised by another member state, the chairman deferred the vote on the Irish proposal to the next meeting of the committee to allow for clarification of the issue by the Commission's legal services. The issue relates to the manner in which REPS payments are related to a land area, which may not be the same as the area that is subject to agri-environmental undertakings. It arose from further legal interpretation of the regulation within the Commission services since the current REPS was approved in September 2000.

**Mr. Timmins:** Does the Minister believe this problem will be resolved by the end of next week?

**Mr. Walsh:** I am confident that it will be resolved at the Commission services level next week as we are in continuing discussions and exchanges of information with the services. However, another STAR committee meeting will take place next month. Once we get assurances from the Commission services, we will proceed to make application forms available and crank up the system. We have an estimate of €250 million for expenditure under this enhanced scheme with a 28% increase in payments. As it is also highly relevant to the nitrates directive, we want to get moving on it.

Having made the submission in the first week of last December, we feel enough time has been wasted, although at least we will have retroactive application of the scheme from 1 March. Approximately 40,000 farmers avail of REPS II at present and we want to ensure they graduate to REPS III with the more enhanced payments as soon as possible. I hope the Commission services will agree on the clarification of the technical problem next week and I intend going ahead with the scheme then.

#### EU Directives.

8. **Mr. Deasy** asked the Minister for Agriculture and Food the discussions he has had with the Minister for the Environment, Heritage and Local Government with respect to the nitrates directive; and if he will make a statement on the matter. [14756/04]

**Mr. Walsh:** The implementation of the nitrates directive is a matter in the first instance for the Department of the Environment, Heritage and Local Government. My Department has had ongoing discussions with that Department on the development of a draft action programme giving further effect to the directive. This draft action programme was presented in December 2003 to representatives of the main farming organisations and other stakeholders. A period of two months was provided for stakeholders to submit their comments on the document in writing to either or both Departments. Written submissions on the draft action programme have been received from some 70 stakeholders, including all the main farming organisations, and a revised draft is being prepared by officials of the Department of the Environment, Heritage and Local Government together with officials from my Department.

**Mr. Timmins:** Can the Minister confirm that the farm organisations and other bodies are wasting their time lobbying to have the 170 level increased? How many farmers will it impact? What is the estimated cost if the revised draft is as we have been led to believe?

**Mr. Walsh:** The directive is primarily a matter for the Commission. Contrary to what some people believe, it is not Commissioner Fischler but the Commissioner for the Environment, Ms Wallström, who has responsibility for this matter. The general limit is a matter for that Commissioner. However, we have received indications from the Commission that following the court decisions, this has gone from being a scientific matter to being a legal one. While the Commission indicates that 170 must stand as a general limit, it would be sympathetic to considering a derogation to the 250 level, which we seek.

The number of farmers involved has been the subject of some research by Teagasc. It has been suggested that up to 10,000 farmers would need a derogation at the 170 level. In other words, 129,000 of the 130,000 farmers would be within the limit. In reality those 10,000 are the more commercial and intensive farmers and their competitiveness in the EU and with third countries could be stymied. It is important that we get a directive implemented here and an action plan, which will not stymie our better and our more intensive farmers. I believe that can be done by way of derogation provided we can get the minimum of red tape and conditionality attached to those derogations.

**Dr. Upton:** I believe my question has been answered. I wanted to know whether he thought the view of Commissioner Fischler would have any impact, since at last week's meeting of the Oireachtas Joint Committee on Agriculture and Food he seemed to think that a derogation would not be a huge difficulty.

**Mr. Timmins:** How will the derogation work? Will it be on an individual farmer basis or on a townland basis? While I know it will be done on a scientific basis, would it be possible for one farmer in Offaly to get a derogation?

**Mr. Walsh:** I am not sure. The sequence is to have an action plan submitted to Brussels in the next two months and parallel with that an application for a derogation. Commissioners Fischler and Wallström have indicated that they would be sympathetic to a generous derogation. We will not be sure about the details attached to a derogation and whether it will apply by individual farmer or otherwise until we get to the negotiations. However, we will have the best possible scientific evidence. As I said, discussions on the general limit have moved into the legal arena because of a Dutch court case and the Irish court case on 11 March. With the derogation, we can rely heavily on scientific support.

I appeal to stakeholders and the social partners to meet representatives of the Department of the Environment, Heritage and Local Government and the Department of Agriculture and Food along with Teagasc to work out a sensible and practical derogation from the directive, which will



[Mr. Walsh.]  
allow our more commercial and better farmers the competitive edge they need to continue in business in the future.

### Food Labelling.

9. **Mr. R. Bruton** asked the Minister for Agriculture and Food the progress he has made with respect to improvements in the labelling of foodstuffs since 1 January 2004; and if he will make a statement on the matter. [14746/04]

**Mr. Treacy:** The food labelling group established in July 2002 reported in December 2002, making a series of recommendations. We accepted the recommendations and because food labelling is a particularly complicated and broad based area, involving a number of Departments and Government agencies, we set up an interdepartmental and agency group to progress the implementation of the report.

In December 2002, responsibility for food labelling was as follows. The Department of Enterprise, Trade and Employment had policy responsibility for the main legislation for the labelling, presentation and advertising of foodstuffs under the European Council Directive 2000/13/EC and the Director of Consumer Affairs was responsible for the enforcement of that directive. The Department of Health and Children was responsible for policy on other food labelling legislation such as nutrition claims and novel foods, with the Food Safety Authority of Ireland having responsibility for enforcement of the legislation. The Department of Communications, Marine and Natural Resources was responsible for the policy on labelling of fish and fish products with the FSAI again responsible for enforcement and the Department of Agriculture and Food was responsible for policy on legislation for the labelling of specific products ranging from beef, poultry and sugar to spirit drinks, coffee and fruit juices, with the FSAI responsible for the enforcement of the beef labelling regulations and the health boards operating the controls on the other products under the general aegis of the Department of Agriculture and Food.

I am very happy with the progress that has been made to date on the implementation of the recommendations in the labelling report. There was a total of 21 recommendations, many of which are beyond the remit of the Department and some of which were to be activated only after others had been completed. It will take some time to fully implement all the recommendations of the report.

The two main issues that emanated from the recommendations of the labelling group were centralising enforcement in one agency and the definition of origin. Enforcement of all of the food labelling regulations has been centralised in the Food Safety Authority of Ireland. This will not only streamline the enforcement measures, but will also provide a one stop shop for any

complaints on mislabelling of food. The centralisation of food labelling policy enforcement — except on fish — in the Department of Health and Children and the Department of Agriculture and Food achieves another recommendation of the food labelling group.

**Mr. Timmins:** I was struck by the number of different bodies responsible for labelling which were referred to in the Minister of State's comprehensive reply. I acknowledge his reference to the centralisation of control in the Department of the Communications, Marine and Natural Resources and the Department of Health and Children and of enforcement in the Food Safety Authority. However, a submission was made yesterday to the Committee on Enterprise and Small Business during which the issue of incorrectly labelled imported food was raised. Is it within the Minister of State's remit to introduce legislation which ensures that one can see where a product was produced and what is in it simply by examining the label? While I acknowledge that food processing is complicated, many manufacturers operate a policy of deception with their products. Can we make one body responsible for everything, be it fish or fowl?

**Mr. Treacy:** We have reduced the huge plethora of organisations involved and centralised responsibility in the Food Safety Authority of Ireland. There was full agreement within the food labelling group that consumers had a right to information on the origin of the meat they cook in their homes and eat when dining out. While the group could not agree on how origin should be defined, there was unanimous agreement that further research was necessary to establish consumers' wishes in this area. At our request, the consumer liaison panel has carried out this research, the results of which were presented to me in December 2003. We are determined, in so far as it is within the powers available to us, to meet the wishes of consumers identified in the research.

At the beginning of this year, we introduced two regulations on the labelling of poultry meat. The first of these regulations requires poultry meat, whether loose or pre-packaged, which originates outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second regulation requires information about class, price per unit weight, condition and slaughterhouse details in respect of loose poultry meat to be provided to the consumer. In addition to the above action, we have arranged that each sector will be reviewed on a commodity-by-commodity basis to identify any deficiencies from a consumer viewpoint in labelling regulations. Further action will be taken over the coming period in other commodity areas. EU beef labelling regulations on origin do not apply to beef sold in food service outlets. The



European Commission published a review of these regulations at the end of April.

The report does not favour the extension of these regulations to the catering sector. However, whether they are purchasing beef over the counter in butcher's shops or supermarkets or opting for beef in restaurants and catering establishments, consumers have a right to know the origin of a product. The labelling regulations should provide for this. There is a gap which needs to be addressed. We arranged to have the European Commission report discussed at the EU special committee on agriculture meeting in Killarney last week under the Irish Presidency. The meeting was chaired by the Minister for Agriculture and Food, Deputy Walsh. In addition, we will press this matter when the Commission report comes before the Agriculture and Fisheries Council following preparation by the special committee.

I emphasise that our primary aim is to protect consumer interests and ensure the consumer is properly informed. Ireland is a major exporter of food and food products and the destination of a considerable volume of food imports. It is imperative that the same standards are applied to the labelling of foods in every sector and that there is a level playing field for the food industry at all levels. We hope to achieve this through the implementation in as full a manner as possible of the recommendations of the food labelling group. We hope to have ensured the further consideration of this matter before the Presidency concludes.

**Dr. Upton:** I thank the Minister of State for his extensive answer. No detail was left out. I hope he will forgive me for saying that it reminded me a little of food labelling. To identify ingredients, country of origin etc. from a label requires a magnifying glass. At the next meeting of the Agriculture and Fisheries Council, will the Minister of State suggest that simplification would enhance the information for the consumer? While I appreciate that there are technical and legal matters which must be addressed, complicated information is often included to confuse. It adds nothing to consumer information.

It is important to ensure the consumer knows exactly what he or she is buying. We have had numerous instances of products which contained genetically modified components which were not declared on labels. We have had health supplements which were irradiated, but that was not declared on the labels. We are tracking these products like Inspector Clouseau and it is a huge waste of time. Labels must be simplified and made more accessible to consumers and exporters.

**Mr. Treacy:** I agree with Deputies Timmins and Upton. We must simplify these issues for consumers irrespective of the level at which a product is purchased or consumed. We will do our utmost to establish a consensus across Europe to achieve that simplification. Labels and logos must be clear, precise, simple and focused.

To find common agreement among the countries involved is not an easy task. While we will do our utmost in this regard, we must ensure that we protect our consumers and our great export market.

### EU Directives.

10. **Mr. Sargent** asked the Minister for Agriculture and Food the situation regarding the nitrates directive in view of the fact that many farmers are complaining that the Government is giving neither guidance nor assistance to ensure compliance. [14826/04]

**Mr. Walsh:** Ireland is legally obliged to put into effect an action programme for the further implementation of the nitrates directive. The European Court of Justice in its judgment of 11 March 2004 held that Ireland had not fulfilled its obligations by reasons of its failure to establish and implement an action programme in accordance with Article 5 of the directive. It is open to the court on the application of the European Commission to impose substantial fines on Ireland if early action is not taken to give full effect to the directive.

The terms of the action programme must be finalised at an early date as EU co-funding of the rural environment protection scheme, REPS, various compensatory schemes and single farm payment which commences on 1 January is conditional on cross-compliance with the nitrates directive.

A draft action programme was prepared by my Department in conjunction with the Department of the Environment, Heritage and Local Government and in consultation with Teagasc. It was presented in December 2003 to representatives of the main farming organisations. Written submissions on the draft action programme have been received from 70 of those bodies and a revised draft is being prepared by officials of the Departments involved.

Under Sustaining Progress, the Government is committed to using the flexibility of the nitrates directive to seek European Commission approval for organic nitrogen limits of up to 250 kg. per hectare per annum. When the draft action programme is finalised and submitted to the Commission, Ireland will also submit a derogation proposal designed to take account of the unique characteristics of Irish agriculture. Guidance documentation to support farmers in the successful implementation of the action programme is being developed by my Department.

Since the Estimates and the 2004 budget, account has been taken in a number of significant ways of the costs involved in meeting the requirements of the action programme. In Sustaining Progress, the Government stated: "recognising the importance of the nitrates directive and its impact on certain farmers, a number of initiatives shall be taken in the context of optimising the use of available EU and national budgetary resources". These initiatives included a review of REPS funding which was increased by €70 million from €190 to €260 million. This translated as 28% higher payments. We also changed the con-

[Mr. Walsh.]  
 ditions of the farm waste management and dairy hygiene schemes, increasing substantially to 40% the rates of payment. The ceilings under which people could qualify were also raised. Funding for these schemes has increased by more than 75% over 2003.

All these improvements took into account the nitrates directive. Improvements in the farm waste management and dairy hygiene schemes are already in place and it is hoped changes to REPS will be approved shortly. The changes will have retroactive effect from 1 March. The scheme of capital allowances for expenditure on farm pollution control has been extended to the end of 2006, and a committee is examining issues associated with the possible introduction of low cost wintering facilities such as earthen banks for the storage of livestock manure.

**Mr. Sargent:** I am not sure the Minister's words are any comfort to the farming organisations. They are understandably suffering from shock given the way the Government ignored the nitrates directive for so many years, only then to put the vehicle into gear and pedal to the floor. Farmers are left wondering how this came about so suddenly. We are entering a period of large-scale lobbying with the IFA writing to Members and MEPs. Will discussions include not just REPS but also quantify costs of implementing the nitrates directive? The IFA has claimed minimum storage requirements on farms will cost €1 billion. Will the Minister clarify the costs that will be involved and the number of farmers affected? Has the Minister had any recent discussions with the farming organisations? Will any assistance or guidance be put in place to help those affected?

**Mr. Walsh:** I do not know if anyone can take consolation from the fact that though this directive was introduced in 1991, it was not implemented until 2004. To date, no other member state of the EU has adhered to an action plan. The Netherlands was taken before the European Court in October 2003 and Ireland in March 2004 for failing to implement the directive. The time has come to address the problem by way of an action plan, while at the same time seeking a derogation from the tight limit of 170 kg. per hectare to 250 kg. per hectare to allow commercial farmers to be competitive and stay in business. Teagasc has reckoned it will affect approximately 10,000 commercial farmers over the 170 kg. per hectare limit. We want a commercial and vibrant farming sector but also a directive that can be implemented given the uniqueness of Irish agriculture. Derogation is the way to achieve this.

Commissioners Fischler and Wallström, who have immediate responsibility for the directive, have indicated they would be sympathetic to Ireland's application provided it is supported by scientific evidence. Teagasc has been enlisted to work on providing scientific documentation. The best way to proceed is by submitting an action plan while at the same time seeking a derogation on the limits.

**Mr. Sargent:** What about the meetings with the farming organisations, which will be critical to teasing out the minutiae of the issues involved?

**Mr. Walsh:** The farming organisations are consulted on a regular basis. A number of days ago, the organisations had intensive meetings with officials from the Departments of the Environment, Heritage and Local Government and Agriculture and Food to reach a consensus to submit an action plan and an appeal for a derogation to Brussels.

#### **Animal Welfare.**

11. **Mr. Boyle** asked the Minister for Agriculture and Food the outcome of discussions with his EU colleagues on the broiler directive in view of the health and welfare problems associated with the majority of the 68 million broilers reared here which are kept intensively in sheds holding up to 30,000 birds each. [14824/04]

**Mr. Treacy:** Primary responsibility for the welfare of animals, including broilers, lies with the owner or keeper of the animals. Owners and keepers are obliged to take all reasonable steps to ensure the welfare of animals under their care and to ensure that such animals are not caused any unnecessary pain, suffering or injury. The welfare of animals kept for farming purposes, including broilers, is covered in legislation by the European Communities (Protection of Animals Kept for Farming Purposes) Regulations 2000 and the Protection of Animals Act 1911, as amended.

There are no proposals before the EU Council of Agriculture Ministers relating to the broiler sector. However, a number of meetings of an EU Commission working group on broiler welfare legislation have taken place since the beginning of last year with a view to formulating proposals. The Department of Agriculture and Food has been represented at these meetings.

The Commission will formulate a document which will be presented to the Council of Agriculture Ministers. Ireland's perspective will be brought to bear at both official and political level as the matter progresses. In general, we have always been and will continue to be supportive of measures which will improve welfare for animals.

**Mr. Sargent:** There is a broiler directive, and as with the previous parliamentary question, directives tend not to go away. If we have dragged our heels on the nitrates directive since 1991 and now find ourselves against the wire, has the Minister learned any lessons? In our role of EU Presidency, will the Minister take some initiative in implementing the broiler directive so we will not have to seek a derogation at a later time? Will the Minister take account of strong consumer support for implementing a directive aimed at improving welfare in that sector? Why is it not on the agenda given that directive is already there?

**Mr. Treacy:** There is no dragging of heels by the Minister for Agriculture and Food or his Department on this issue. I hope we can count on Deputy Sargent's support for this directive and the nitrates one, and that we can work to achieve a consensus that is in everyone's best interests.

**Mr. Sargent:** I am in favour of upholding the law.

**Mr. Treacy:** The aim of the proposed directive on broilers will be to protect the welfare of broilers specifically. It will be based on the March 2000 report by the scientific committee on animal health and welfare. The requirements of the proposed directive will be in addition to those of COM 98/58. The draft proposals are being examined at technical Commission working group level. The Commission must still carry out its impact assessment. The Commission has also held discussions with representatives of various parties, namely, Compassion in World Farming, COGECA, the Federation of European Veterinarians and others. It cannot be put on the agenda until the technical and other groups involved have completed their work and a report is forwarded. Only then can the Council of Agriculture Ministers give it consideration.

**Dr. Upton:** What level of inspection, if any, is there for welfare of broilers under the conditions described by Deputy Sargent? Are there any sanctions if the owner or manager is found to be in breach of good animal welfare practice? Are there any controls over this area in the absence of a directive?

**Mr. Treacy:** The inspectorate staff for this area are excellent and have a unique track record for focused professionalism. The staff do a fine job on behalf of the country. Under the Protection of Animals Act 1911 and under various EU regulations, prosecution is possible against those not adhering to proper care for animals.

**Dr. Upton:** Have any prosecutions been taken or sanctions imposed?

**Mr. Treacy:** I am unable to answer that question now. I could try to ascertain this for the Deputy. I am sure the Department of Justice, Equality and Law Reform will have some information.

**Mr. Sargent:** From 1911.

#### **Exhibition Centre.**

12. **Mr. Quinn** asked the Minister for Agriculture and Food if he has reviewed the report from the Committee of Public Accounts on funding for an agricultural and equestrian eventing centre at Punchestown Racecourse in County Kildare; his views on the criticisms in the report of his Department over its failure to evaluate properly the €15 million funding for the

centre; the reason sufficient evaluation was not carried out by his Department; the actions he has taken within his Department following publication of the PAC report; and if he will make a statement on the matter. [14741/04]

**Mr. Walsh:** The development of the National Agricultural and Eventing, Exhibition and International Show and Competition Centre at Punchestown was funded to address a need for a facility of international standard for the holding of agricultural shows and displays which could represent the agriculture industry both nationally and internationally and, in addition, attract significant international events here. It was a necessary once-off investment in this country's infrastructure for the promotion of agriculture.

The intention was that the facility should be able to attract significant agricultural events such as those connected with the Sport Horse eventing competitions as well as cattle breeding shows, machinery shows and other special events. It was felt that the World Equestrian Games, which come around every four years, the European Eventing Championships, which take place every three years, and international congresses on the cattle breeding side could be attracted to Ireland at reasonable intervals if the facilities were available. The ability to host such international events would put Ireland on a par with other EU member states, most of which have at least one centre capable of hosting the significant events envisaged. Such centres are, in the main, publicly funded. The project would not have gone ahead without the degree of subvention it received.

I have reviewed the report of the Committee on Public Accounts on the funding for the Punchestown centre. The report acknowledges that the Department's controls and administrative procedures were thorough. The report criticises the degree of evaluation undertaken and states the Department of Finance's 1994 guidelines for the appraisal and management of capital projects in the public sector should have been applied. I am satisfied my Department applied procedures considered at the time to be appropriate for a project of this type.

The Deputy must remember this was a once-off project; it did not easily fit the category of scheme normally administered by the Department. The project was not a normal type of grant proposal and was difficult to evaluate in terms of outputs and outturns. As such, it did not readily lend itself to being evaluated under the 1994 guidelines. However, the project was carefully examined in the Department against a number of criteria including the need for the facility, the suitability of Punchestown as a venue, whether other locations could be used and the likely events that would take place there. Before agreeing to fund the project, the Department was satisfied the proposed investment represented an appropriate and justified use of the funds being provided. The letter of approval contained 17 paragraphs of detailed conditions.



[Mr. Walsh.]

As required by the 1994 guidelines, a post-project review will be undertaken by my Department and, as required by the PAC, it will be presented to that committee by 30 March 2005. I have noted the PAC recommendation that the 1994 guidelines should be applied in all circumstances involving voted funds. This recommendation will of course be implemented by my Department.

**Dr. Upton:** What kinds of international events have taken place at the centre, and how many? The Minister should provide us with this information as that is presumably the purpose for which this building was set up. Will the Minister agree the centre is a white elephant? It is a waste of public money and is not suitable for the kinds of international events that were first proposed. If it is the case that the project was carefully examined by the Department, the Department is clearly in conflict with the findings and views of the Committee of Public Accounts.

**Mr. Walsh:** The centre is not a white elephant. It is a worthwhile project and will be so considered in years to come. International events have already taken place there and they will continue into the future. It is a fine centre and is suitably located, with adequate housing for animals and parking facilities.

In the matter of the expenditure on the centre, I draw the attention of the Deputy to the report of the Comptroller and Auditor General, which states: "The audit established that proper tendering procedures were observed in connection with the placing of contracts, and that the Department had satisfactory controls in place in relation to the processing of payment claims in terms of on-site inspections and detailed administrative checks." The Deputy should consult with her colleague, Deputy Wall, on this issue because he has made some positive remarks about the centre. The centre is in Kildare and the Deputy is familiar with the economics of the equine industry in Kildare and other areas. He said the centre was a Mecca for national hunt activity and that the investment sought to put Punchestown on a par with Cheltenham. I agree with the Deputy.

*Written Answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Ó Caoláin — the need for the Minister for Education and Science to detail his plans for the provision of extra resource teachers and learning support teachers for primary schools; and (2) Deputy Deenihan — the urgency to provide adequate and appropriate accommodation for the pupils of Dromclough national school, Listowel, County Kerry. The

matters raised by the Deputies have been selected for discussion.

### Adjournment Debate.

#### Special Educational Needs.

**Caoimhghín Ó Caoláin:** I thank the Ceann Comhairle for the opportunity to raise this important matter. The matter I wish to address concerns the need for the Minister for Education and Science to detail his plans for the provision of extra resource teachers and learning support teachers for primary schools, which he announced last month, and the need for new teachers to be appointed and deployed at the earliest date in order to allow schools to plan properly for the coming school year and to ensure that extra teachers are of maximum benefit to all pupils and schools on the basis of need.

The plight of children with special needs is one of the most pressing issues faced by our education system and our society as a whole. The preliminary results of a survey carried out by the Department of Education and Science in primary schools last October show the extent of need among tens of thousands of children throughout the State. Currently there are some 2,600 resource teachers to cater for this large number of pupils who need special attention. The Minister for Education and Science has promised 350 extra resource teachers and has committed to deploy them as soon as possible.

I welcome the news that agreement was reached between the Department and the Irish National Teachers' Organisation on the deployment of special needs teachers. The INTO had expressed concern that the Department might be opting for deployment based on an arbitrary ratio of one special needs teacher per 150 pupils. Independently of the INTO's concern, I was aware of at least two schools in my immediate area in which such speculation was causing real worry. It was thought that the implementation of such a quota could see some schools losing out and emerging with a diminished service. I hope the agreement with the INTO now means no such scenario will occur and that deployment will be based only on need.

I ask the Minister of State to confirm, on the record, the headlines of the agreement as announced by the INTO. These are as follows: special education staffing in primary schools is to be maintained and no further teachers will be placed on redeployment panels in this school year other than those already notified; the outstanding applications will be processed as a matter of urgency and decisions will issue as soon as possible; the Department of Education and Science will meet the INTO over the coming weeks to discuss a weighted model which will, as far as practicable, take account of gender and disadvantage and will give flexibility to small schools; there will be full implementation of this model by September 2005; in the interim, new appointments will be considered on the basis of



the weighted model and specific cases — these cases will be judged on an individual basis; the 350 new teachers will be allocated to deal with special needs as soon as possible on the basis of a weighted model; and the Department of Education and Science has agreed to consult the INTO on a notification to all schools.

I ask the Minister of State to ensure that all schools are fully informed so they are in a position to plan properly for the coming school year. I acknowledge there is little time left in which these plans can be properly put together.

I again emphasise the need to make much greater progress on the issue of class sizes in primary schools, which is important. Only a dramatic reduction in class sizes through recruitment of more teachers, can ensure that each child receives more individual attention and that those with special needs are allowed to participate fully in their classes and schools.

**Minister of State at the Department of Education and Science (Mr. B. Lenihan):** I am pleased to have been given the opportunity by the Deputy to clarify on behalf of the Minister for Education and Science the position on the provision of special educational needs supports for primary schools.

The Department of Education and Science received more than 8,400 applications for special education resources since 15 February 2003. The batch of approximately 5,000 applications received between 15 February and 31 August 2003 is being considered at present. Priority was given to almost 1,000 cases involving children starting school last September, and all those cases were responded to at or before the commencement of the current school year. The balance of more than 4,000 applications in that batch has been reviewed by a dedicated team comprising members of the Department's inspectorate and the National Educational Psychological Service. Those applications are being further considered in the context of the outcome of surveys of special education resource provision conducted over the past year and the data submitted by schools as part of a nationwide census of such provision.

The processing of the applications is a complex and time-consuming operation. However, the Department is endeavouring to have this completed as quickly as possible and officials from the Department 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 the Department announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements: making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs and making individual

allocations in the case of children with more acute lower prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessment, reduce the volume of applications to the 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.

Transitional arrangements for the introduction of the weighted system are being developed at present in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for responding to applications for resources will be set out in a circular to be issued to schools before the end of the current school year.

I thank the Deputy once again for giving me the opportunity to clarify the position in regard to the matter in the House.

### Schools Building Projects.

**Mr. Deenihan:** Dromclough national school, County Kerry, is renowned for its quality of education and its committed and dedicated staff. I consider myself privileged to have attended the school. The number of pupils on the roll is 176. The number of pupils who will be on the roll next September will be 185. This reflects the confidence parents have in the teaching staff and the expanding nature of the school. There are 12 teachers, including learning support and resource teachers.

The conditions in the school are inadequate and inappropriate for both pupils and teachers. The prefab at the back of the school, which is 12 years old, has already been partitioned for resource teaching. One of the teachers is teaching full-time in the toilet area of the prefab. The general purpose, GP, room has been used as a classroom since September 2003. Therefore, it cannot be used for physical education, art, dancing, computers, music, choir and so on. The pupils are being denied the opportunity to avail of the full curriculum due to the lack of appropriate facilities. As there is no storage space in the school, necessary storage must be provided for in the corridors, specifically the main corridor. This has created serious safety concerns.

The school has an administrative principal and a secretary. However, there is no office. The secretary works in the 9 sq. m. staff room. This room provides for 12 teachers, three special needs assistants, visitors to the school, including parents, and the secretary. The principal works in a recently converted toilet which measures 1.5 m by 3 m and which is unacceptable. The provision of office space is a matter of extreme urgency. There is also no library or materials resource room in the school.

Applications for temporary accommodation have been sanctioned by the local inspector since 2003. The first application for accommodation

[Mr. Deenihan.]  
 was submitted on 11 April 2002. This was followed by further applications for temporary accommodation on 15 January 2003 and 9 October 2003, with a reminder sent to the Department on 4 February 2004. The school authorities have advised me that accommodation urgently required consists of four small portacabins, to allow the prefab to be used as a classroom, as recommended by the local inspector, and one 6 m by 6 m portacabin, to extend the staffroom and allow for some office space in the school.

I wish to quote from a reply sent to the chairperson of the board of management on 7 May from the school planning section of the Department of Education and Science:

I refer to your application for grant aid towards the provision of temporary accommodation. All applications for temporary accommodation have been considered by [the] School Planning Section. In the context of available funding and the number of applications for that funding, it is not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved. Your application was not successful on this occasion.

Your school's need for accommodation will be considered in the context of a review which is being undertaken of all projects that did not proceed as part of the 2004 School Building Programme with a view to including it as part of a multi-annual school building programme from 2005, details of which will be announced later in the year.

Surely at a time when taxpayers' money is being splashed all over the country, in some cases in a most wasteful and irresponsible fashion, the temporary accommodation sought by the board of management of Dromclough national school, at a minimal cost, should be provided. This is the least the pupils, teachers and parents deserve.

**Mr. B. Lenihan:** I thank the Deputy for raising the matter as it gives me the opportunity to outline to the House the strategy of the Department of Education and Science for capital investment in education projects and also to outline the position regarding Dromclough national school, Listowel.

The 2004 school building programme at primary and post-primary levels amounts to €387 million and outlines details of more than 200 large-scale projects proceeding to construction, 120 projects recently completed or under construction and more than 400 projects at

various stages of the architectural planning process.

When publishing the 2004 school building programme, the Department of Education and Science indicated that its strategy going forward would be grounded in capital investment based on multi-annual allocations. Officials from the Department are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005. They expect to be in a position to make further announcements on this matter in the course of the year.

All projects listed on the school building programme are allocated a band rating to determine their order of priority for progressing through the system to tender and construction. Details of the criteria used for prioritising projects at both primary and post primary levels are available on the Department's website at [www.education.ie](http://www.education.ie)

Dromclough national school is a co-educational primary school with a current enrolment of 176 pupils. Enrolments have increased slightly in recent years, from 163 pupils in the 1998-9 school year to 176 pupils in September 2003. The school has a current staffing of a principal, plus seven mainstream teachers, one learning support teacher based in the school, one shared and two permanent resource teachers, all based in the school.

The school authority recently submitted an application for temporary accommodation. All such applications have been considered in school planning section of the Department. In the context of available funding and the number of applications received, it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved. The application from Dromclough national school was not successful on this occasion. The Department approved grant aid in June 2003 of more than €17,000 for roof repairs at the school. The Department also approved grant aid in July 2002 of more than €68,000 for replacement windows.

Once again, I thank the Deputy for giving me the opportunity to outline to the House the method used by the Department of Education and Science in determining in an open and transparent way how projects are included for funding in the school building programme and to assure the House that the school and all others will be treated in a fair and equitable manner.

The Dáil adjourned at 5 p.m. until 2.30 p.m. on Tuesday, 25 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 12, inclusive, answered orally.*

### **Agricultural Decline.**

13. **Mr. Rabbitte** asked the Minister for Agriculture and Food if his attention has been drawn to a presentation by a person (details supplied) at the recent Agriculture and Food Development Authority's conference in Tullamore stating that the dependence on farming as a source of employment declined from 14% in 1991 to 5% in 2002; his views on what the consequences for the agriculture industry will be should this trend continue over the next decade; and if he will make a statement on the matter. [14742/04]

**Minister for Agriculture and Food (Mr. Walsh):** At the recent presentation, population and agricultural change in rural Ireland 1991 to 2002, at a Teagasc conference in Tullamore, a paper outlined a situation where employment in primary agriculture had fallen from 14% in 1991 to 5% in 2002. This is not unexpected as the long-term trend in employment in agriculture is one of gradual decline and the situation is not unique to Ireland. The numbers of farmers have been in decline across EU and OECD countries as a whole for many years.

Not only has the number of farmers declined but the nature of farming activity has also changed. During 1991 to 2002 general developments in the Irish economy, including the greater availability of employment and increased levels of participation within the labour force, have resulted in greater opportunities for those who wish to improve their incomes by combining an off-farm job with their farming activities. The 1999-2000 household budget survey illustrates that almost 60% of farm household income now comes from non-farm sources, including off-farm employment, social welfare and other income. In fact, this increased availability of off-farm employment opportunities in rural areas has contributed positively to the future viability of many farm families.

Since the late 1980s, the Irish economy has progressed into one of the most dynamic and modern in the world. Annual GDP growth increased by double-digit figures throughout the late 1990s and reached over 11% in 1999. This growth has in turn led to greatly increased levels of employment and participation in the work force. Even with the overall changes in the economy, agriculture continues to play a very important role in our economic well-being. The agri-food sector as a whole accounts for approximately 9% of GDP, it employs about 10%

of the workforce and is worth €7 billion per annum in exports. The high level of agri-food exports combined with the indigenous ownership of the sector means that it is a major source of net foreign earnings. The sector currently brings in approximately 20% of the net foreign earnings from the manufacturing sector.

As Minister for Agriculture and Food it is one of my priorities to ensure the continued development of the farming sector. This is an ongoing process which is being pursued through a series of measures and strategies. Farm viability is critical to the maintenance of the maximum number of farm households in the rural economy. In line with this ongoing concern a range of measures are in place including substantial market supports and direct payments. In 2003 my Department spent €2.8 billion for this purpose with €1.6 billion of this going in direct payments to farmers. In addition, the general developments in the economy with greater availability of employment and increased levels of participation within the labour force has resulted in greater opportunities for those who wish to improve their incomes by combining an off-farm job with their farming activities.

It is generally accepted that the agri-food sector is entering into a period of profound change including the reform of the Common Agricultural Policy, the WTO negotiations and maintaining the competitiveness of Irish agriculture. Therefore, it is critical that the correct strategies are identified for the future of agriculture. To consider the medium to long-term perspective of agriculture in Ireland I formed the Agri Vision 2015 Committee to examine the findings and recommendations of the previous Agri Food 2010 Committee and to identify the issues and opportunities up to 2015. This review will also include an examination of income and employment trends in agriculture and rural areas in general.

### **Export Subsidies.**

14. **Mr. McCormack** asked the Minister for Agriculture and Food the discussions he has had with the European Agriculture Commissioner with respect to the abolition of export subsidies; and if he will make a statement on the matter. [14766/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have discussed issues relating to export subsidies in the context of the EU's approach to the current round of WTO negotiations with Commissioner Fischler on many occasions, most recently in the margins of the informal Council of Agriculture Ministers in Killarney on 12 May 2004.

Export support is one of the three pillars of the agricultural negotiations taking place under the WTO's Doha development round. In a recent letter to all WTO members, the European Commission has indicated that if an acceptable outcome emerges on the other two pillars, market



[Mr. Walsh.]

access and domestic support, and if there is full parallelism on other forms of export competition, including export credits, food aid and State trading enterprises, the EU would be prepared to move on its export subsidies.

I am monitoring developments in the WTO closely and the meeting of the Council of Ministers on 24 May, which I will chair, will, on my initiative, discuss the current situation.

#### **Farm Incomes.**

15. **Mr. Killeen** asked the Minister for Agriculture and Food the position regarding trends in farm incomes since 1990 to date; and if he will make a statement on the matter.

[14720/04]

**Minister for Agriculture and Food (Mr. Walsh):** From 1991 to 2002, the latest year for which data is available, family farm income, as measured in the Teagasc national farm survey, increased from €7,686 to €14,925, a rise of 94%. A similar trend is also seen when the average income per farm is measured. In the period 1991 to 2002 this indicator rose from €11,332 per farm to €18,117, a rise of 60%, while the average income per family work unit has risen from €8,221 in 1991 to €17,149 in 2002, an increase of 109%.

It should be noted that farming is a cyclical business that is dependent on a number of factors and these can result in fluctuations in income from year to year. Looking at trends in farm incomes since 1990, aggregate farm income, operating surplus, increased substantially between 1990 and 1996. There was a decline from 1997 to 1999, mainly due to the effects of the BSE crisis in the UK, the collapse of the Russian market in 1998 and weather related difficulties in 1998-99.

Following these declines, the farm income situation improved in 2000 and again in 2001. Aggregate farm income rose by 6.4% in 2001 despite the difficulties caused by foot and mouth disease, following an increase of 10.1% in 2000. The year 2002 was a difficult one for farming; aggregate farm income fell by 8.1% due to a combination of bad weather, lower levels of cattle slaughterings and lower output prices for many commodities. By contrast, the year 2003 was a good one for farming. Aggregate farm income increased by 4.9% to €2,589.5 million. This increase reflected improvements in the cattle, milk and cereal sectors.

To underpin the financial stability of the sector, my Department operates a range of measures including market supports and direct payments aimed at supporting farm incomes. In 1990 direct payments accounted for 23% of aggregate farm income; since the MacSharry CAP reform in 1992, direct payments to farmers have risen and by the late 1990s they accounted for 50% of aggregate farm income. In 2003 direct payments of €1.6 billion contributed almost 63% of

aggregate farm income. I have vigorously pursued one of my main goals of supporting farm incomes by maximising the level of direct payments to farmers, ensuring that the EU Commission utilises all available management tools to support the markets and by providing the best possible development framework for the sector.

The composition of the farming sector has altered in the time period since 1990. According to figures from the Central Statistics Office, in 1991 73% of farmers were full-time and 27% were part-time. By 2002, 58% of farmers were full-time and 42% were part-time.

One of the interesting points in the measurement of farm income is that there are a series of indicators that can be used in its calculation. In the 13 years from 1990 to 2003 aggregate farm income, operating surplus, rose from €2,093.5 million to €2,589.5 million, an increase of 24%. However, the breakdown of farm income figures using other indicators shows more substantial increases reflecting the rationalisation of farm labour, greater productivity and smaller farm numbers. Indicators of income per farm family, per farm and per family work unit show healthier increases and more progressive trends.

#### **EU Presidency.**

16. **Mr. G. Mitchell** asked the Minister for Agriculture and Food the priorities of the Irish Presidency of the European Union with regard to agricultural trade relations with developing countries; and if he will make a statement on the matter. [10004/04]

**Minister for Agriculture and Food (Mr. Walsh):** The Irish Presidency programme, published in December 2003, sets out the broad objectives to be pursued regarding development and multilateral trade policy issues aimed at assisting developing countries and integrating them into the multilateral trading system.

In so far as agricultural trade is concerned, the Presidency programme provided for a debate at the informal meeting of Agriculture Ministers in Killarney on how the impact of CAP reform on international trade as well as opportunities arising from existing and future international arrangements can best be communicated to the EU's trading partners and, in particular, developing countries.

The Ministers had a useful discussion on these issues when they met on 11 May 2004. The discussion underlined the importance of the trade measures being implemented by the EU which are designed to assist developing countries, namely, the generalised system of preferences, the Cotonou Agreement with African, Caribbean and Pacific countries and the everything but arms measure for the least developed countries.

The meeting also acknowledged that, in the context of a new WTO agreement, it will be important to work with developing countries to ensure special and differential treatment and that

particular attention will have to be given to the needs of the least developed and most vulnerable countries.

#### **Animal Diseases.**

17. **Mr. O'Shea** asked the Minister for Agriculture and Food if his attention has been drawn to the case of a BSE-infected cow born from a dairy herd in County Meath after the introduction of strict feed controls in 1996 to 1997; and if he will make a statement on the matter. [14738/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am aware of the case to which the Deputy refers. It involved a Friesian cow born in April 1998 which was identified on a farm in County Meath. The animal had been bought from a farm in County Cavan and had been born in April 1998.

Epidemiological investigations are undertaken in regard to the feeding regimes of all herds in which BSE is identified. Particular attention is paid to herds in which cases born after the feed controls were reinforced in 1996 and 1997 are confirmed. The investigation of this particular case is ongoing.

Within the context of the overall picture, the diagnosis of BSE in a small number of animals born after 1997 is to be expected. We had always foreseen the likelihood that occasional, individual cases which may often relate to factors particular to the specific farms in question and which deviate from the mainline trend would from time to time arise as the incidence of the disease in the national herd recedes. There is, however, no basis for suspecting that this case is indicative of either a systemic failure in controls or of a change in the overall positive trend in relation to BSE in Ireland.

The shift in age profile of BSE cases as well as a reduction in case numbers indicates that the additional controls introduced in 1996-97 have been effective in significantly reducing the exposure of animals born after 1997 to the infectious agent. In 2003, 99% of all BSE cases were diagnosed in animals born in 1997 and earlier years. In addition, a 45% reduction in case numbers was observed when compared to 2002. It is expected that the incidence of disease will continue to decline as cows born prior to 1998 leave the system.

#### **Food Industry.**

18. **Mr. Durkan** asked the Minister for Agriculture and Food if he has satisfied himself that food producers here are given equal opportunity with their worldwide competitors to supply food stores here without exception; and if he will make a statement on the matter. [14780/04]

**Minister for Agriculture and Food (Mr. Walsh):** Total output of the food industry is valued at €15 billion, of which exports account

for €7 billion. Ireland is an open economy and I fully believe that the future of Irish food producers and the industry lies in access to all markets, at home and abroad, and an emphasis by all players on competitiveness, innovation and understanding of market trends. My strategy and that of the State agencies is to underpin the ongoing success of the food sector by facilitating the industry to maintain competitiveness and capacity to meet the demands of the market in terms of quality, convenience, price and product specification.

Accordingly, significant funding is available under the national development plan for capital investment, research, technology and innovation, marketing and promotion and human resources. The specific food related initiatives in the national development plan provide funding to improve the quality and marketability of Irish food produce. For example, more than €7 million in aid is being provided for the capital investment scheme alone in 2004 to assist Irish producers to meet the standards of safety and quality demanded by consumers. A further €11 million is being provided under the food institutional research measure to fund public good research by third level institutions and Teagasc. Statutory responsibility for instituting action in terms of any possible lack of access or unequal opportunity on the domestic market rests with the Competition Authority to whom any evidence of untoward trading should be addressed.

#### **Common Agricultural Policy.**

19. **Mr. S. Ryan** asked the Minister for Agriculture and Food if his attention has been drawn to a recent presentation by a person (details supplied) at the recent annual Burren Law School stating that by 2015 productive agriculture here will be confined to a narrow band stretching from north Munster to south west Leinster; the consequences for the future of agriculture of such a development; and if he will make a statement on the matter. [14743/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am aware of the paper on the Irish landscape which was presented at a recent Burren Law School seminar. The paper dealt with the issue of changing landscapes and it was stated that such change must be embraced and indeed be accepted as the landscape is man-made and as such is ever changing.

It was agreed that much of what was described as "fretting and fussing about rural housing is a mere symptom, a very superficial symptom, of a much greater and far deeper change". The author then referred to the "collapse of agriculture". He went on to state: In Ireland the process has been gathering momentum for nearly 15 years now and the Fischler Reform of the Common Agricultural Policy will bring a rapid and dramatic conclusion to it. By 2020 productive agriculture in Ireland will be confined to a narrow band stretching from north Munster to south west Leinster. Outside of

[Mr. Walsh.]

this area all agriculture will be part time, specialist and secondary. Very extensive areas will cease to be farmed, the more productive lowland soils will be used for forestry, the rest will naturally return to woodland cover.

The views expressed in this paper would in fact run contrary to virtually all current thinking and analysis of agricultural policy and in particular on the reform proposals under the mid-term review of the Common Agricultural Policy. An in-depth analysis of the Luxembourg agreement as set out in a recent report by FAPRI-Ireland, an independent group of economists, has stated that the reform of EU agricultural policy and decoupling in particular would be good for Irish agriculture. The decoupling in the four major agricultural sectors would by 2010 lead to slightly lower production, reduced input costs, higher prices and increased farm incomes. At no time has there been any mention of large-scale reductions in production or of a scaling down of activity, with land being left fallow to return to nature or be in effect abandoned.

In recent times there was much discussion about the low levels of afforestation in Ireland and the need to increase the scale and scope of tree planting in Ireland, as the area under trees is considered low by European standards. To address this, a comprehensive, soundly-funded forestry programme has been put in place.

Changes will occur, driven by many factors including CAP reform, WTO and the general needs of society. I am determined to have the appropriate policies and programmes in place to ensure that change is managed and sustainable. I refer to the rural environment protection scheme, REPS, and the requirement for farmers to apply good agricultural and environmental practice to draw down the single farm payment. I do not accept that there will be abandonment of land. Irish farmers have proven themselves to be industrious, flexible and highly resourceful and I am certain that they will continue to do so.

#### **Animal Health.**

20. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the position regarding the investigation into animal health problems in the Askeaton area of west Limerick. [14842/04]

**Minister for Agriculture and Food (Mr. Walsh):** From 1995 to 1998 the reported animal disease problems in the Askeaton area were the subject of a comprehensive multi-agency investigation under the auspices of the Environmental Protection Agency, EPA. The report of this investigation which was published in August 2001, concluded that although a small number of farms experienced notable difficulties, there was no evidence of serious or unusual problems in the wider Askeaton area. In so far as the possible causes of animal health difficulties experienced in the Askeaton area in the past are

concerned, I believe that this report speaks for itself.

There is no objective evidence available to my Department to suggest that there has been any change in the general animal health situation in the area since the final report was published. On that basis I do not believe that there are currently grounds which would justify embarking on any further animal health investigation in the area or the further commitment of significant human and financial resources which this would incur. Where individual problems occur, as they do on farms throughout the country, the veterinary laboratory service of my Department is available to support local veterinary practitioners and their clients and this will remain the case.

Regarding Askeaton, the regional veterinary laboratory in Limerick provides services free of charge where the private veterinary practitioner deems tests to be necessary. From 1999 to date, disease conditions common elsewhere in the country, were diagnosed in a total of 50 samples from 18 herds submitted to this laboratory from the Askeaton area.

#### **Food Industry.**

21. **Mr. Gormley** asked the Minister for Agriculture and Food if his attention has been drawn to the pressure on tomato growers with the rising cost of gas; and if he will examine with the Minister for the Environment, Heritage and Local Government the case made by the IFA of the extent to which CO<sub>2</sub> sequestration is a feature of glasshouse tomato production. [14837/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am aware that the increase in the price of natural gas is placing significant pressure on the protected crops sector, as almost 30% of the total cost of growing a heated glasshouse crop is comprised of energy costs. In this regard my colleague the Minister of State, Deputy Treacy, has met representatives of the sector and more recently the Commissioner for Energy Regulation. The Commissioner is currently conducting a review of the gas tariff structure and is engaged in a consultative process with interested parties. My Department will have an input into this process as appropriate. It must be borne in mind however that a large proportion of the State's gas supply is imported and the price of our gas is very much determined by the UK market.

I am also aware that in the production of protected crops, the growing crop plays a significant role in sequestering carbon and thus minimises the amount of CO<sub>2</sub> released into the atmosphere. In this regard a detailed submission has been made both by the IFA and An Bord Glas to the Minister for Finance regarding his proposals for a carbon energy tax in Ireland. I am aware of the contents of these submissions.

#### **Decentralisation Proposals.**

22. **Mr. P. Breen** asked the Minister for



Agriculture and Food his plans to move his Department personnel from Model Farm Road, Cork City to Cork county; and if he will make a statement on the matter. [14764/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department's decentralisation programme provides for the establishment of a new regional laboratory headquarters for Munster in Macroom. This involves the amalgamation of the three existing laboratories at present located in the Model Farm Road, Cork and the two laboratories in Limerick into a modern laboratory facility in Macroom.

The central applications facility, CAF, was launched last week by the Civil Service Commission. This facility will enable public servants to indicate whether they wish to decentralise to Macroom or any of the other locations listed in the decentralisation programme.

The decentralisation implementation group will examine the information obtained under the CAF and will make recommendations to Government on the timetable for the various aspects of the programme in July. My Department will liaise with the Office of Public Works to ensure that appropriate accommodation is acquired in Macroom for the laboratories.

#### National Genotype Programme.

23. **Mr. Hayes** asked the Minister for Agriculture and Food the financial assistance he intends to give to persons who participate in the national genotyping programme; and if he will make a statement on the matter. [14759/04]

**Minister for Agriculture and Food (Mr. Walsh):** The national genotype programme, NGP, has a number of components, one of which is the availability to all flockowners of a commercial genotyping service in a number of laboratories approved by my Department for NGP purposes. The results of tests carried out in these laboratories will be accepted by my Department as the basis for the issue in respect of each tested animal of a NGP certificate unique to that animal on which will be specified its particular genotype.

Flockowners who avail of this service will pay the cost of having their private veterinary practitioner take a blood sample from each animal which they nominate for genotyping. Each individual flockowner is free to choose any of the three NGP-approved laboratories in which to have his or her samples tested. I fully expect that these laboratories will vigorously compete with each other for business. The flockowner will bear the cost of tests carried out by his or her chosen laboratory.

Leaving aside scrapie-infected flocks, there is as yet no legal requirement on any flockowner to have sheep genotyped, although from April 2005, pedigree flockowners will be required to have rams genotyped. It is nonetheless important that

flockowners in Ireland, both pedigree and commercial, begin the process of determining the genotype of their sheep, particularly breeding stock, as early as possible. To this end I have decided to provide, as a once-off incentive, a cost offset of €10 per test for the first 30,000 tests carried out under the NGP in 2004. In respect of up to an aggregate total of 30,000 tests, NGP-approved laboratories will charge flockowners a price net of the €10 per test cost offset which will be met by my Department.

This is a most important development for Ireland's sheep sector. I am anxious the best possible service will be provided by my Department, the NGP-approved laboratories and veterinary practitioners, to flockowners who elect to have sheep tested under NGP. It had been my intention to provide a somewhat higher cost offset for the small number of flockowners involved in breed improvement programmes but this proved impossible to operate in practical terms. I decided that the cost offset should be at the standard €10 level. I am of course appreciative of the value of breed improvement programmes and would be anxious to support and encourage as appropriate participation in such programmes into the future, whether in relation to genotyping or otherwise.

I am happy with the interest being shown over the past week or so in this particular component of NGP. Many application forms have already been sought by and issued to flockowners and with the NGP-approved laboratories now ready to accept samples, I expect that within coming weeks we will witness a steady growth in both the number of test results being generated and the number of NGP certificates being issued by my Department. I encourage all flockowners to avail of this service at the earliest opportunity.

#### Animal Welfare Bodies.

24. **Mr. Gormley** asked the Minister for Agriculture and Food the knowledge his Department has of Sweden's Lindgren law; and his views on its implementation in food production. [14839/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am generally aware of Lindgren law, which is a national measure particular to Sweden relating to the protection of animals and animal welfare. It has no direct legislative relevance to this country. As the Deputy is aware there is a considerable body of national and EU legislation in place in regard to the protection of animals.

#### Food Labelling.

25. **Dr. Upton** asked the Minister for Agriculture and Food his plans to ensure that pork and pork products are clearly labelled with the country of origin; his plans to ensure that there is no ambiguity in the labelling of the products; and if he will make a statement on the matter. [14728/04]

**Minister for Agriculture and Food (Mr. Walsh):** Under EU fresh meat regulations, processors of fresh meat within the European Union are required to provide on their packaging an oval mark indicating the approval number and location of the last premises in which the meat was processed. General food labelling regulations make it compulsory for certain labelling indications to be provided on foodstuffs, including: the name under which the product is sold; the list of ingredients; the quantities of certain ingredients or categories of ingredients; net quantity; and the date of minimum durability or the “use by” date. I am of the view that consumers should have full information in relation to the meat they consume, including in relation to origin of the product.

The Deputy will be aware that I established the food labelling group to examine issues in relation to food labelling. Among other things, the group recommended that information on the origin of meat, including pigmeat, should be declared. I am currently considering how best the recommendations of the food labelling group may be progressed.

#### Live Exports.

26. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food his views on a recent vote in the European Parliament to impose more stringent controls on live exports in the EU; his further views on whether the decision to impose a 12-hour rest period for every nine hours of travel will help reduce injuries and illness in the trade; and if he will make a statement on the matter. [14737/04]

**Minister for Agriculture and Food (Mr. Walsh):** Proposals on the transport of live animals in the European Union are initiated by the EU Commission and require agreement among member states at the Council of Ministers, following an opinion from the European Parliament, under the co-operation procedure. The opinion of the EU Parliament under this procedure is not binding.

In March 2004, the European Parliament, in its opinion on a draft Council regulation on the welfare of animals during transport, voted, *inter alia*, for a maximum journey limit of nine hours for the transport of slaughter animals. Many member states, including Ireland, opposed this proposal, not least because of the lack of any scientific basis for differentiating between conditions for slaughter animals and other animals. In the circumstances there was no prospect of reaching agreement on this proposal.

At the Council of Ministers’ meeting on 27 April 2004, the Irish Presidency presented, with the assistance of the EU Commission and Council Secretariat, a compromise proposal which would have resulted in improved standards of animal welfare while allowing the continuation of a critically important and legitimate trade. This proposal included adjustments to journey time

sequences, improved training and enforcement, the use of satellite tracking systems, and unloading animals at staging posts during rest periods. I am satisfied these changes would have resulted in a significant improvement in welfare conditions for animals being transported over long distances.

However, despite prolonged and intense efforts by the Irish Presidency to broker a solution, the Council of Ministers failed to reach agreement on this document, as a result of polarised opinions on a number of fundamental issues. The Irish Presidency, in conjunction with the EU Commission, is at present reviewing the situation. In the meantime I remain committed to ensuring the welfare of animals is safeguarded during transport and the current controls continue to be rigorously enforced.

#### Animal Diseases.

27. **Mr. Hogan** asked the Minister for Agriculture and Food his plans to deal with John’s disease; and if he will make a statement on the matter. [14751/04]

**Minister for Agriculture and Food (Mr. Walsh):** In an effort to raise awareness and to promote higher standards of hygiene management practices and calf rearing, my Department published two booklets in 2002 on John’s disease, one of these was aimed at farmers and the other at private veterinary practitioners. These booklets detail the precautions individual farmers should take to keep the disease out of their herds and highlight that effective control measures involve prudent purchasing policies and calf rearing practices. These booklets are currently available at each of my Department’s district veterinary offices and can also be viewed on the Department’s website.

Until 2003, measures taken by my Department included the purchase and slaughter of diseased animals, and in some rare cases entire herds. However, the disease situation has led to the conclusion that this approach did not contain the disease and that expenditure on the purchase and slaughter of animals was no longer sustainable. Therefore a decision was taken, in 2003, to review the Department’s policy on the disease and to cease the practice of purchase and slaughter of suspected or affected animals.

The review essentially involved examining and agreeing ways in which the resources of all interested parties could be focused so as to give a new direction and momentum to efforts to tackle John’s disease in the national herd. As an initial step in formulating a new approach, my Department met with key parties such as Teagasc, Veterinary Ireland, the cattle breeding societies, dairy co-operatives, the farming representative bodies and others. This process was both worthwhile and successful in gaining a general recognition and understanding of the problem and securing an acceptance that success

is achievable only if all concerned make a sustained commitment to tackling the problem.

As a result, the Department is currently drawing together the various outputs and will bring the matter to the next phase. I am anxious that any new approach to tackling the problem of Johne's disease is put in place with the minimum of delay so that headway can be made in dealing with the problem.

To date in 2004, and on the basis of an identified need to generate rapidly an increased level of awareness among both farm advisers and veterinary surgeons, both Teagasc and Veterinary Ireland, with my Department's participation, organised a series of workshops for members of both organisations. In addition to raising awareness among these key players, this initiative was intended to ensure that correct, consistent advice is given to farmers regarding on-farm general disease control, calf-rearing and general management practices, all of which are relevant to tackling Johne's disease.

My Department will, over the coming months, and in conjunction with the key parties, progress work on some of the longer-term elements of what will eventually become a fully integrated, multi-partner approach to tackling the disease. This next phase of the exercise will involve identifying and establishing appropriate sampling and testing regimes, developing criteria whereby resources can be concentrated within the livestock and dairy sectors on farmers whose participation in a sustained Johne's programme will best further the aim of reversing the trend in the disease and working up a commercial rationale whereby farmers will wish in their own interests to take steps to avoid importing the disease into their herds.

28. **Mr. Sherlock** asked the Minister for Agriculture and Food his views on regulating veterinary practices in the enlarged EU to fight epidemics such as foot and mouth disease; his further views on whether it will be possible to impose regulations in the near future; and if he will make a statement on the matter. [14771/04]

**Minister for Agriculture and Food (Mr. Walsh):** New member states of the European Union are required to adopt the Community *acquis*, including those elements relating to animal health and welfare. Requirements for disease eradication and control, surveillance, animal health certification and contingency plans for dealing with class A disease outbreaks apply equally to new member states. The EU Commission will, through its Standing Committee on the Food Chain and Animal Health, continue to co-ordinate responses to disease outbreaks in EU member states and third countries in the usual way.

In these circumstances I see no need for the present for any additional regulation in this area aimed specifically at new member states.

### Departmental Appointments.

29. **Mr. B. Smith** asked the Minister for Agriculture and Food the number and the names of women nominated by the farming organisations for appointment by him to boards of statutory bodies operating under his aegis; and if he will make a statement on the matter. [14725/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have not received a female nomination from the farming organisations to serve on any of the boards of State bodies which operate under the aegis of my Department. Since 1997, a total of 46 women have been appointed to serve on these boards, all of whom were appointed solely at my discretion.

### Grant Payments.

30. **Mr. B. Smith** asked the Minister for Agriculture and Food when he expects to be in a position to issue provisional single farm payment entitlements to farmers; and if he will make a statement on the matter. [14724/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department began the task of setting up an entitlements database under the single payment scheme late last year. However, much of the work could not be progressed until the European Commission detailed rules regulation was published. This regulation was published recently and my Department is continuing the work of establishing payment entitlements in respect of every farmer who was actively farming and who received livestock premia and-or arable aid during the reference period. In addition, work is well under way on the processing of the 15,000 *force majeure* applications, which were received earlier this year and decisions are being communicated to farmers on an ongoing basis.

Unsuccessful applicants have the right to appeal to the appeals committee, which I have already established. Farmers who wish to be treated as new entrants during the reference period or who have inherited holdings must also be identified over the coming weeks. Each successful *force majeure*-new entrant case will have an impact on the national ceiling for Ireland.

It is my intention to issue provisional entitlements under the single payment scheme to the vast bulk of farmers within the next few months. It should be noted, however, that provisional entitlements may be subject to amendment later this year when all *force majeure*-new entrants and query cases are finally resolved. The intention is that all farmers will then be issued with a statement of definitive entitlements early in 2005.

31. **Ms Burton** asked the Minister for Agriculture and Food if he will allow farmers who applied for REP scheme two over the past few months and who have not yet been paid, some flexibility in applying for REP scheme III; and if



[Ms Burton.]  
he will make a statement on the matter.  
[14730/04]

**Minister for Agriculture and Food (Mr. Walsh):** My officials have confirmed with their counterparts in the Commission that when the revised scheme is introduced, all farmers with a start date or anniversary date after 1 March 2004 will be in a position to benefit from it. Consequently, all such farmers will be given an opportunity to take on new five-year contracts under which they can avail of the improved payment rates and other aspects of the new scheme.

#### Farm Retirement Scheme.

32. **Mr. Broughan** asked the Minister for Agriculture and Food the discussions he has had with Commissioner Fischler on the problems confronting farmers who opted for the early retirement scheme; and if he will make a statement on the matter. [14729/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have had extensive discussions with Commissioner Fischler across a broad range of issues affecting Irish agriculture, including the effects of the new single payment system on both retired and active farmers. My officials have also had extensive discussions with the European Commission on the detailed rules for implementing the new system and I am satisfied that most of the concerns of retired farmers have been satisfactorily addressed.

#### Agri-Food Sector.

33. **Mr. Durkan** asked the Minister for Agriculture and Food his plans for the future of the meat, cereal and dairy sectors with particular reference to continued viability in the face of international competition; and if he will make a statement on the matter. [14781/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have always been aware of the need for long-term planning for the meat, cereal and dairy sectors as these account for the majority of farm output. A key element of the strategy of my Department is to have appropriate policies and support mechanisms in place to maximise the potential of these sectors and to ensure that they are competitive in an international context.

To further enhance the planning process I formed the Agri-Food 2010 Committee in 1999 to advise me on the best long-term approach to be taken in the sector. That group presented a detailed and coherent plan. In response to its report, my Department drew up an extensive plan of action. The vast majority of the recommendations from this plan of action have been implemented.

It is with a view to continuing the planning process for the long-term future of the agri-food sector, with the changing internal and external

environments, that I have established a new group to set out a vision for the agriculture and food sector over the coming decade. This new group referred to as the Agri-Vision 2015 Committee has been asked to review the recommendations of the Agri-Food 2010 report in the context of developments since the report was completed. This new group is broadly based and possesses a wide range of skills and experience. It is drawn from farming, the food industry, research, academia and the State agencies with a direct interest in the agriculture and food industries.

#### EU Directives.

34. **Mr. Howlin** asked the Minister for Agriculture and Food the discussion he has had with Commissioner Fischler on the proposed nitrates directive. [14734/04]

**Minister for Agriculture and Food (Mr. Walsh):** My discussions with Commissioner Fischler have ranged across a broad range of issues affecting Irish agriculture, including the nitrates directive, for which Commissioner Wallström is primarily responsible. My officials have also had preliminary discussions with the European Commission on the further implementation of the nitrates directive.

#### Dairy Premium Scheme.

35. **Mr. Coveney** asked the Minister for Agriculture and Food the way in which he intends to implement the dairy premium scheme; and if he will make a statement on the matter. [14749/04]

**Minister for Agriculture and Food (Mr. Walsh):** The dairy premium will be coupled in 2004 and decoupled as and from 2005, which is the earliest possible date for decoupling the payments under the EU regulations. The level of the premium amounts to approximately 1.2 cents per litre — 5.5 cents per gallon — in 2004, approximately 2.4 cents per litre — 11.1 cents per gallon — in 2005, rising to approximately 3.6 cents per litre — 16.6 cents per gallon — from 2006 onwards. Once the payment has been incorporated into the single payment from 2005 onwards, it will be subject to modulation and other adjustments.

The premium will be based on the quota held by producers on 31 March 2004 in the case of the coupled 2004 payment, and on 31 March 2005 in the case of the decoupled payment from 2005 onwards. Because the overall premium amount allocated to individual member states was based on the national quota held by them in 1999-2000, and as Ireland was given a 2.9 % increase in its national quota as part of the Agenda 2000 agreement, the premium will be paid on about 97% of each individual producer's quota.

#### Organic Farming.

36. **Mr. Cuffe** asked the Minister for

Agriculture and Food the progress to date and plans being made by the organic development committee. [14829/04]

**Minister for Agriculture and Food (Mr. Walsh):** I have recently received a report from the chairman of the organic steering group which I established on the recommendation of the organic development committee to oversee and monitor the implementation of a national organic strategy and provide a basis for advancing the partnership between the organic sector and the other principal essential interests. In his report, the chairman informed me that the main recommendations of the organic development committee have been implemented and work on the others is progressing.

Among the recommendations on which progress has taken place are the following. A partnership expert working group has been set up to co-ordinate, facilitate and monitor the provision of training, education, advice and research and an organic market development group has been established with overall responsibility for developing a national marketing strategy for organic food. A census of Irish organic production was carried out and published in October 2003. My Department's website now includes a dedicated section on organic food and farming. Seven organic demonstration farms have been approved and these farms will provide a very useful means of providing information and data to existing and potential organic producers. Teagasc has also identified advisers nationwide and contact details for these are also available on my Department's website.

Teagasc, Bord Bia and the Food Safety Authority of Ireland have produced publications in the areas of research and advice. Seed research trials for barley, wheat and oats are being carried out by my Department and on the farms of two organic producers. A study of the organic poultry sector is being carried out with funding from my Department and proposals have also been formulated in the area of beef research.

The REPS organic supplementary measure has been reviewed as part of the general review of the scheme and under proposals with the European Commission for approval the maximum level of payment will increase substantially.

I signed a statutory instrument in March which gave full effect to Council Regulation (EEC) No. 2092/91, as amended, and to the additional standards contained in chapter 7 of the report of the organic development committee. It gives, *inter alia*, my Department powers to prosecute those operating illegally. The organic steering group will continue to oversee the implementation of the report's recommendations.

#### **Food Industry.**

37. **Mr. Gogarty** asked the Minister for Agriculture and Food if he will compile an inventory of farmers markets around the country; and if he will co-operate with the Minister for the

Environment, Heritage and Local Government in assisting with the establishment of further such markets to help farmers to diversify and remain viable. [14833/04]

51. **Mr. Costello** asked the Minister for Agriculture and Food his plans to promote farmers markets; and if he will make a statement on the matter. [14731/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 37 and 51 together.

Bord Bia, a State agency within my remit, is active in promoting and encouraging this route to market as an outlet for small food producers. In 2002, Bord Bia was instrumental in promoting this concept when it staged Ireland's largest ever outdoor food market on the farmers market style for 110 small food producers at its International Food Symposium in Kinsale. Bord Bia's aim was to support small food producers and to lead the way in illustrating the practical implications of setting up and running a farmers market. Since then Bord Bia, in partnership with the OPW, has run a farmers market in Farmleigh for nine weeks over the September to December 2003 period, attracting more than 35,000 visitors who bought produce direct from stallholders. I understand that Bord Bia is planning a further Farmleigh market later this year and is in discussion with the OPW about appropriate expansion of farmers markets on OPW sites.

Bord Bia has a section on its website dedicated to farmers markets and this includes a list of the 39 markets in Ireland. Farmers markets have potential as a route to market for small food producers. There is further scope for growth for this sector and farmers markets together with other routes to market have a role to play in building Irish speciality-artisan food sales, which are currently estimated at €450 million.

While I do not have a direct role in establishing farmers markets, Bord Bia, as part of its statutory role in promoting the development of Ireland's food and drink industry, will continue to co-operate fully with other State and local agencies to champion the scope of this route to market for the overall benefit of our valuable indigenous food industry.

#### **EU Directives.**

38. **Mr. M. Higgins** asked the Minister for Agriculture and Food the discussions he has had with the Department of the Environment, Heritage and Local Government on the proposed nitrates directive; and if he will make a statement on the matter. [14733/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the nitrates directive is in the first instance a matter for the Minister for the Environment, Heritage and Local Government. My Department has had ongoing discussions with the Department of the Environment, Heritage and Local Government

[Mr. Walsh.]

on the development of a draft action programme giving further effect to the nitrates directive. This draft action programme was presented in December 2003 to representatives of the main farming organisations and other stakeholders. A period of two months was provided for stakeholders to submit their comments on the document in writing to either or both Departments. Written submissions on the draft action programme have been received from some 70 stakeholders, including all the main farming bodies, and a revised draft is being prepared by officials of the Department of the Environment, Heritage and Local Government together with officials from my own Department.

### Milk Quotas.

39. **Mr. English** asked the Minister for Agriculture and Food his plans to make farm partnerships more user friendly; and if he will make a statement on the matter. [14769/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am satisfied milk production partnership arrangements have worked well to date and the take up in the new entrant-parent partnerships has been particularly encouraging. However, experience has suggested that further flexibility would be helpful so long as it does not compromise the integrity of the system. I, therefore, made a number of amendments designed to help prospective partners in the new milk quota regulations, which I signed in the past few weeks. I extended the maximum age at which a parent can establish a new entrant-parent partnership from 59 to 62. In addition, I introduced changes relating to off-farm income and also to the proximity of holdings. All partnerships will be allowed to continue until a partner reaches 66 years of age which coincides with the age for eligibility for old age pension. On standard partnerships, the regulations allow for three producers to come together to form a partnership. The experience of the past few years has shown a demand for these changes.

Partnership arrangements within the milk quota system have a very useful role to play in providing for the type of flexibility necessary to respond to the demands on today's milk producers. I will continue to keep the arrangement under review to ensure it is best suited to the needs of the sector.

### Farm Safety.

40. **Mr. Penrose** asked the Minister for Agriculture and Food the measures he is taking to improve health and safety on farms; if he has held discussions with the Health and Safety Authority on this issue; and if he will make a statement on the matter. [14740/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am concerned with the level of safety on our farms. The number of people injured or

killed on farms remains unacceptably high. It is imperative that all farmers acknowledge that farming is a hazardous occupation and one that carries specific risks. Under the Safety, Health and Welfare at Work Act 1989, the Health and Safety Authority is the State body charged with overall responsibility for administration, enforcement and promotion of workplace safety and health which includes farms.

The HSA 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". The group produced and published the Farm Safety Plan 2003-2007 in April 2003. My Department has been represented on this group since its inception and has played an active part in the development of the plan.

The 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. Other objectives are: to introduce health and safety training for farmers, farm workers and students at second and third level; to ensure all primary schools show and discuss the contents of the CHILDSAFE video and CD-ROM prior to school holidays; that a minimum of 1,000 farm inspections should be carried out by HSA inspectors each year; that farm safety promotional campaigns such as Farm Safety Week, and Child Safety are continued and other appropriate campaigns are undertaken; that research be carried out in order to identify methods of improving attitudes and awareness regarding to farm safety; and that a database on all farm accidents be developed.

My Department is continuing to be proactive in the area of farm safety. A module on health and safety was included in the 20-hour training course in 2002 and it is mandatory for all applicants to the rural environmental protection scheme, REPS. I launched the annual Farm Safety Week in March 2003.

The introduction of properly designed safety features in farm buildings, other farm structures and farm layout is critical in reducing farm accidents and the new DAF specifications for farm buildings, published in November 2003, incorporate enhanced safety features as minimum specifications. These specifications are used for all buildings constructed under on farm investment schemes and indeed should be used for all farm building constructions. The on farm investment schemes also allow for grant aid, up to 40% of costs, for additional safety elements made to existing farm structures, for example, provision of safety fencing around external slurry and effluent stores and the provision of safety agitation points outside existing buildings with the consequential elimination of dangerous internal agitation points.



I remain totally supportive of the HSA's efforts to reduce the numbers of farm accidents and its programmes to increase awareness in the area of health and safety on the farm.

#### **Farm Household Incomes.**

41. **Mr. Gilmore** asked the Minister for Agriculture and Food his plans to support the development of off farm employment; and if he will make a statement on the matter. [14732/04]

**Minister for Agriculture and Food (Mr. Walsh):** A key policy of this Government has been to create and sustain an economic environment where employment can flourish. This is as important for farming as it is for any other sector of the economy. This ensures that small scale producers have opportunities to supplement their incomes through off farm work and that farm families have a choice in this matter. The availability of off farm jobs is extremely important for part-time farmers and it is the key to their remaining in and contributing to the development of rural communities.

Since this Government came into office, many additional job opportunities have been put in place that allow those farmers who wish to supplement their income through off-farm employment to do so. This, in effect, allows these farmers to benefit from the flexibility that is available in many of the schemes operated by my Department for full-time and part-time farmers and by the economic climate that has been put in place by the policies of the Government, which have created substantial job opportunities for those wishing to avail of off farm employment.

#### **EU Council Meetings.**

42. **Mr. Cuffe** asked the Minister for Agriculture and Food the outcome of the meeting of the Council of Agriculture Ministers held in Ireland recently. [14830/04]

**Minister for Agriculture and Food (Mr. Walsh):** The informal meeting of Agriculture Ministers in Killarney on 11 May was the first meeting at Council level of the enlarged European Union. Ministers from the 25 member states and from Bulgaria, Romania and Turkey as well as three EU Commissioners had an exchange of views on "CAP reforms and Trade Concessions; how best to communicate them", as well as the more recent developments in the negotiations on the current WTO round.

Ministers reaffirmed that the substantive CAP reforms under Agenda 2000 and the mid-term review of Agenda 2000 will make a significant contribution to facilitating trade and stressed the need for greater recognition from the WTO negotiating partners and the public of the significance of these changes. Ministers and the Commission pledged to work more actively together in explaining the impact of the measures in place and several delegations also called for

the development of a clear overall communications strategy.

In so far as the WTO is concerned, Ministers reiterated the EU's determination to seek a successful and balanced conclusion to the negotiations while working with developing countries to ensure special and differential treatment and to give particular attention to the needs of the least developed and most vulnerable countries. Ministers confirmed their view that the fundamental elements of the structure of domestic support that were agreed in the Uruguay Round should remain in place but that within this the EU is prepared to commit to a large reduction in trade distorting or Amber Box support and to reducing and capping existing Blue Box payments; there could however be no restrictions on Green Box payments. Ministers were also of the view that the EU could move further on export competition only if full parallelism on all forms of export subsidisation, that is export subsidies, export credits, food aid dumping and certain practices of state trading enterprises, is ensured, and if a successful outcome on market access and domestic support emerges. For agreement to be possible an adequate solution to cover non-trade concerns, including geographical indications, would also have to be found. I intend to have a further discussion on these issues at the next Council of Ministers meeting on 24 May.

#### **Genetically Modified Organisms.**

43. **Mr. Sargent** asked the Minister for Agriculture and Food the extent of discussions which have taken place with his counterpart in Northern Ireland on the prospect of the island maintaining a genetically modified free status; and the outcome of these discussions. [14821/04]

**Minister for Agriculture and Food (Mr. Walsh):** Preliminary discussions have already taken place between officials of my Department and those of the Department of Agriculture and Rural Development in Northern Ireland in the context of developing proposals for a national strategy and best practices to ensure the co-existence of GM crops with conventional and organic farming.

EU Directive 2001/18/EC obliges member states to develop such proposals and an interdepartmental-interagency working group has been set up in my Department to, *inter alia*, carry out this task. The working group, as part of its work programme, is currently meeting and discussing with relevant stakeholders in the preparation of their recommendations. These discussions will include more elaborate discussions with the Northern Ireland authorities when the co-existence measures have been progressed further.

#### **Bovine Diseases.**

44. **Ms Enright** asked the Minister for Agriculture and Food the projected cost for the

[Ms Enright.]

tuberculosis and brucellosis eradication schemes for 2004; and if he will make a statement on the matter. [14762/04]

**Minister for Agriculture and Food (Mr. Walsh):** The numbers of reactors for both TB and brucellosis have been falling consistently over the last five years. The number of TB reactors has fallen from circa 45,000 in 1999 to 29,978 in 2003 while for brucellosis the number of laboratory positive animals has fallen from 4,545 in 1999 to 900 in 2003. As a consequence the overall expenditure on the TB and brucellosis eradication schemes has also been falling. A sum of €63.88 million has been provided for the TB and brucellosis eradication schemes in the 2004 Estimates. While this represents a reduction compared with expenditure in 2003, it is expected it will be sufficient to cover the costs associated with continued full implementation of the TB and brucellosis eradication schemes.

#### Live Exports.

45. **Ms McManus** asked the Minister for Agriculture and Food his views on the recent Supreme Court decision to allow the only shipping company (details supplied) carrying livestock abroad, to cease live exports; his further views on the future for live exports of livestock; and if he will make a statement on the matter. [14736/04]

**Minister for Agriculture and Food (Mr. Walsh):** I assume the Deputy is referring to the recent lifting of a High Court injunction in relation to the carriage of livestock from Ireland by a particular ferry company. My Department has been in touch with the company concerned at senior level and has emphasised the importance to Irish farmers of the livestock trade. The company has pointed out that, although the injunction has been lifted, the substantive case for damages remains outstanding. It is not clear how long this will take to be resolved. Until such time as this has been resolved, I do not anticipate any change in practice by the company in regard to the carriage of livestock from Ireland. I will continue to monitor the situation closely. To date, 37,569 animals have been exported in 2004.

I have stated on numerous occasions that I regard the live export trade as of vital strategic importance to the agriculture sector in Ireland and to the Irish economy. My Department will continue to facilitate this trade by ensuring the veterinary controls necessary to protect our animal health status are in place and by making its inspectors available for applicants who wish to have vessels inspected for the carriage of livestock to markets in the EU and elsewhere.

46. **Ms O. Mitchell** asked the Minister for Agriculture and Food his plans to stop the export of live horses for slaughter; and if he will make a statement on the matter. [14747/04]

**Minister for Agriculture and Food (Mr. Walsh):** Trade in horses between member states and from member states and third countries is governed by European law and specific Commission decisions, which establish the health conditions and certification to be applied to such animals for trade purposes.

However, with regard to trade between Ireland, France and the United Kingdom, for many years an agreement, known as the Tripartite Agreement, based on a common animal health position in the equine sector has been in place. Under this agreement, registered horses travelling between Ireland, France and the United Kingdom do not have to be certified, though the horses must be individually identified by means of their passports. Non-registered horses travelling between Ireland and the United Kingdom must be individually identified by way of a current marking sheet. Both registered and non-registered horses are subject to spot checks by an official veterinarian at the port of departure.

My Department, has not issued export licences for horses for slaughter. All horses certified by my Department are certified for the purposes of breeding, racing, jumping and sport use. However, trade in horses for slaughter is covered by relevant EU regulations and is, subject to compliance with animal health and welfare legislation, a legitimate trade.

#### Departmental Expenditure.

47. **Mr. R. Bruton** asked the Minister for Agriculture and Food if he has satisfied himself that the Comptroller and Auditor General has accurately assessed the financial procedures which were applied in the case of the Punchestown centre. [12921/04]

**Minister for Agriculture and Food (Mr. Walsh):** The Comptroller and Auditor General's Report on the Appropriations Accounts for 2002 states, with regard to the Punchestown centre, that proper tendering procedures were observed in connection with the placing of contracts and that the Department had satisfactory controls in place in relation to the processing of payment claims in terms of on-site inspections and detailed administrative checks. However, the report expresses concerns as to the adequacy of the evaluation carried out by the Department on the project, in particular, if it met the criteria set down in the 1994 guidelines issued by the Department of Finance for the evaluation of major capital projects.

I am satisfied that my Department applied procedures considered at the time to be appropriate for a project of this type. This was a once-off project; it did not easily fit the category of scheme normally administered by the Department. The project was not a normal type of grant proposal and was difficult to evaluate in terms of outputs and outturns and as such did not readily lend itself to being evaluated under the

1994 guidelines. The project was however carefully examined in the Department. It was examined against a number of criteria including the need for the facility, the suitability of Punchestown as a venue, whether other locations could be used and the likely events that would take place there. Before agreeing to fund the project, the Department was satisfied that the proposed investment was considered to represent an appropriate and justified use of the funds being provided.

The Comptroller and Auditor General said in his report, "The Audit established that proper tendering procedures were observed in connection with the placing of contracts, and that the Department had satisfactory controls in place in relation to the processing of payment claims in terms of site inspections and detailed administrative checks." As required by the 1994 guidelines, a post project review will be undertaken by my Department and, as required by the Committee of Public Accounts, presented to that committee by 30 March 2005.

*Question No. 48 answered with Question No. 7.*

#### **Beef Carcase Classification.**

49. **Ms Lynch** asked the Minister for Agriculture and Food his views on the fact that the introduction of mechanical graders for beef will give inaccurate results; and if he would make a statement on the matter. [14735/04]

**Minister for Agriculture and Food (Mr. Walsh):** The potential for using mechanical means for beef carcase classification was first recognised in the mid-1980s. In the late 1990s the European Commission started to actively examine the possibility of introducing legislation that would allow the use of mechanical classification systems. My Department carried out trials on three machines over a six-week period in July and August 1999 and a two-week period in March 2000. In total, almost 10,000 carcasses were classified. The results of these trials showed that there was considerable potential for using machines to predict conformation and fat scores.

Following discussions at European Commission working group level and after a further trial in Germany in 2001, a regulation was agreed — Commission Regulation 1215/2003 — allowing mechanical classification to be introduced in member states. This regulation set down the manner in which an authorisation test should be conducted, the minimum level of accuracy for a machine to be licensed and the control checks that must be implemented by the competent authority when an authorised machine has been installed.

An authorisation test, set down under EU prescribed procedures, which included the attendance of an international panel of classification experts, was carried out in Ireland

in late 2003, where three machines were tested. All three machines comfortably exceeded the minimum requirements and were licensed to classify in Ireland.

My Department is in the process of setting up detailed checking systems for machines once they become operational in the autumn. These checks will include both remote electronic access from headquarters to the mechanical classification systems at the plants and frequent plant visits, where checks to the same level of detail as the authorisation test, will be carried out. I am satisfied that this will ensure the Commission regulation is fully complied with and, moreover, that it will enable all sectors of the beef industry to have full confidence in this new system.

#### **Fur Farming Licences.**

50. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food the conditions laid down by his Department as part of the licence to individuals engaging in fur farming. [14841/04]

**Minister for Agriculture and Food (Mr. Walsh):** A licence to keep mink is issued subject to compliance with the following conditions. Mink shall be kept only at the premises specified in the licence. Mink shall be kept in cages or other containers of such material and constructed in such a manner as to prevent their escape. Such cages or containers shall, except when being used for the transport of mink from place to place, be kept within an enclosure or building which complies with the provisions of the Musk Rats Act 1933 (Application to Mink) Order 1965, that is to say: (a) enclosures shall be bounded by a guard fence of such material and constructed in such a manner as would in the opinion of the authorised officer prevent the escape of mink; (b) buildings or parts of buildings used for the keeping of mink shall be constructed in such a manner or enclosed by such material as would in the opinion of the authorised officer prevent the escape of mink; (c) the licence holder shall ensure that trees, shrubs and undergrowth are not growing or planted in such a position in relation to the guard fence as would in the opinion of the authorised officer render the escape of mink possible; (d) rat holes or other holes through which in the opinion of the authorised officer mink could escape from such licensed premises shall be effectively blocked; and (e) any drainage channels on such licensed premises shall be adequately guarded to prevent the escape of mink. Licence holders must inform persons to whom they dispose of mink of the need for a licence to keep them. The Department must be informed if mink cease to be kept at any premises covered by this licence and of any change in ownership. Authorised officers must be allowed to inspect the premises at all reasonable times. If any mink escape, the Department must be informed at once. The licence is issued subject to compliance with the provisions of the Fisheries



[Mr. Walsh.]

Acts. Licences may be revoked at any time if the holder fails to comply with these conditions.

*Question No. 51 answered with Question No. 37.*

### **Food Labelling.**

52. **Dr. Upton** asked the Minister for Agriculture and Food the progress made on the labelling of beef for the catering trade with country of origin label; and if he will make a statement on the matter. [14727/04]

**Minister for Agriculture and Food (Mr. Walsh):** Existing EU beef labelling regulations, introduced in 2000, are applicable to sale at retail and wholesale levels but do not apply to beef sold in the catering and food service sectors. It is my view that this legislation should be extended to restaurants and catering establishments which are not currently obliged to inform customers about the country of origin of the beef they serve.

An EU Commission report on the operation of the beef labelling legislation was considered at the special committee on agriculture meeting in Killarney last week. Ireland's position was made clear at that meeting and it will be taken up again in the Agriculture Council in June when the motion is dealt with at ministerial level. I believe that extending the labelling provisions to cover the food service sector is a reasonable and genuine demand on the part of consumers and can be done without adding costs to the sector and that the consumer has the right to know the origin of the product.

### **Common Agricultural Policy.**

53. **Ms O'Sullivan** asked the Minister for Agriculture and Food if his attention has been drawn to a recent article in a publication (details supplied) by a person arguing that there is little or no benefit to taxpayers or consumers from the reform of the common agricultural policy and that CAP reform will only have major implications for farm output and agriculture imports and exports; his views on this argument; and if he will make a statement on the matter. [14739/04]

**Minister for Agriculture and Food (Mr. Walsh):** The benefits of the common agricultural policy, CAP, to Ireland can be measured both in terms of the EU budget transfers — for market prices supports and direct payments — and in the trade benefits derived from higher EU commodity prices. Even allowing for Ireland's contribution to the FEOGA budget, Ireland is estimated to have benefited by €1,279 million in 2003 through net budget transfers and by €772 million through higher prices. This is a combined benefit of over €2 billion.

Agriculture and related employment in the agri-food sector provided 160,000 jobs or 9% of total employment in 2003. In addition, in the

same year the value of agri-food exports was €6.8 billion or 8.3% of all exports. The sector also provided an estimated 20% of all foreign earnings from Irish manufacturing industry.

It has been estimated by independent analysis that the Luxembourg Agreement on CAP reform will underpin the value of the sector in terms of direct payments and general production levels. In addition the capping of budgets until the year 2013 will ensure that no further demands are made on the Irish or EU taxpayer. Finally, the benefits of EU multifunctional agriculture will continue to be provided for the consumer in terms of safe, quality food produced in a sustainable, environmentally friendly way.

### **Departmental Staff.**

54. **Mr. P. McGrath** asked the Minister for Agriculture and Food his plans to relocate staff from his Department who are involved in meat grading at the meat plants; and if he will make a statement on the matter. [14768/04]

**Minister for Agriculture and Food (Mr. Walsh):** Officers engaged in meat grading at the meat plants are being redeployed to existing vacancies, which are currently being filled on an acting-up basis.

My Department is also exploring with the Department of the Environment, Heritage and Local Government the possibility of some of the beef classification staff being redeployed to that Department in the forest park work area.

### **Departmental Correspondence.**

55. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of times she has issued written directions to her Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act 1997; and the nature and purpose of each such direction. [14943/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I have not issued any written direction regarding sections 4 to 6 of the Public Service Management Act 1997 to the Secretary General of my Department.

### **Public Financial Procedures.**

56. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if the Secretary General brought to her attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14958/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** I am satisfied that there are adequate systems of internal financial

control in place in my Department to ensure compliance with public financial procedures.

The internal audit function of my Department provides assurance to the accounting officer by carrying out an annual programme of work. This was expanded over the past year to take on board the recommendations of the Report of the Working Group on the Accountability of Secretaries General and Accounting Officers, commonly referred to as the Mullarkey report.

In March 2004, the Secretary General of my Department, as accounting officer, signed a statement on internal financial control in respect of the 2003 appropriation account, acknowledging responsibility for ensuring that an effective system of internal financial controls is in place, maintained and operated by the Department.

#### **Departmental Committees.**

57. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the composition of the management advisory committee of her Department; the number of times it has met since its formation; the number of times she has attended it in person; and the issues it has considered. [14975/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The management board, or management advisory committee, of my Department is a collegiate body established to ensure the Department is managed as a corporate entity. This envisages the board taking a central role in the formulation of strategy, in the development and monitoring of the business planning process and deciding resource allocation. Issues of a key policy, strategic and management nature are discussed collectively before submission, as appropriate, to me for consideration at a political level.

The management board meets on the second and fourth Friday of every month, with the exception of August. The board is comprised of the Secretary General, each assistant secretary, the planning officer — an *ex-officio* member — and such other persons, from within or outside the Department as the board may agree. The chief executive of Forfás is one such outside member. As a positive action to address the gender imbalance resulting from current membership, one female principal officer is also a full member. The board is chaired by the Secretary General and in his absence by an assistant secretary.

The management board drives and monitors the business planning process in the Department each year. It carries out a mid-term review of progress in quarter three of the business planning cycle and approves, in quarter four, new plans for the following year. In addition, the board considers a wide range of issues which impact on the Department's strategies, policies and practices across areas such as enterprise policy, labour market policy, trade policy, employment

rights and industrial relations, science, technology and innovation, EU issues, company law, consumer and competition issues and many more.

I do not attend management board meetings, since I consider all decisions of a policy or strategic nature directly with board members and their colleagues on an ongoing basis. However, I receive copies of the agenda and associated papers in advance and a written report of meetings afterwards.

#### **Decentralisation Programme.**

58. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the implementation plan for each Department or agency under her aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or agency in question to meet any such costs. [14990/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** As part of the decentralisation programme, it was decided that 250 of my Department's core staff would decentralise to Carlow. It was also decided that four of my Department's agencies — FÁS, National Standards Authority of Ireland, Health and Safety Authority and Enterprise Ireland — are also to decentralise to Birr, Arklow, Thomastown and Shannon, respectively.

My Department and the relevant agencies, along with all other decentralising public bodies, recently engaged 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, the Flynn group, and due to be completed by the end of this month. Officials of my Department are currently preparing a comprehensive implementation plan on the decentralisation of those sections/offices of the Department which have been approved by me for relocation to Carlow. The relevant agencies of the Department are also preparing their implementation plans. All of these plans will be submitted to the decentralisation implementation group by the end of May deadline.

Until such time that the implementation plans have been completed, it is not possible to provide accurate information either on the implementation plan or on the cost of implementing the decentralisation programme and the budgetary implications for my Department or its agencies.

My Department, together with the Department of Finance, prepares projections of future costs for my Department on a subhead by subhead basis. Those estimates are based on there being no policy change, and that the projections indicate the expected cost of providing the level of service which is currently being provided. At this time, my Department has not prepared a

[Ms Harney.]  
projection of future costs arising on foot of implementing the decentralisation programme.

### Interdepartmental Committees.

59. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will list the number of meetings in the past year of each interdepartmental committee or body on which her Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15005/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** Listed are those

interdepartmental committees or bodies on which my Department has been represented during the past year, together with details relating to the frequency and current location of those meetings. A number of these committees are chaired by officers of my Department and for many of these the future location of many of the committee meetings following the implementation of the decentralisation programme has not yet been decided. Where details of the future location of meetings after decentralisation are known, information relating to the future location of those meetings is given. The future locations of interdepartmental committees chaired by officials from Departments other than my own are, at this time, matters for those Departments.

Departmental committee/body	Location and frequency of Meetings	Location of meetings after decentralisation
Freedom of information Civil Service users network	Monthly in Dublin	Not known
Freedom of information interdepartmental working group	<i>Ad hoc</i> , in Dublin	Not known
Mullarkey implementation group	Approximately monthly in Department of Finance, Dublin	It is probable that this committee will have concluded its business before decentralisation
Motor Insurance Advisory Board MIAB	Every 4-6 weeks (8 per annum). Normally held in Earlsfort Centre, DETE, Dublin or in a hotel if required.	MIAB will have moved from this Department to IFSRA by the end of this year, 2004, and future meetings will be a matter for IFSRA.
Interim Personal Injuries Assessment Board	Every 6 weeks (7 per annum). Normally held in the conference room in Earlsfort Centre, DETE, Dublin	The Interim Personal Injuries Board has completed its work and has been replaced by the statutory PIAB
Ministerial-level insurance reform committee	Monthly (10 per annum) In Government Buildings in Dublin	The ministerial level insurance reform committee is expected to have completed its work by the end of this year (2004)
Tax strategy group	Every 2 weeks from Sept. to budget in Department of Finance (9 per annum)	Not known
Patents Office users council	Meetings are held 3 times a year in Dublin	Dublin
Patent Agent Registration Board	1 per year usually, more often if necessary. The meeting is held in Dublin.	Dublin
Trade Mark Agent Registration Board	1 per year usually, more often if necessary. The meeting is held in Dublin.	Dublin
Interdepartmental co-ordinating committee on EU Affairs or "Roche committee"	Generally, meetings are held fortnightly in Department of the Taoiseach, Dublin 2, but with variations in frequency since shortly after the 2002 general election.	Department of the Taoiseach, Dublin.
Lisbon group	Department of the Taoiseach, Dublin 2. Generally, meetings are held monthly.	Department of the Taoiseach, Dublin.
Ad hoc committee on national competitiveness council recommendations	Department of Enterprise, Trade and Employment, Kildare Street, Dublin 2. Committee is ad hoc, so no strict regularity of meetings. One meeting has been held to date.	Department of Enterprise, Trade and Employment, Dublin 2.
Dangerous substances advisory committee	Health and Safety Authority 10 Hogan Place, Dublin 2. There are usually 3 to 4 meetings held annually.	Not known
Construction safety partnership	Health and Safety Authority 10 Hogan Place, D2. There are usually 3 to 4 meetings held annually.	Not known
Review group for the examinations for dangerous goods safety advisers	Health and Safety Authority 10 Hogan Place, D2. There are usually 2 meetings held annually.	Not known
Health and Safety Authority board	Health and Safety Authority 10 Hogan Place, D2. There are usually 12 meetings held annually.	Not known
Interdepartmental committee on REACH	Rotating between D/ETE and D/Environment, Heritage and Local Government. There are usually 4 meetings held annually.	Not known



Departmental committee/body	Location and frequency of Meetings	Location of meetings after decentralisation
National framework committee for work life balance policies	D/ETE, Dublin 2. Average of 12 meetings per year.	It is expected that the majority of meetings will be held in Dublin.
Steering group under Sustaining Progress	Dept. Taoiseach — monthly or as required	Matter for Department of an Taoiseach
Plenary meetings under Sustaining Progress	Dublin Castle — quarterly	Matter for Department of an Taoiseach
National minimum wage monitoring committee	D/ETE, Dublin 2. Meetings are held 3 to 4 times per year, or as requested	It is expected that the majority of meetings will be held in Dublin.
OD, organisational development, initiatives forum	Dublin; meetings are held twice yearly.	Not known
Digital Island working group	Newry, NI. No set frequency. The working group has met on four occasions.	Not known
Interoperability framework committee	Dublin. No set frequency, the committee has met twice this year.	Not known
Identity management working group	Dublin. No set frequency, the working group has met twice in the past year.	Not known
ICT managers' forum	Lansdowne House, Dublin 4. 4 meetings are held per annum.	Not known
CMOD frameworks committee	Lansdowne House, Dublin 4. No set frequency. There have been 2 meetings during the past year.	Not known
Central Statistics Office, CSO, liaison group	Dublin. Six meetings were held during the past year.	Dublin
Social economy monitoring committee	Dublin. Three or four meetings are held annually.	Dublin
Dept. Social and Family Affairs expenditure review of unemployment assistance	Dublin. Six to eight meetings are held annually.	Dublin
Dept. Social and Family Affairs expenditure review on back to education allowance scheme	Dublin. Approximately 15 meetings are held annually.	Dublin
Immigration policy advisory committee IPAC	Dublin, four meetings annually	Dublin
HEA IT group	Dublin, two meetings annually	Dublin
EHRD OP monitoring committee	Dublin, four meetings annually	Dublin
FETAC board	Dublin, six meetings annually	Dublin
Leonardo selection committee	Dublin, twice annually	Dublin
National apprenticeship advisory committee	Dublin, approximately five times per annum	Dublin
Cost of disability advisory committee	Dublin, meet infrequently, at need	Dublin
FÁS disability advisory committee	Dublin, four meetings annually	Dublin
National Accreditation Committee	Dublin, four meetings annually	Dublin
Social partner initiative	Dublin, four meetings annually	Dublin
Department of Education and Science women in SET — established in January 2004	Meet monthly, 4 meetings this year in Dublin	Not known
Forfás discover science and engineering steering committee	Dublin, four meetings annually. Every 2 months	Not known
Interdepartmental committee on science and technology	Dublin, twice yearly — one meeting has been held since June 2003	Dublin
Interdepartmental UNESCO committee	Dublin, one meeting biannually. Every 2 years	Not known
Co-ordinating group on participation in the EU framework programme on R& D	Dublin, four meetings annually quarterly	Dublin
Steering group on participation in the EU framework programme on R& D	Dublin four meetings annually quarterly	Dublin
RTI grants committee	Dublin, meet monthly 11 meetings this year	Dublin
European Research Area, ERA, high level steering group	One meeting has been held since May 2003. Dublin — Forfás. The steering group is expected to complete its report and be disbanded by autumn 2004	Not known
IFSC funds group	7 per annum Dublin	Dublin
IFSC clearing house group	5 per annum Dublin	Dublin
AG advisory group on Law Reform Commission proposals	Approximately four meetings per annum, held in Dublin	Dublin
Strategic task force on alcohol	Dublin — 1 to 2 meetings per annum	Not known

Departmental committee/body	Location and frequency of Meetings	Location of meetings after decentralisation
Department of Agriculture and Food committee on food labelling	Dept. Agriculture and Food, Kildare Street Two meetings per annum	This committee is now defunct and has not met since January 2004
Foreign earnings committee	Dublin, 2 per year	Dublin
Trade advisory forum	Dublin, 2 per year	Dublin
Asia Pacific strategy group	Dublin, 3 — 4 per year	Dublin
Group on the internationalisation of education services [This is an ad hoc group chaired by D/Education and Science which will be wound up once its report is finalised, likely to be this year]	Dublin, as required	Not known
Office of emergency planning	Six to twelve meetings per annum, Infirmary Road, Dublin	Not known
Quality customer service working group	Six approx. per annum, Merrion St. Dublin	Not known
Quality customer service officers network	Six approx. per annum, Merrion Street	Not known
Change Management Network	Approximately monthly, held in Department of the Taoiseach, Upper Merrion St.	Not known
MIF project management group	Meet every 6 weeks approximately The project management group met 8 times in the Department of Finance in the past 12 months	There is no indication where any of these meetings will be held post decentralisation. D/Finance will decide this in due course.
Steering committee on emissions trading	Has met 10 times during the past year; meets 8-10 times per annum in Dublin	Not known
MIF consultative committee	Meetings take place every 2 months approximately. The consultative committee met 5 times in the Department of Finance over the past 12 months	Not known
The Department is also represented on a Corepay Users Group, for staff dealing with salaries, which is organised by CMOD	This group meets about 4/5 times each year at irregular intervals. Over the past year, meetings or workshops took place in Dublin on 22/5/03, 24/09/03, 05/11/03 and 25/01/04.	Not known
Personnel officers network	Quarterly, Dublin	Not known
PMDS — Performance Management and Development System — Network	Quarterly meetings, 3 meetings to date in CMOD, Department of Finance, Dublin 4.	Not known
Training Officers Network	Quarterly meetings 3 meeting to date in, CMOD, Department of Finance, Dublin 4	Not known
Training and development committee — committee established in January 2004	Quarterly, 2 meetings to date in Dublin	Not known
Interdepartmental national spatial strategy implementation committee	Meet quarterly D/EHLG Custom House Dublin 1	Not known
Interdepartmental meeting for international centre for local and regional development	D/Education and Science Marlborough St 1 — committee just convened	Not known
Interdepartmental advisory committee on State aid	Dublin, quarterly	Dublin
Steering group of the review of enterprise support in rural areas	Dublin, as required. 5 meetings of this group occurred	No further meetings are expected
North/South interdepartmental co-ordinators group	6 meetings per year in Dublin	As before, based on current information
High level interdepartmental committee on North/South matters	3 meetings per year in Dublin	As before, based on current information
The International Fund for Ireland business enterprise programme team, designated board member meetings and advisory committee	4 meetings per year for each alternating between Northern Ireland and the six southern Border countries	As before, based on current information
North/South Ministerial Council — joint secretariat facilitation meetings	2 meetings per year in Armagh	As before, based on current information
Productive sector operational programme monitoring committee	2 meetings, various alternates between the BMW and S& E regions	No Change
Assistant Secretary implementation group on the information society	D/Taoiseach, Dublin — Quarterly	Not known
Global Crossing steering group	Dept. Communications, Marine and Natural Resources, D/CMNR, Dublin — bi-annually	Not known
Government liaison committee on the Digital Hub	D/CMNR, Dublin — quarterly	Not known
Digital content steering group	DETE, Dublin — bi-annually	Not known
IDC on network and information security	D/CMNR, Dublin — as required	Not known
Interdepartmental committee on EU chemicals strategy	6 meetings so far. Approx. every two months — Dublin	Work may be completed; if not venue to be decided.

Departmental committee/body	Location and frequency of Meetings	Location of meetings after decentralisation
Technical sub-group on EU chemicals strategy	24 meetings held approximately fortnightly, in Dublin	Work may be completed; if not venue to be decided.
Hazardous waste implementation group	4 meeting held approximately quarterly in Dublin/Wexford	Not known
Industry climate change working group	4-6 per annum Dublin	Not known
Green tax group	4-6 per annum, Dublin	Not known
Prepared consumer foods group, chaired by the Department of Agriculture and Food.	2 per annum, one meeting took place in the last year in Dublin	Not known

### Strategic Management Initiative.

60. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action taken by her Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15020/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The PA Consulting Group's evaluation of the strategic management initiative contained a number of recommendations which were aimed at moving Departments forward to a position consistent with the ambitions set out in the strategic management initiative and Delivering Better Government. A large number of the recommendations relate to wider Civil Service issues and require intervention at Government and Oireachtas level or involve steps that must first be taken by the Department of Finance or the Department of the Taoiseach before being implemented by the other Departments.

Other recommendations do not require action by other agents or third parties before being addressed individually by Departments. My Department has established an excellent reputation for embracing modernisation and change and introducing creative and innovative practices. A number of the recommendations contained in the PA Consulting Group's evaluation have been, or are in the process of being, implemented, including eGovernment initiatives, such as providing for online e-payment for patent and trademark renewals and continuous improvement of the Department's website as an information portal for the Department's customers; development of human resource management capabilities, including the introduction of peoplesoft, a human resources management system, and the development of a departmental human resources strategy; the development and implementation of the management information framework; and regulatory reform, such as through the consolidation and restatement of company law and of health and safety legislation.

Early in 2003, my Department established four working groups to progress five of the six modernisation pillars set out in Delivering Better Government — quality customer service; openness, transparency and accountability;

human resources management; financial management; and information systems management. It was considered at the time that the sixth pillar, regulatory reform, did not require such a working group structure but this is kept under revision as my Department strives to remain at the forefront of the regulatory reform agenda. A high level steering committee was established to oversee the direction of the working groups and to drive the modernisation process within my Department. As part of its work programme for 2004, the steering committee is examining the PA Consulting Group's report with a view to identifying any outstanding issues, and directing the working groups to progress the identified issues. The high level SMI steering committee reports to the management board on a regular basis.

As part of the Sustaining Progress social partnership agreement, my Department prepared an action plan which outlines the initiatives to be taken over the course of the agreement to progress the modernisation agenda. Many of the modernisation issues contained in departmental action plans are those which are raised in the PA Consulting Group report. My Department has made significant advances on commitments contained in the action plan, as evidenced in the two progress reports submitted to date to the Civil Service performance verification group. The action plan and the first progress report are both available online at <http://www.finance.gov.ie/documents/actionplans/D%20ETE%20Action%20Plan.rtf> and <http://www.finance.gov.ie/documents/civilservice/benchmarking/enterrisetandeprep.rtf> respectively. The second progress report is currently being examined by the performance verification group and it is intended that this will be published once that examination has been concluded.

61. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a management information framework as recommended by the Mullarkey committee has been put in place in her Department; and if she will explain the way it works. [15035/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** The management information framework, MIF, project is an integral part of the Government's strategic management initiative. The Mullarkey group



[Ms Harney.] recognised that the MIF is a complex project that will take a number of years to implement fully.

In March 2004, following a year of preparations, my Department introduced the first module of its new financial management system and, since then, the remaining modules of the system have gone live. This new system has been designed specifically to meet the requirements of the MIF, including the capacity to produce cash and accrual accounts. My immediate priority was to ensure that the transition from the old financial system to the new state of the art model could be achieved without interrupting the essential financial services and operations of my Department, its agencies and its offices. I was pleased that the preparations for the changeover had been thoroughly made and that this objective was realised. Over the coming months, there will be a period of bedding down for the new system and the staff operating it before we can begin to exploit its benefits for management.

When fully operational, the system will provide enhanced financial information on a regular and timely basis to all levels of management. Management accounts will become a regular feature of the Department's ongoing operations. Maintaining accounts on an accruals basis will improve control by providing regular information to managers of actual expenditure against budget and details of commitments entered into in advance of payment being made.

The Government's implementation timetable for MIF extends to the end of 2006. During the intervening period, my Department will introduce modern business tools that will approximate those in use in the private sector. The new financial system will facilitate the allocation of costs to programmes and provide data on financial and non-financial performance indicators. The MIF will help to provide a basis for value for money assessments of the Department's programmes. It will support the preparation of strategy statements as well as the regular monitoring of progress. Improved financial information will also improve the linkage between financial analysis and decision making. The new system will also support improved asset management by recognising, through appropriate depreciation policies, the ongoing and future cost of using capital assets.

To ensure the effectiveness of the MIF, it will be necessary to embark on a major training programme for staff of my Department to equip them to exploit the framework fully and to achieve the twin objectives of improving business planning and the efficient use of resources. Proposals are being considered at present by my officials in this regard.

#### **Departmental Committees.**

62. **Mr. J. Bruton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has appointed an audit committee for her

Department; its members, charter, number of meetings to date; if it has issued any reports to her or to the Secretary General. [15050/04]

**Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney):** An audit committee has been in existence in my Department since the mid-1990s. It was restructured in mid-2000 and again in recent months to reflect current best practice. The current committee has five members, comprising an external chairperson, the head of internal audit from another Department and three senior departmental officials. The audit committee operates under a written charter and terms of reference. Since mid-2000, the committee has met on ten occasions and has produced two reports.

#### **Health and Safety Regulations.**

63. **Mr. Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reasons leaflets regarding health and safety issues have a charge fee; and if she will make a statement on the matter. [15113/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Fahey):** One of the principal functions of the Health and Safety Authority as set out in its corporate plan for 2003 to 2007 is to provide information and expert advice to employers, employees and the self employed. To achieve this objective, the authority provides a number of information services as follows.

The authority operates "Infotel" a telephone information line where routine queries relating to workplace health and safety are dealt with. In 2003, 24,000 such queries were dealt with, a large increase in call volume over previous years. The authority's website [www.hsa.ie](http://www.hsa.ie) contains a huge variety of information and expert advice on safety issues across a range of sectors. In 2003, the site had a high volume of users with 345,000 individual visits made to the site.

The authority produces a range of publications, many of which can be downloaded directly from the Internet. They include guidance material on various statutory instruments, codes of practice and informational booklets. In regard to publications produced by the authority, many are available free of charge as printed copy or as downloads from its website. The authority also produces a range of free promotional and informational materials such as bookmarks, posters and so forth, as well as a quarterly newsletter which is distributed free of charge to a large readership. In addition, the authority makes available a range of corporate publications such as its annual reports, programmes of work, corporate plan and so forth.

However, the exceptionally high demand for the information referred to places great demands on the authority's resources, which must be distributed across all its information services to satisfy the demands of its customers. Given this,

there are limitations to the amount of publications which can be made available free of charge and a number of the authority's publications are priced so an efficient service can continue to be provided to its customers. Where publications produced by the authority are priced, the prices charged are set to ensure value for money for its customers and cover the costs of production, including research, copy editing, typesetting, design and printing. A discount of 20% is offered for all downloads from the website. A summary list of the authority's main free publications is included in Appendix 1.

#### Appendix 1 — Main Free Publications

Children and Safety on Farms — an introductory guide to managing child safety on the farm.

Farm Safety Plan 2003-2007 — This book lists the actions agreed between state agencies and farmers' representative organisations to reduce farm accidents.

Play Safe Stay Safe on The Farm — A short leaflet designed to raise a child's awareness about safety on the farm.

Farm Safety Self-Assessment Document — This practical document is designed to help the farmer manage health and safety on the farm.

#### Construction Safety Partnership Plan 2003-2005

This publication sets out the goals of the CSP for safety in the construction industry for the years 2003-2005.

#### Construction Safety Partnership Plan 2000-2002

This publication lists the actions agreed on construction safety between 2000-2002

#### Construction Safety Partnership Progress Report 2001

This publication covers the progress made on the CSP plan 2000-2002.

#### Fatal Accidents in The Irish Construction Industry 1991-2001: A Survey of Contributing Factors

A report prepared for the Health and Safety Authority which examines the factors contributing to fatalities in the Irish construction industry for the period 1991-2001.

#### Safety and Health on Construction Projects — The Role of Clients

This leaflet provides a summary of the client's role under the Safety Health and Welfare at Work (Construction) Regulations, 2001 (S.I. No. 481 of 2001).

#### Safety Behaviour in The Construction Industry

The Health and Safety Executive Northern Ireland combined with the Health and Safety Authority to fund the research for this project.

#### Safety With Asbestos.

This booklet gives an introduction to the issue of asbestos and the safety implications of working with asbestos.

#### All Clear — Best Practice in Surface Blasting Operations

Produced by Irish Industrial Explosives in association with the Health and Safety Authority, this is available to order in either VHS video or CD-Rom format.

#### Guidance For Carrying Out Risk Assessment at Surface Mining Operations — download only

This publication set out basic advice for carrying out a risk assessment at surface mining operations.

#### Guidance on the Safe use of Explosives in Quarries — Download only

This report provides guidance on the safe use of explosives in quarries.

#### Guidance to ensure Safe Use of Large Vehicles and Earth-moving Equipment in Quarries — Download only

This guide deals with the key elements in carrying out a risk assessment with regards to vehicle safety.

#### Chemwise — At Work At Home You Use Chemicals

This leaflet gives an introduction to the safe use of chemicals. It explains the labelling system on hazardous chemicals and outlines the meaning of each label so that health is not affected through incorrect use.

#### Use Chemicals Safely

This leaflet contains information on the "dos" and "don'ts" of using chemicals. It explains the meaning of chemical symbols and stresses the importance of reading the labels.

#### Wetstock Inventory Control for Petrol Stations — Download only.

This booklet gives guidance on how to detect a leaky tank by carrying out a wetstock inventory control.

#### Fishing Vessel Safety Statement

This leaflet provides a safety checklist identifying groups of frequently encountered hazards on fishing vessels.

#### Guidelines to First Aid at Places of Work — Download only.

This book covers all issues associated with the provision of first aid in the workplace.

#### Is Your Work Making You Deaf?

This leaflet contains basic information on the risks associated with noise in the workplace.

#### Occupational Asthma — An Employees Guide

This leaflet gives employees basic information on work related asthma.

#### Occupational Asthma — An Employers Guide

This leaflet explains employers' duties in relation to occupational asthma.

#### Report of the Health Effects of Environmental Tobacco Smoke in the Workplace — Download only.

This report goes through the findings of the expert group which assessed the impact of environmental tobacco smoke in the workplace.

#### Summary of the Report on the Health Effects of Environmental Tobacco Smoke (ETS) In the Workplace.

This is a summary of the main report on ETS in the workplace.

#### Carbon Monoxide — The Silent Killer.

This is an illustrated leaflet aimed at highlighting the dangers of carbon monoxide in confined spaces.

#### Safety and Workplace Vehicles — Out of stock

This leaflet provides practical advice on the safety implications of using vehicles in the workplace.

#### Health and Safety at Work — Retail and Distribution Sectors

This is an information pack for the retail and distribution sectors, download only.

#### The HSA and You!

This leaflet provides an overview of the Health and Safety Authority and gives a brief outline employers' and employees' duties under the legislation.

#### Tú Féin agus an HSA!

As Gaeilge, as above.

### Decentralisation Programme.

64. **Mr. J. Bruton** asked the Minister for Defence his plans for the staff of his Department who opt to remain in Dublin after the headquarters of the Department has been moved out of Dublin in accordance with decentralisation; the work they will do if they will

[Mr. J. Bruton.]  
remain with his Department; and where they will be accommodated. [14927/04]

**Minister for Defence (Mr. M. Smith):** The Government has decided that all my Department's Dublin based Civil Service posts will transfer to Newbridge, County Kildare, and that the Defence Forces headquarters will transfer to the Curragh, County Kildare. Civil and military working groups have been set up to consider the practical aspects of the decentralisation programme.

65. **Mr. J. Bruton** asked the Minister for Defence the number of vacant posts in his Department; if competition for these posts is to be confined; if same are willing to move to the decentralised location of his Department at the appropriate time. [14931/04]

**Minister for Defence (Mr. M. Smith):** Vacancies arise from time to time in my Department and at present there are six vacant posts. Vacancies are filled by means of an agreed sequencing system either by the assignment of candidates who are successful at interdepartmental competitions organised by the office of the Civil Service and Local Appointments Commission or by internal promotion mechanisms. It is not known at this stage whether any of the potential candidates are willing to move to Newbridge.

#### **Ministerial Correspondence.**

66. **Mr. J. Bruton** asked the Minister for Defence the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act 1997; and the nature and purpose of each such direction. [14944/04]

**Minister for Defence (Mr. M. Smith):** I have not issued any such written directions.

#### **Public Finance Procedures.**

67. **Mr. J. Bruton** asked the Minister for Defence if the Secretary General brought to his attention all relevant financial consideration for decisions being taken in accordance with relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14959/04]

**Minister for Defence (Mr. M. Smith):** All decisions taken by me or the Secretary General of my Department complied with the guidelines on public financial procedures.

#### **Departmental Committees.**

68. **Mr. J. Bruton** asked the Minister for Defence the composition of the management advisory committee of his Department; the number of times it has met since its formation; the number of times he has attended it in person; and the issues it has considered. [14976/04]

**Minister for Defence (Mr. M. Smith):** In addition to the Secretary General, the management advisory committee, MAC, is composed of the Department's two assistant secretaries and the head of corporate services. The committee meets on average about 16 times per year and considers and advises on the broad range of strategic and key management issues arising in defence.

I meet with the Secretary General and the MAC, with individual MAC members, with other departmental officials and with Defence Forces personnel on a daily and a weekly basis and as often as required to ensure that we deliver on the defence agenda.

#### **Decentralisation Programme.**

69. **Mr. J. Bruton** asked the Minister for Defence the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or agency in question to meet any such costs. [14991/04]

**Minister for Defence (Mr. M. Smith):** The implementation plan for the decentralisation of my Department is being drafted at present and will be submitted to the central decentralisation implementation group by the end of the month. The costs associated with the plan are not yet known.

#### **Strategic Management Initiative.**

70. **Mr. J. Bruton** asked the Minister for Defence the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15021/04]

**Minister for Defence (Mr. M. Smith):** My Department has been very committed to the implementation of SMI since its launch in 1994 and has fully addressed the six core themes identified by the PA evaluation report. This is evidenced in successive strategy statements published by the Department and in our annual reports, which report on progress with the implementation of the strategy statements and the defence modernisation agenda.

Further evidence can be found in the Department's modernisation action plan submitted to the Civil Service performance



verification group under Sustaining Progress and in the progress reports we have submitted to the group. The action plan deals comprehensively with the public service modernisation programme, which in turn is informed by the PA evaluation. The progress report on the action plan which we prepared for the CSPVG regarding the payments due from 1 January 2004 is on the Department of Finance website. It is intended that the most recent progress report would be published in due course following a decision by the group.

71. **Mr. J. Bruton** asked the Minister for Defence if a management information framework as recommended by the Mullarkey committee has been put in place in his Department; and if he will explain the way it works. [15036/04]

**Minister for Defence (Mr. M. Smith):** The management information framework, MIF, project is part of the strategic management initiative, SMI, and arose out of a report in 1999 by a financial management working group of the SMI implementation group of Secretaries General. The MIF project aims at ensuring more efficient processing of financial transactions and accounts; better decision-making about the allocation of resources; more efficient and effective management of resources once allocated; and greater transparency in, and accountability for, the use of resources.

My Department and the Defence Forces are in the process of implementing MIF. In April 2004 a contract was signed with Oracle EMEA Limited, for the supply and implementation of new financial and management information systems. The target date for the installation of the new financial system is 31 December 2004.

#### Departmental Committees.

72. **Mr. J. Bruton** asked the Minister for Defence if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued any reports to him or to the Secretary General. [15051/04]

**Minister for Defence (Mr. M. Smith):** An audit committee was established in my Department in 1997. At present the chairman of the committee is Mr. Brian McDonnell, former chief executive of the Irish Aviation Authority. The other members are the Department's two assistant secretaries, head of corporate services and professional accountant; and the Defence Forces' deputy chief of staff — support — and director of administration. The question of appointing a further external person to the committee is under consideration.

The audit committee operates under a written charter and meets two or three times a year. The minutes of its meetings and reports produced by

the internal audit unit are forwarded to the Secretary General.

#### Tree Felling Licences.

73. **Mr. Sargent** asked the Minister for Agriculture and Food his plans to review the system for tree felling licences in urban areas, particularly the complication of the multi-agency involvement of the Garda, the local planning authority and his Department. [14907/04]

**Minister for Agriculture and Food (Mr. Walsh):** In accordance with the Forestry Act, 1946, felling licences are not required for the felling of trees in urban areas defined under the Act as being within city, borough or town boundaries. No review of this subject is planned at present.

74. **Mr. Sargent** asked the Minister for Agriculture and Food if his attention has been drawn to the fact that the need for tree felling licences has led to the practice of existing mature trees being left off drawings, hence evading planning control, and consequently resulting in the destruction of aesthetic and environmental capital; and if he has plans to ensure the prosecution of offenders and monitoring of these abuses. [14908/04]

**Minister for Agriculture and Food (Mr. Walsh):** I am not aware of the practice described by the Deputy. In cases of infringement of the Forestry Act 1946 as for example with alleged illegal felling, my Department's policy, as in the past, is to investigate with a view to prosecution. Documentation submitted in support of planning applications is a matter, in the first instance, for the relevant planning authority.

#### Decentralisation Programme.

75. **Mr. J. Bruton** asked the Minister for Agriculture and Food his plans for the staff of his Department who opt to remain in Dublin after the headquarters of the Department has been moved out of Dublin in accordance with decentralisation; the work they will do if they will remain with his Department; and where they will be accommodated. [14928/04]

**Minister for Agriculture and Food (Mr. Walsh):** The headquarters of my Department is to decentralise to Portlaoise under the Government's decentralisation programme. After the decentralisation programme is implemented my Department will have no staff in Dublin other than in the Dublin local office in Tallaght and those involved in inspection duties in the ports, airport and commercial food premises.

The central application facility, CAF, was launched by the Civil Service Commission last week. This enables public servants to apply for decentralisation to any Department or office.

[Mr. Walsh.]

Staff opting to remain in Dublin will be able to avail of a system similar to the CAF. This system will identify their preferences for vacancies arising as a result of other staff opting to decentralise.

76. **Mr. J. Bruton** asked the Minister for Agriculture and Food the number of vacant posts in his Department; if competition for these posts is to be confined; if some are willing to move to the decentralised location of his Department at the appropriate time. [14933/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is implementing the Government's decentralisation programme and it is our policy to require new recruits to commit themselves to relocate from Dublin to a decentralised location in due course. We are in the process of filling 20 posts in Dublin at present.

#### **Pest Control.**

77. **Mr. Sargent** asked the Minister for Agriculture and Food if he will provide an update on the threat posed by the spread of Australian and Irish flatworms to Irish agriculture; if he will review his policy of 2003 on this matter which envisaged no measures to counter the threat; and in view of the willingness of the public to support measures against FMD, if he will become proactive in a similar way to counter the flatworm threat. [14934/04]

**Minister for Agriculture and Food (Mr. Walsh):** The Australian flatworm, like the New Zealand flatworm, is a predator of earthworms. It does not affect plants and accordingly does not come within the scope of EU plant health regulations for which my Department has statutory responsibility. It also falls outside the scope of EU environmental regulations.

I am aware that the non-indigenous flatworm has been recorded at several sites in this country in recent years. There is no known control method apart from trapping the flatworms and physically destroying them. Despite implementing stringent plant health controls relating to imported plant material into the country, it is widely accepted that the Australian flatworm is not a plant health issue. It is an environmental one for which there are no practical, enforceable measures possible to prevent its entrance or spread within the EU. The Irish flatworm does not pose a threat to our native earthworm population.

#### **Departmental Correspondence.**

78. **Mr. J. Bruton** asked the Minister for Agriculture and Food the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public

Service Management Act 1997; and the nature and purpose of each such direction. [14945/04]

**Minister for Agriculture and Food (Mr. Walsh):** Other than normal routine correspondence on case files in my Department, I have not found it necessary to issue directions to the Secretary General within the meaning of sections 4 to 6 of the Public Service Management Act 1997.

#### **Public Finance Procedures.**

79. **Mr. J. Bruton** asked the Minister for Agriculture and Food if the Secretary General brought to his attention all relevant financial considerations for decisions being taken in accordance with relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14960/04]

**Minister for Agriculture and Food (Mr. Walsh):** All relevant financial considerations are taken into account in the preparation and implementation of policy proposals in the Department of Agriculture and Food as a matter of normal and ongoing practice. Where appropriate, these issues are drawn to my attention in accordance with public financial procedures. This has been the case with regard to decisions taken in recent times.

#### **Departmental Bodies.**

80. **Mr. J. Bruton** asked the Minister for Agriculture and Food the composition of the management advisory committee of his Department; the number of times it has met since its formation; the number of times he has attended it in person; and the issues it has considered. [14977/04]

**Minister for Agriculture and Food (Mr. Walsh):** The members of the management advisory committee of my Department, which has been in existence for many years, are the Secretary General, the chief veterinary officer, the chief inspector and the nine assistant secretaries. The committee meets on a regular basis — at least once per fortnight — and more frequently if required. Together with the Ministers of State, I attend the committee about once per quarter and more frequently as necessary.

The committee considers a range of strategic, policy, organisational and financial issues at each meeting. During my attendance, it tends to focus on more strategic issues which in recent times have included such matters as the mid-term review of the CAP, developments in the agri-food industry, preparation for the Presidency and our

expenditure situation. I have, of course, direct contact with members of the management committee on a day-to-day basis.

### **Decentralisation Programme.**

81. **Mr. J. Bruton** asked the Minister for Agriculture and Food the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or agency in question to meet any such costs. [14992/04]

**Minister for Agriculture and Food (Mr. Walsh):** The decentralisation implementation group chaired by Mr. Philip Flynn has requested each Department and agency to submit its implementation plan by the end of May 2004. Work has already commenced on the production of these plans in my Department and the relevant agencies. All issues relevant to decentralisation, including people, property and business with appropriate indicative timescales for the completion of the move will be examined. The plan will also incorporate specific risk assessment and mitigation strategies. The cost of preparing the plans will not be significant and can be met from existing resources.

I am not in a position at this stage to comment on the possible associated costs on a multi-annual basis. Rented office space in the Dublin area is, in general, significantly more expensive than that available in areas outside the capital. In the case of existing accommodation in Dublin which is owned by the State, the combined site and building values can be expected to generate significant funds to remunerate the cost of alternative accommodation in the regions.

### **Strategic Management Initiative.**

82. **Mr. J. Bruton** asked the Minister for Agriculture and Food the action taken by his Department on each recommendation of the PA Consultancy report on the implementation of the strategic management initiative. [15022/04]

**Minister for Agriculture and Food (Mr. Walsh):** The key recommendations contained in the PA consultancy report, in so far as they relate to my Department, have been implemented or are being progressed. My Department has been progressive in developing financial management systems, in further developing quality customer service initiatives and in participating in pilot projects in relation to the strategic management initiative. A comprehensive report on progress made on the initiative in 2003 has been prepared by my Department for the Civil Service performance verification group. This report is available on the Department of Finance website. I refer the Deputy to this site at

<http://finance.gov.ie> which also contains the progress reports prepared by all Departments on this issue. Further progress reports will be published on this web site in June 2004.

### **Departmental Procedures.**

83. **Mr. J. Bruton** asked the Minister for Agriculture and Food if a management information framework as recommended by the Mullarkey committee has been put in place in his Department; and if he will explain the way it works. [15037/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department is at an advanced stage in the implementation of the management information framework and an internal steering committee has been established to oversee its further development. The Department has installed a modern and flexible accounts system which is capable of generating information on both a cash and accruals basis. The system was further upgraded in 2003 to provide for additional functionality in the areas of asset management, purchase order processing and accounts receivable. To date, over 1,000 staff members have been trained in the use of the system for processing transactions and producing financial management information. My Department will also soon commence the implementation of an expanded financial management training programme for key staff. The Department has also developed a range of performance indicators as part of its business planning and customer service processes. This work is being further refined in the context of the implementation of the management information framework.

### **Departmental Committees.**

84. **Mr. J. Bruton** asked the Minister for Agriculture and Food if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued any reports to him or to the Secretary General. [15052/04]

**Minister for Agriculture and Food (Mr. Walsh):** An audit committee was established by my Department in 1994. The current members of the committee are Mr. J. Donnelly, chairman of the audit committee and deputy chairman of Hypo Real Estate Bank International, Professor Niamh Brennan, UCD, Mr. Carey from the Department of Finance, Mr. Downes from CIE, Mr. O'Connor from the Revenue Commissioners and Mr. O'Driscoll an assistant secretary at the Department of Agriculture and Food. The committee operates under a charter and has held 43 meetings since its inception. The committee publishes an annual report which is presented to both the Minister and the Secretary General.



### Grant Payments.

85. **Mr. Penrose** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Tipperary has not received beef premium and extensification payments for the past three years; and if and when these payments will issue. [15089/04]

**Minister for Agriculture and Food (Mr. Walsh):** I understand that there are legal proceedings involved in this case. As a result, my Department is not in a position to identify the person entitled to payment of grants and accordingly payment must be withheld until the dispute is resolved.

86. **Mr. Durkan** asked the Minister for Agriculture and Food the level of participation in sugar beet growing in 2004 as compared with previous years; and if he will make a statement on the matter. [15099/04]

### Sugar Beet Production.

**Minister for Agriculture and Food (Mr. Walsh):** The area under sugar beet in 2004 and recent years together with the number of growers involved in Ireland is as follows:

Year	Area (hectares)	Number of Growers
2004	31,500	3,716
2003	31,500	3,705
2002	31,000	3,716
2001	31,070	3,736

As the Deputy will be aware, the production of sugar in all member states of the European Union is regulated by the EU sugar regime, which specifies a sugar quota for each country. Under the terms of the regulations, the sugar quota is allocated by the member state to the sugar manufacturing enterprises on its territory. In Ireland's case, the quota is allocated to Irish Sugar limited, the only manufacturer of sugar in the country. It is a matter for the company to place contracts with growers to grow sugar beet sufficient to allow for production of the national sugar quota. The quota is reviewed each year in the context of the Community's World Trade Organisation obligations. In recent years, some reduction in quota was necessary. Despite this the area devoted to the growing of sugar beet has remained remarkably consistent.

### Dairy Sector.

87. **Mr. Durkan** asked the Minister for Agriculture and Food his plans to encourage ongoing participation in the dairy industry with particular reference to the need to encourage young persons; and if he will make a statement on the matter. [15100/04]

### Minister for Agriculture and Food (Mr. Walsh):

The changes I introduced to the milk quota regime in Ireland in 2000 have been very successful in achieving the overall objective of putting quota definitively in the hands of active committed producers at the lowest possible cost. The milk quota restructuring scheme is now the principal means by which additional milk quota is acquired by producers. Under the scheme, priority in the allocation of quota is given to specific categories of producers and in particular to new and recent entrants to dairying.

In 2000, I put in place a scheme for the allocation of 5 million gallons of the additional quota negotiated under Agenda 2000 to young milk producers who satisfied certain defined criteria. The 3,099 eligible applicants each received an allocation of 1,700 gallons. Furthermore, in 2001 an additional 4.5 million gallons was allocated to young farmer, and 3,442 applicants each received an extra 1,300 gallons under that scheme. I have also provided for milk production partnerships within the quota system to allow for flexibility in farming practice by combining two enterprises and quotas. Standard milk production partnerships were provided for in 2002. Following a review of the first year of the operation of the partnerships, I introduced new regulations to provide for the registration of new entrant-parent milk production partnerships. These arrangements allow a qualified young farmer to be part of a milk production enterprise in partnership with his or her parent without having to establish separate facilities.

Such partnerships provide an opportunity for trained young farmers to get established in the industry and have access to quota, as a priority category, under a milk quota restructuring scheme. In the light of experience, I have introduced some further flexibility into the partnership arrangements. In the new milk quota regulations which I signed in the last few weeks, I have made a number of amendments designed to help prospective partners.

Partnership arrangements within the milk quota system have a very useful role to play in providing for the type of flexibility necessary to respond to the demands on today's milk producers. The uptake in the new entrant-parent partnerships has been particularly encouraging. I will continue to keep the arrangement under review to ensure it is best suited to the needs of the sector.

### Food Industry.

88. **Mr. Durkan** asked the Minister for Agriculture and Food if he has satisfied himself that the production, slaughter and processing of all meat and poultry imported into this country has been subject to best practice; and if he will make a statement on the matter. [15101/04]

**Minister for Agriculture and Food (Mr. Walsh):** Detailed EU legislation lays down the conditions member states must apply to the production of and trade in products of animal origin, including meat, as well as to imports of these products from third countries. Under harmonised legislation, a series of health and supervisory requirements are applied in member states to ensure that animal products are produced to standards that guarantee the safety of food and the protection of human and animal health. The application of these standards is monitored by the Food and Veterinary Office, FVO, of the EU. It is a requirement that animal products imported from third countries meet standards at least equivalent to those required for production in and trade between member states. All meat imports must come from third countries or areas of third countries approved for export to the EU.

An approved third country must appear on a list drawn up and updated on the basis of EU audits and guarantees given by the competent authority of the exporting country; have veterinary controls equivalent to those applicable in the EU, particularly in terms of legislation, hygiene conditions, animal health status, veterinary medicines controls, zoonoses controls and other food law and a residues programme approved by the European Commission must be in place. The meat must be sourced from approved establishments and bear an EU approved health mark. Exporting establishments must have standards equivalent to the requirements for EU export establishments; effective control systems and supervision by the competent authorities; and traceability and labelling in accordance with the systems approved by the FVO and accepted and notified to EU member states.

The FVO carries out inspections to ensure that only establishments which meet hygiene and health standards equivalent to those operating within the EU are approved. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list. If outbreaks of animal diseases occur in a third country, approval to export to the EU is suspended for the infected regions of the country or the whole country as appropriate until the disease risk has been eliminated.

Importers of meat must be registered with my Department. They are required to give advance notice of importation and, following import, are required to keep records of importation available for inspection by the Department for a period of three years. Imported meat must be accompanied by the appropriate commercial documentation showing country and approval number of the establishment of production and, in the case of

meat imported from third countries, a health certificate conforming to the models set down in EU legislation. The meat must also be labelled. While there is free movement for trade within the EU, all consignments from third countries must first be landed at a border inspection post, BIP, which has been approved by the FVO and undergo documentary, identity and physical checks. These are carried out at frequencies laid down in EU law. In Ireland, BIPs approved for the processing imports of animal products are located at Dublin Port and Shannon Airport. The FVO carries out monitoring and inspection of each member state's BIPs to ensure the conditions for import of animal products into Europe, provided under the harmonised legislation, are being correctly applied.

Once it has been established that imported meat has met all the required conditions, it is released for free circulation within the community. Copies of the BIP clearance document and the health certificate must accompany the consignment to its destination. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established, they are returned to the exporting country or destroyed. Where there are concerns with regard to the effectiveness of controls being operated in an approved third country the Commission, in consultation with the standing committee on animal health and the food chain, may introduce specific controls by means of a safeguard measure to ensure the protection of human and animal health. Safeguard measures limiting or banning the export of animal products from EU countries or regions of countries may also be implemented where, for example, the conditions of an animal disease outbreak could seriously effect production and trade in animal products in the EU.

#### **Food Production.**

89. **Mr. Durkan** asked the Minister for Agriculture and Food if husbandry practices in the breeding, production and processing of beef, lamb and pig meat are in accord with worldwide best practice; the way this can be used to enhance exports; and if he will make a statement on the matter. [15102/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of best practice in the breeding, production and processing of beef, lamb and pig meat is important to the continued development of the Irish meat industry. The implementation of best practice at all stages of production is a matter to which I attach great importance and to which my Department and various agencies continue to devote significant energy and resources. The future viability of meat

[Mr. Walsh.]

production in Ireland is dependent on producing a high quality product that is required by the discerning customer in the premium priced markets. Improvement in the quality of our meat production can be achieved through constant review of our breeding techniques, through the use of best practice in animal husbandry at farm level and the implementation of the most modern techniques at processing level.

Breed improvement programmes with clearly defined objectives are being implemented nationally with the full support of my Department and provide a real opportunity to achieve significant progress in breed improvement over the coming years. The contribution of the Irish Cattle Breeders' Federation in this area is significant. These programmes are subject to constant review and updating in the context of changing market requirements and are tailored to meet the demands of modern farming systems.

Through its national research and advisory programmes, Teagasc and other agricultural organisations ensure that the most modern production techniques are made available to producers at farm level. At processing level, there is now increased emphasis on improved processing techniques and research and development of new and innovative products. Teagasc is to the forefront of making a significant contribution in the area of meat product development.

Consumer confidence in our products is underpinned by animal product traceability and quality assurance. My Department has made a major contribution in this vital area over the past number of years and the fruits of this investment are evident by the fact that our meat products can compete favourably in all of the premium markets throughout the world. Ireland is in a position to provide consumers with the maximum possible guarantees about the safety of Irish meat products. Bord Bia, the body charged with promoting the sale of Irish meat and other food products both at home and worldwide, in partnership with our food companies has been successful in promoting Irish meat.

#### Meat Imports.

90. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which carcase meat is imported; and if he will make a statement on the matter. [15103/04]

**Minister for Agriculture and Food (Mr. Walsh):** The Central Statistics Office is responsible for the collection of statistics for imports of meat. The following information has been extracted for the imports of carcase and half carcase meat during 2002 and 2003:

2002

Species	Total Tonnes	EU	Non-EU
Beef	258	258	
Pigmeat	923	923	
Sheepmeat	164	162	2

2003

Species	Total Tonnes	EU	Non-EU
Beef	196	196	
Pigmeat	515	515	
Sheepmeat	343	315	28

#### Cattle and Sheep Identification Schemes.

91. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which traceability procedures are operating in the cattle and sheep industry; and if he will make a statement on the matter. [15104/04]

**Minister for Agriculture and Food (Mr. Walsh):** My Department maintains a fully functional database, the cattle movement monitoring system, for the identification and tracing of bovine animals. It provides general assurances to consumers about the origin and identification of Irish beef. Its primary aim is to provide a comprehensive central database of the origin, identity and life history of cattle but the uses and value of the system have gone well beyond the original design. The system is routinely used for contact tracing for animal diseases such as BSE and brucellosis and to assist in the testing and certification requirements of a variety of schemes such as certification of beef for Russia, determination of age for BSE testing, etc. It has become an integral part of the ante-mortem process at factories and pre-export clearance for live exports. It is employed as a marketing tool for Ireland's beef export industry. It is also used to an increasing extent to provide statistical information to the cattle and beef industry to assist in breeding, production and marketing decisions.

The system is used systematically for livestock premium payments, the establishment of premium entitlements direct from the system and the provision of ongoing data to farmers on the number and status of animals in their herds. The provision of regular printouts to farmers of their herd profile highlights any anomalies in animal origin and location and allows for follow-up of discrepancies. My Department is working with marts to introduce an on-line facility that will instantly update the database when the movement of the animal takes place.



In the wake of the foot and mouth disease crisis of 2001, I introduced the comprehensive national sheep identification system which provides full individual identification and traceability of sheep from farm of origin to carcass and which is designed to be multi-functional, facilitating aspects such as flock management, consumer assurance and disease monitoring and control. The system encompasses flock owners, producers, marts, slaughter plants and others.

Since 21 June 2001 all sheep must be tagged on movement off farm with a tag bearing the country code for Ireland, the flock number of the farm and an individual number. Details of all sheep on farm and of all movements on and off farm must be recorded by flock owners in their flock register. In addition, each consignment of sheep moving off a holding must be accompanied by a dispatch document detailing the holding of dispatch and individual identification numbers of each sheep in the consignment. Under the terms of the national sheep identification system, slaughter plants must record the country code, the flock number and the individual number and this information must be shown on a label on the finished carcass. In the case of imported sheep details from the tag of the country of origin must be recorded on a label on the carcass. All sheep remaining on farms must be tagged at the latest by 15 December. So far over 23 million tags have been processed for flock owners.

Indications from inspections carried out by my Department at slaughter plants and marts, on-farm inspections as well as feedback from other sources, are that there is a high level of compliance with all elements of the national sheep identification system. Where instances of non-compliance are detected or reported, these will be vigorously pursued by my Department.

Both systems will continue to be required for EU identification purposes and to verify cross-compliance of farmers with statutory management requirements in the context of the single payment scheme from 1 January 2005. Ireland's cattle and sheep systems satisfy EU identification obligations and cross-compliance obligations.

The systems have improved and developed over the years and a separate project is under way to develop an up-to-date Internet-based generic computerised animal movement system. The new system will have a multi-species dimension covering cattle, sheep and pigs. It will also integrate with the animal health computer system to provide a single, consistent, source of animal data.

### **Cereal Growing Industry.**

92. **Mr. Durkan** asked the Minister for Agriculture and Food his long term plans for the

future of the cereal growing industry; and if he will make a statement on the matter. [15105/04]

**Minister for Agriculture and Food (Mr. Walsh):** In the CAP reform negotiations, which culminated in the Luxembourg Agreement last June, Ireland's objectives for the cereals sector were achieved. The proposed reduction of 5% in the pre-Agenda 2000 intervention price for arable crops was withdrawn, and the original proposal for ten year obligatory non-rotational set-aside, which would not have been suitable in the Irish situation, was also dropped. The decision to leave the basic intervention price unchanged will help protect the sector from cheap imports, as the cereals import price is related to the intervention price.

Under the reformed CAP, Irish cereal farmers will have the cushion of the single farm payment decoupled from production as and from 1 January 2005, and will be able to concentrate on supplying markets, focusing on minimising production costs and maximising their incomes. Improved efficiency of production at farm level will be important to maintain incomes, and to ensure that the volume of output is maintained to support the processing sector. Average grain production in the country over the past number of years has been in the region of 2,000,000 tonnes and the aim is to maintain this level of production in order to avoid over dependence on imported grain.

My Department continues to operate a range of services aimed at improving the efficiency, quality and viability of cereal production. These services include seed certification, seed testing, recommended lists of varieties, etc. In addition, Teagasc provides comprehensive research, training and advisory services for cereal producers. The value of all these support services is reflected in the fact that Irish cereal producers have consistently achieved some of the highest yields in the world. I am satisfied the outlook for cereal growing in Ireland is positive and Irish cereal producers are well positioned to meet the competitive challenges ahead.

### **Food Industry.**

93. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which beef, lamb and pigmeat suppliers are competitive on the world market; and if he will make a statement on the matter. [15106/04]

**Minister for Agriculture and Food (Mr. Walsh):** The focus of the Irish beef industry has been to broaden and expand its market reach at EU retail level, shifting its orientation away from international commodity markets and into the higher priced internal EU marketplace. This contrasts with the situation that prevailed throughout the 1990s when the industry exported

[Mr. Walsh.]

50% of its products into non-EU markets. Last year, this share dropped to just 17% while the EU share increased proportionately. These increased sales into continental Europe coincide with the emergence of an EU market deficit in beef for the first time in 25 years together with falling production levels aligned with a strong recovery in consumption.

While there is greater reliance on EU markets, non-EU markets continue to be important for the beef industry. We have demonstrated the strength of our product and of our marketing capabilities by maintaining a valuable presence on the Russian market against strong competition from other EU member states and South America. The Irish industry is now well placed to consolidate this position, having demonstrated the quality and safety of Irish beef through its broad appeal to EU consumers. A targeted approach based on quality production represents the best and most profitable way forward to the Irish industry. This in turn highlights the importance of good breeding policies, payment related to quality and modern techniques which mechanical grading will provide.

High value markets, such as that which exists within the EU, will attract competitively priced product from a range of markets, most particularly from South America. I believe the best way to withstand such competition and build on our own already strong presence there is for our beef industry to maximise its efficiency levels at all stages and continue to offer the type and quality of product required by the market.

In the sheepmeat sector Irish exports are confined to EU countries, where France is the main outlet, accounting for 70% of total exports. Consumption in this market is falling and there is strong competition from UK and New Zealand. Nevertheless Ireland is the third largest import supplier to France. Though consumption in France is expected to recover somewhat in 2004, increased supplies from the UK and New Zealand will make the market there even more competitive. Continued strong demand on the home market which has taken an increased share of overall production in recent years will reduce the quantities available for export and lessen our dependence on the French market.

The pigmeat industry has demonstrated its competitiveness by maintaining exports at a generally steady level over recent years. The importance of actively working to achieve better competitiveness, particularly at processing level, was highlighted in the Prospectus study. In some markets, particularly in third countries, Irish exports must compete with product from existing and newly emerging supplier countries with a much lower cost base. Greater trade liberalisation and the growing ability of new producer countries to meet veterinary standards will mean that

greater quantities of pigmeat will be available for international trade. Bord Bia has identified as strategic priorities for the Irish pigmeat industry the improvement of its positioning on the home market as well as the development of profitable niche markets abroad.

94. **Mr. Durkan** asked the Minister for Agriculture and Food if Irish suppliers of meat, dairy and other food products are given an equal opportunity to tender to supply the major food chains; and if he will make a statement on the matter. [15107/04]

95. **Mr. Durkan** asked the Minister for Agriculture and Food if Irish food suppliers have equal opportunity to supply the market with particular reference to the major chain stores; and if he will make a statement on the matter. [15108/04]

**Minister for Agriculture and Food (Mr. Walsh):** I propose to take Questions Nos. 94 and 95 together.

Total output of the food industry is valued at €15 billion, of which exports account for €7 billion. Ireland is an open economy and the future of Irish food producers and the industry lies in access to all markets, at home and abroad, and an emphasis by all players on competitiveness, innovation and understanding of market trends. My strategy and that of the State agencies is to underpin the ongoing success of the food sector by facilitating the industry to maintain competitiveness and capacity to meet the demands of the market in terms of quality, convenience, price and product specification.

Accordingly, significant funding is available under the national development plan for capital investment, research, technology and innovation, marketing and promotion and human resources. The specific food related initiatives in the national development plan provide funding to improve the quality and marketability of Irish food produce. For example, over €7 million in aid is being provided for the capital investment scheme alone in 2004 to assist Irish producers to meet the standards of safety and quality demanded by consumers. A further €11 million is being provided under the food institutional research measure to fund public good research by third level institutions and Teagasc.

Statutory responsibility for instituting action in relation to any possible lack of access or unequal opportunity on the domestic market rests with the Competition Authority to whom any evidence of untoward trading should be addressed.

#### **Genetically Modified Organisms.**

96. **Mr. Durkan** asked the Minister for Agriculture and Food the position on the growth and sale of genetically modified foods here; and

if he will make a statement on the matter.  
[15109/04]

**Minister for Agriculture and Food (Mr. Walsh):** In Ireland, responsibility for the deliberate release of genetically modified seeds into the environment comes under the Environmental Protection Agency, and once approved, responsibility for regulating the actual cultivation and coexistence of the approved genetically modified crop with non-genetically modified crops rests with the Department of Agriculture and Food. An interdepartmental and interagency working group has been established in my Department to develop proposals for a national strategy and best practices on such coexistence. No genetically modified crops have been approved for cultivation and placing on the market in Ireland.

Responsibility for aspects relating to the authorisation and labelling of genetically modified food rests with the Department of Health and Children and the Food Safety Authority of Ireland. There are stringent safeguards in place regarding the authorisation and labelling and traceability requirements for genetically modified food. The recent decision by the EU Commission to authorise Bt11 genetically modified sweetcorn for food use was based on scientific risk assessments undertaken by the Netherlands food assessment body and the EU scientific committee on food. The product will be labelled as a genetically modified organism so the consumer can exert choice.

#### EU Directives.

97. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which the nitrates directive is likely to affect agricultural production; and if he will make a statement on the matter. [15110/04]

**Minister for Agriculture and Food (Mr. Walsh):** The implementation of the nitrates directive is in a matter for the Minister for the Environment, Heritage and Local Government. The Department in conjunction with my Department and in consultation with Teagasc is preparing an action programme to give effect to the directive for presentation to the European Commission for approval. At the same time, and in keeping with the undertaking given in Sustaining Progress, proposals will be submitted to the Commission seeking approval for farmers to be allowed to operate at a level up to 250 kilograms of organic nitrogen to the hectare under appropriate conditions. In view of the unique characteristics of Irish agriculture, the objective is to achieve approval for appropriate derogation arrangements can be achieved that underpins the future of our commercial agriculture sector.

#### Grant Payments.

98. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Cork is in receipt of payments under REP scheme on lands. [15120/04]

**Minister for Agriculture and Food (Mr. Walsh):** The person named is a participant in REPs.

#### Departmental Staff.

99. **Mr. J. Bruton** asked the Minister for Finance the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act 1997; and the nature and purpose of each such direction. [14946/04]

**Minister for Finance (Mr. McCreevy):** Section 7 of the Public Service Management Act 1997 provides that “Subject to any other Act but not withstanding anything in this Act, the Minister of the Government having charge of a Department or a Scheduled Office may, in writing, give directions to the Secretary General of the Department or Head of the Scheduled Office in connection with the obligations of the Secretary or Head under sections 4 to 6, other than section 4(1)(h).” I have issued no such written direction.

#### Public Finance Procedures.

100. **Mr. J. Bruton** asked the Minister for Finance if the Secretary General brought to his attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14961/04]

**Minister for Finance (Mr. McCreevy):** I am well aware of the requirement in the public financial procedures for accounting officers to ensure that all relevant financial considerations are taken fully into account — and, where necessary, brought to the attention of Ministers — in regard to the preparation and implementation of policy proposals relating to expenditure or income. I can confirm that this requirement is met in my Department.

#### Departmental Committees.

101. **Mr. J. Bruton** asked the Minister for Finance the composition of the management advisory committee of his Department; the number of times it has met since its formation; the number of times he has attended it in person; and the issues it has considered. [14978/04]



**Minister for Finance (Mr. McCreevy):** A management advisory committee, MAC, has been in place in the Department of Finance for many years. The MAC currently comprises the Secretary General of the Department, the Secretary General — public service management and development, the three second secretaries general, the head of corporate services division and the assistant secretaries, who attend on a rotating basis. The MAC normally meets each week and in addition to my regular meetings with senior management I also meet the MAC formally on a regular basis. The MAC considers all the issues relating to the management and functional responsibilities of the Department.

#### **Decentralisation Programme.**

102. **Mr. J. Bruton** asked the Minister for Finance the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or agency in question to meet any such costs. [14993/04]

**Minister for Finance (Mr. McCreevy):** As the Deputy is aware, my Department and agencies under the aegis of my Department which are to be decentralised are preparing implementation plans in accordance with the recommendations of the decentralisation implementation group — the Flynn group — and these will be forwarded to the group at the end of the month. No costs have arisen to date as a result of preparing these plans.

#### **Interdepartmental Committees.**

103. **Mr. J. Bruton** asked the Minister for Finance if he will list the number of meetings in the past year of each interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15008/04]

**Minister for Finance (Mr. McCreevy):** As indicated in a reply to a previous parliamentary question, reference number 30860/03, officials of my Department are currently members of some 170 interdepartmental committees, working groups or bodies.

It is not possible to be definitive at this time about the post-decentralisation position on the number of such committees and the frequency and location of their meetings. These are matters that will only emerge in due course. These meetings are currently held mainly in Dublin and while the frequency of meetings varies, one meeting per month per committee would be a reasonable average at present. After decentralisation, the location and frequency of meetings will necessarily take account of the location of the Departments involved.

In that context, I direct the Deputy's attention to paragraph 3.20 of the report of the

decentralisation implementation group, dated 31 March 2004, which specifically addresses the issue of cross-organisational collaboration. As the group points out, there are steps that can be taken to minimise the amount of travel that would otherwise arise without necessarily weakening cross-departmental collaboration. I expect decentralisation to act as a catalyst for this type of change.

#### **Strategic Management Initiative.**

104. **Mr. J. Bruton** asked the Minister for Finance the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15023/04]

**Minister for Finance (Mr. McCreevy):** The report, Evaluation of the Strategic Management Initiative, which was presented to the Department of the Taoiseach by PA Consulting was a review of progress made on a process which had been under way for a number of years. It concluded that further progress was needed under all components of the initiative and that accelerated progress was required in three areas, namely, human resource management, financial management and information systems management. Accordingly, the consultants made wide-ranging recommendations relating to these and the other components of SMI/DBG.

These recommendations are being advanced through the secretaries general implementation group and the thematic sub-groups which report to it. Sustaining Progress has given a strong impetus to this process by incorporating many of the PA recommendations into the sectoral modernisation agenda for the Civil Service, which is set out in section 22 of the agreement.

As the Deputy is aware, payment to the staff in my Department of most of the benchmarking increases and all of the general round increases provided for in Sustaining Progress is dependent on satisfactory progress being achieved by the Department on this agenda, as well as co-operation with flexibility and ongoing change and stable industrial relations. This progress must be achieved in the elements of the agenda for which it is responsible, which affect the whole Civil Service, as well as in its own specific internal commitments. My Department's first progress report, which detailed the progress achieved in 2003, is available on the Department's website. Its second progress report will also be published as soon as the second phase of the verification process is complete.

#### **Management Information Framework.**

105. **Mr. J. Bruton** asked the Minister for Finance if a management information framework, as recommended by the Mullarkey committee, has been put in place in his Department; and if he will explain the way it works. [15038/04]

**Minister for Finance (Mr. McCreevy):** The principal aim of the management information framework, MIF, initiative is that Departments and Government offices systematically produce and use management information, both financial and non-financial, to monitor and where possible improve their performance in achieving their objectives. The report of the working group on the accountability of Secretaries General and accounting officers, the Mullarkey report, recommended, *inter alia*, that Secretaries General give priority to the implementation of MIF in their Departments.

The first requirement of the MIF initiative is that Departments have modern financial management systems. The Government has directed that installation of such systems be completed by Departments by the end of 2004. My Department completed installation of such a system at the end of last year and the new system is producing improved information on financial performance. As well as being available as appropriate for use by line managers, this information is summarised into a financial report submitted to my Department's management advisory committee, MAC, each month.

The next stage of the MIF initiative is to decide on the non-financial performance information required and to ensure mechanisms are in place to produce it, to design management reports which will combine that information with the financial information now available, and to produce such reports systematically for use by line managers and the MAC. My Department is commencing work on this stage of the initiative.

#### Departmental Committees.

106. **Mr. J. Bruton** asked the Minister for Finance if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued any reports to him or to the Secretary General. [15053/04]

**Minister for Finance (Mr. McCreevy):** The Department of Finance has had an audit committee for a number of years. It was reconstituted at the beginning of 2003 and the current membership is as follows: Mr. Michael Flynn, chairperson — director of audit, Department of Agriculture and Food; Mr. Peter Crilly — director of audit, Bank of Scotland (Ireland) Limited; Ms Anne Vaughan — principal officer, Department of Social and Family Affairs; Mr. Aidan Dunning — assistant secretary, Department of Finance; Ms Judith Brady — principal officer, Department of Finance. The audit committee operates under a charter under which a minimum of four meetings are held annually. It met five times in 2003 and its second meeting of 2004 will be held in June.

The new committee last year presented an annual report to the Secretary General of the Department for 2002 and will shortly present the report for 2003. In addition, reports on individual audits carried out under the internal audit unit's

work programme are submitted to the Secretary General.

#### Risk Management.

107. **Mr. J. Bruton** asked the Minister for Finance if he has issued guidance to all Departments on the development of a risk assessment and management strategy, as part of its overall management strategy; and if he will lay this guidance before Dáil Éireann. [15064/04]

**Minister for Finance (Mr. McCreevy):** The report of the working group on the accountability of Secretaries General and accounting officers, the Mullarkey report, recommends, *inter alia*, that my Department provide guidance on risk management for Departments and Government offices. My Department has produced such guidance in consultation with Departments and offices and has issued it to them. The guidance is currently being printed and the printed version is expected to be available shortly. As requested by the Deputy, when the printed version is available we will arrange to have copies placed in the Oireachtas library and sent to him. The guidance will also be put on the Department's website, [www.finance.gov.ie](http://www.finance.gov.ie)

#### Decentralisation Programme.

108. **Mr. J. Bruton** asked the Minister for Finance his plans for the expenditure of the €20 million capital allocated for up-front capital costs of decentralisation; if any of this money has been either committed or spent to date; if so, when; and where it will be spent. [15065/04]

**Minister for Finance (Mr. McCreevy):** As I announced in my budget statement, €20 million has been provided in my Department's Vote for 2004 to meet any up-front capital costs arising from decentralisation. The report of the decentralisation implementation group, which was accepted by the Government in April, set out the blueprint for proceeding with decentralisation, including the option of developing new offices on sites to be acquired by OPW as well as the possibility of adapting existing buildings.

The Office of Public Works has made considerable progress on the procurement front to the extent that my Department has already sanctioned the acquisition of a six acre site in Longford at a cost of €510,000. I expect finalisation of acquisition deals to accelerate in the coming months with a consequent increase in the rate of expenditure under this heading.

109. **Mr. F. McGrath** asked the Minister for Finance the reason staff are being excluded from the CAF by not being given the chance to express a first preference for the location to which their job is being decentralised as without this information it is not possible to make an informed decision regarding decentralisation; and the reason he is excluding a large number of civil

[Mr. F. McGrath.]  
servants and discriminating against them by allowing some civil servants an advantage over others in that they can plan for their move before their colleagues; and if he will make a statement on the matter. [15088/04]

**Minister for Finance (Mr. McCreevy):** Public servants who apply to participate in the decentralisation programme under the central applications facility, CAF, can express a total of ten preferences. People who apply before 8 July will get preference over those who apply later. I am aware that ICT and health sector staff are awaiting announcements on locations for their work areas. Announcements on these will be made as soon as possible so that staff can apply for the locations for which ICT and health staff are destined.

#### **Departmental Staff.**

110. **Mr. J. Bruton** asked the Minister for Foreign Affairs the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act, 1997; and the nature and purpose of each such direction. [14947/04]

**Minister for Foreign Affairs (Mr. Cowen):** Under the Public Service Management Act, 1997, Ministers have the following responsibilities: determining the policies to be implemented by the Department, in the light of the overall environment in which the Department operates, the programme for Government and the ongoing business of the Department; ensuring that the key departmental goals and objectives are appropriate to achieve those policies; determining, with the Secretary General, the results to be delivered to meet those goals and objectives; ensuring that strategies and systems are in place and operational to enable the Department to meet its goals and objectives and to deliver its services effectively; approving the strategy statement, with or without amendment, as the basis on which the Department is to be managed over the relevant time period; ensuring that proper arrangements have been made in the Department for the implementation and monitoring of the new management structure, in particular through delegation by the secretary general, under the Public Service Management Act; and accounting to Dáil Éireann for the administration of the Department.

Sections 4 to 6 of the Act devolve authority, responsibility and accountability to secretaries general for carrying out certain duties and management functions, including preparing and submitting strategy statements and providing progress reports to the Minister. Section 7 of the Act provides Ministers with powers of written direction to a secretary general in regard to his or her functions, excluding matters relating to the appointment, performance, discipline and

dismissal of staff below the grade of principal or its equivalent.

I have not given any written directions to the Secretary General of the Department of Foreign Affairs under the provisions of the Public Service Management Act, 1997. However, all issues of policy, including goals and objectives, are regularly discussed by me with the secretary general.

#### **Public Finance Procedures.**

111. **Mr. J. Bruton** asked the Minister for Foreign Affairs if the secretary general brought to his attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the secretary general did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14962/04]

**Minister for Foreign Affairs (Mr. Cowen):** I take it that the Deputy is referring to section A5.5 of the public financial procedures which states that an accounting officer should ensure that all relevant financial considerations are taken fully into account, and where necessary brought to the attention of Ministers, in relation to the preparation and implementation of policy proposals relating to expenditure or income for which he or she is accounting officer. I am satisfied that the accounting officer in the Department of Foreign Affairs has carried out this duty.

#### **Departmental Committees.**

112. **Mr. J. Bruton** asked the Minister for Foreign Affairs the composition of the management advisory committee of his Department; the number of times it has met since its formation; the number of times he has attended it in person; and the issues it has considered. [14979/04]

**Minister for Foreign Affairs (Mr. Cowen):** The management advisory committee, MAC, of the Department of Foreign Affairs comprises the secretary general and the heads of each of the Department's ten divisions and of the inspection and internal audit unit. The Minister and Ministers of State also regularly attend MAC meetings.

A committee of this type has existed in the Department for more than 30 years but it has not been possible to establish the number of times it has met since its establishment. At present, and this is likely to have been the situation over the years, the MAC aims to meet approximately once every month. In 2003, for example, 11 meetings were held, three of which I and the Ministers of State attended. Three meetings have been held to date in 2004, of which I attended one. The next meeting will be held on 1 June. The number of



MAC meetings held during the first half of this year has been restricted due to the travel commitments associated with the Presidency.

The issues considered by the MAC relate to its main function, which is to advise the Minister, the Ministers of State and the Secretary General on departmental policies and strategies, on progress towards achieving the objectives set out in the strategy statements of the Department and on departmental management, including, in particular, financial and human resource management.

The Deputy may wish to know that, in addition to bilateral meetings as and when required, the Secretary General also holds twice-weekly general co-ordination meetings with all heads of divisions or their Deputies present, during which the major issues of the day and ongoing issues are reviewed.

### **Decentralisation Programme.**

113. **Mr. J. Bruton** asked the Minister for Foreign Affairs the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or agency in question to meet any such costs. [14994/04]

**Minister for Foreign Affairs (Mr. Cowen):** The decentralisation implementation group, established last December by the Minister for Finance, recommended in its recent report that each Department-agency should prepare its own implementation plan for decentralisation, covering human resources, accommodation and business issues, and incorporating specific risk assessment and mitigation strategies. The Department of Foreign Affairs is currently preparing such an implementation plan for the decentralisation of its Development Co-operation Directorate to Limerick. The plan is due to be submitted to the Department of Finance by the end of the month.

The Office of Public Works is responsible for the provision of office accommodation and the decentralisation of the Development Co-operation Directorate is not, therefore, expected to involve any significant additional costs for the Department.

### **Strategic Management Initiative.**

114. **Mr. J. Bruton** asked the Minister for Foreign Affairs the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15024/04]

**Minister for Foreign Affairs (Mr. Cowen):** In July 2001, the Department of the Taoiseach commissioned PA Consulting to review progress achieved by Departments and offices under the strategic management initiative, SMI,

programme. The consultants' evaluation report was published in March 2002. The main findings of the report were that the Civil Service was more effective in 2002 than it had been ten years previously, and that much of the observed change had been achieved as a direct consequence of the SMI programme. The report also concluded, however, that the implementation of the modernisation programme was not yet complete and that further progress was required across all its key components, in particular in the areas of human resource management, financial management and information systems management. The report also advocated the development of a new vision for the Civil Service for the period up to 2007.

The vast majority of the individual recommendations contained in the report were of a strategic nature, to be addressed centrally in the first instance by the Departments of the Taoiseach and Finance. Some of the recommendations, particularly those in relation to recruitment and the terms and conditions of employment of civil servants, require the enactment of new or amending legislation. The Public Service Management (Recruitment and Appointments) Bill 2003, which was published last December, has reached the fourth stage in the Dáil. Legislation to amend the Civil Service Regulation Acts is being drafted at present and is expected to be published shortly.

The new social partnership agreement, Sustaining Progress, provides for the implementation of many of the recommendations contained in the PA Consulting report. Under the agreement, payment of both general round and benchmarking increases is dependent on verifiable progress by Departments and offices towards achieving certain specific objectives and targets. These are set out in departmental action plans approved by an independent Civil Service Performance Verification Group, CSPVG, which also monitor progress towards their achievement. The Department's first progress report was approved by the CSPVG in December of last year. Our second report was submitted to the CSPVG last month. The action plans and progress reports of all Departments and offices are published on the website of the Department of Finance.

Some of the more notable achievements of the Department of Foreign Affairs in implementing the modernisation programmes are set out as follows. A new human resource management, HRM, strategy has been put in place, providing the framework for the closer alignment of HRM policies and practices with the Department's business needs. A new promotion policy has recently been implemented, involving a shift towards more competitive, merit-based promotions, and a new training and development strategy has been developed. An integrated business planning process has been introduced,

[Mr. Cowen.]  
aligning individual performance with the achievement of divisional objectives and overall departmental policy goals. Improvements to visa services have been put in place including the establishment of a “one stop shop” at Burgh Quay last year, which now houses the Visa Office, the Immigration and Citizenship Division of the Department of Justice, Equality and Law Reform and the Garda National Immigration Bureau. Implementation of the new management information framework (MIF) commenced in January and has been substantially completed. The new system is far more efficient in terms of account processing facilities and has provided the capability to cost and monitor performance against objectives within the various areas of the Department. The Department’s information and communications technology infrastructure has been significantly improved on a worldwide basis with the provision of a new e-mail system and the re-design and expansion of the Department’s website. Further improvements are ongoing, including the development of an intranet site. The Department is currently engaged in a major project to improve the passport issuing system by upgrading the technologies to the most modern available. Among the benefits the new system will bring are enhanced customer service, a significant reduction in the potential for fraud and forgery and increased efficiency and effectiveness.

#### **Management Information Framework.**

115. **Mr. J. Bruton** asked the Minister for Foreign Affairs if a Management Information Framework as recommended by the Mullarkey committee has been put in place in his Department; and if he will explain the way it works. [15039/04]

**Minister for Foreign Affairs (Mr. Cowen):** The management information framework (MIF) is being introduced in my Department.

The first part of the MIF involves the enhancement of financial management systems in Departments and offices. In this regard, my Department has installed a new financial system that went live on 1 January 2004. The new system will provide for more relevant, reliable and timely reporting. The remaining elements of the MIF, including the linkage of financial and non-financial reporting, will be progressed in the coming year.

#### **Arms Trade.**

116. **Mr. Gormley** asked the Minister for Foreign Affairs if he will oppose lifting the EU arms embargo on China; and if he will consult with non-governmental organisations or issue a public report before any decision is made by the EU. [15084/04]

**Minister for Foreign Affairs (Mr. Cowen):** The European Council on 12 December 2003 invited the General Affairs and External Relations Council, GAERC, to re-examine the question of the embargo on the sale of arms to China. At the GAERC on 26 January 2004, we had an initial discussion on the question and invited the Permanent Representatives’ Committee, COREPER, and the Political and Security Committee, PSC, to look into the matter. I had further discussions with my EU colleagues on this question at the GAERC in April, where it was decided that the preparatory work should continue, in order that all technical issues surrounding it could be fully examined.

The issues involved are being carefully and fully considered. As the preparatory work is still ongoing, it would not be helpful for me to speculate as to what the ultimate outcome of the GAERC review will be. Neither the European Council in December, nor the subsequent GAERC meetings, decided on any specific date by which the review is to be completed. The Government will continue to examine this question with our EU partners, considering the broader regional and international context, our ongoing commitment to human rights, and our overall relationship with China. Our approach has been conveyed to the Chinese authorities during my meetings with Vice Foreign Minister Zhang and Foreign Minister Li, in March and April respectively, and most recently in the course of the Taoiseach’s official talks with Premier Wen in Dublin last week.

Any decision must be taken by consensus of EU partners following a full and detailed consideration. As Presidency, Ireland is engaged in taking forward the review of this issue in an effective and open manner. I can also confirm that my Department maintains contact with NGOs on issues relating to China and to the arms embargo.

#### **Departmental Committees.**

117. **Mr. J. Bruton** asked the Minister for Foreign Affairs if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued any reports to him or to the Secretary General. [15465/04]

**Minister for Foreign Affairs (Mr. Cowen):** My Department’s audit committee was appointed in October 2003 for a period of two years. There are four committee members, three of whom were appointed in October 2003 with a fourth person appointed in May 2004. The four members, whose commitment and work is greatly valued, are: Fr. Gerry O’Connor, chairperson, Professor John Jackson, Mr. John Pittock and Ms Valerie Little. The committee operates under a written charter and have held six meetings since its appointment. The committee has not to date issued any reports to either myself or the Secretary General of the Department.

### School Staffing.

118. **Mr. Timmins** asked the Minister for Education and Science the position in relation to a temporary teacher (details supplied) who has been in a national school for three years while the permanent teacher is on a career break; and if he will make a statement on the matter. [14896/04]

**Minister for Education and Science (Mr. N. Dempsey):** Temporary teachers are employed by boards of management to replace permanent teachers for periods of unpaid leave of absence such as career break, unpaid maternity leave and parental leave. Substitute teachers are employed by boards of management to replace permanent teachers for periods of paid leave of absence such as sick leave and maternity leave.

With regard to the specific case referred to by the Deputy, if the permanent teacher concerned is on paid leave, her replacement must be employed as a substitute teacher. In the event of the permanent teacher taking unpaid leave, her replacement may be appointed as a temporary teacher for the period of unpaid leave.

### Higher Education Grants.

119. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the financial supports and educational grants available to Irish students of musical theatre studying in the UK; and if he will make a statement on the matter. [14898/04]

**Minister for Education and Science (Mr. N. Dempsey):** Under my Department's higher education grant schemes, maintenance grants are available to eligible students pursuing approved undergraduate courses in other EU member states, including the UK. In general, approved courses are those pursued in a third level institution, which is maintained or assisted by recurrent grants from public funds. Students attending approved courses in other EU member states are subject to the same conditions of funding as students attending approved courses in the State. The main conditions of funding relate to age, residence, means, nationality and previous academic attainment. Tax relief on tuition fees is available in respect of approved courses at undergraduate and postgraduate level in other EU member states.

In recent years, the UK authorities introduced a number of changes in the financial support arrangements for students pursuing courses at further and higher education institutions. This included the introduction of an annual tuition fee for students entering further and higher education institutions for the first time from the 1998-99 academic year and the replacement of maintenance grants by student loans to be phased in from that year also. All EU students, including Irish students, are eligible for grant assistance towards the tuition fee, subject to the same conditions as apply to UK students.

### Educational Courses.

120. **Ms O'Sullivan** asked the Minister for Education and Science the VEC schools and colleges of further education which are offering post leaving certificate courses and to which letters were recently issued setting out the number of students recognised for funding and teacher allocation purposes; the number of students in respect of each such school or college; the consequential teacher allocation being made to each such school or college for the coming year; and if he will make a statement on the matter. [14899/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information requested is being compiled in my Department at present and will be communicated directly to the Deputy as soon as it is available.

### School Staffing.

121. **Mr. F. McGrath** asked the Minister for Education and Science if he will take urgent action in order to prevent the loss of a teacher at Scoil Josaf, Marino Park Avenue, Dublin 3 and to give the school the maximum support and assistance. [14900/04]

**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 one principal and six mainstream class teachers based on the enrolment of 175 pupils on 30 September 2002. Based on an enrolment of 178 pupils on 30 September 2003, the mainstream staffing for the school year 2004-05 will remain as one principal and six mainstream class teachers. For the next school year, 2004-05, 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.

The school referred to by the Deputy has one Giving Children an Even Break or disadvantage post and on this basis is considered for staffing each year to enable it to implement reduced pupil teacher ratios of 20:1 in the junior classes and 27:1 in the senior classes. However, for the coming school year, the school's enrolment is insufficient for the continued recognition of the teaching post for disadvantage. My Department has considered the possibility of the retention of this post based on projected enrolments for September 2004. Unfortunately, based on the figures supplied to my Department by the school principal the retention of this post is not warranted. A detailed review of educational disadvantage schemes is now nearing completion and this will impact on



[Mr. N. Dempsey.]  
existing schemes. All disadvantaged schools will be advised in relation to this when the review has been completed.

### Schools Refurbishment.

122. **Mr. Morgan** asked the Minister for Education and Science when approval will be given for the extension to a school (details supplied) in County Louth; the length of time the construction stage will take; the financial cost; and if he will make a statement on the matter. [14911/04]

**Minister for Education and Science (Mr. N. Dempsey):** When publishing the 2004 school building programme, I outlined that my strategy going forward will be grounded in capital investment based on multi-annual allocations. My officials are reviewing all projects which were not authorised to proceed to construction as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005 and I expect to be in a position to make further announcements on this matter in the course of the year. This multi-annual building programme, when published, will provide a comprehensive picture detailing all planned building projects in the Louth area, including the school to which the Deputy refers.

123. **Mr. Allen** asked the Minister for Education and Science the reason Scoil Iosagain boys national school, Farranree, Cork has not received sanction to proceed with its school hall despite obtaining sanction for the hall prior to June 2002. [14913/04]

**Minister for Education and Science (Mr. N. Dempsey):** The large-scale building project for a general purpose hall at Scoil Iosagain boys national school, Farranree, Cork is listed in section 8 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie) This project is at stage 4/5, pre-tender documents, of architectural planning. It has been assigned a band four rating by my Department in accordance with the published criteria for prioritising large-scale projects.

Indicative timescales have been included for large-scale projects proceeding to tender in 2004. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, which in turn will give greater clarity regarding projects that are not progressing to tender in this year's programme, including Scoil Iosagain. I will make a further announcement on that during the year.

### Special Educational Needs.

124. **Mr. R. Bruton** asked the Minister for Education and Science if he will make a statement concerning the case of a person (details supplied) in Dublin 24; the course of action he

proposes to take in relation to providing this person with the necessary educational facilities and resources; and if he will make a statement on the matter. [14923/04]

**Minister for Education and Science (Mr. N. Dempsey):** I wish to advise the Deputy that the issue of speech therapy provision in schools is a matter for the relevant health authority. However, I have arranged for my officials to investigate the matter of school placement for the child in question.

### Decentralisation Programme.

125. **Mr. J. Bruton** asked the Minister for Education and Science his plans for the staff of his Department who opt to remain in Dublin after the headquarters of the Department has been moved out of Dublin in accordance with decentralisation; the work they will do if they will remain with his Department; and where they will be accommodated. [14926/04]

**Minister for Education and Science (Mr. N. Dempsey):** The issue raised by the Deputy is covered in section two of the report of the decentralisation implementation group published on 31 March 2004. This report is available on the Department of Finance website. The report recommends that a system similar to the central applications facility, or CAF, should be developed for staff who chose to remain in Dublin and who will be re-assigned to other organisations. As information becomes available from the CAF, it will be possible to identify vacancies which will arise in organisations remaining in Dublin as a result of individuals from those organisations applying for decentralised posts. As with the CAF, this process will be dealt with at central level by the Department of Finance and the Civil Service and Local Appointments Commission.

126. **Mr. J. Bruton** asked the Minister for Education and Science the number of vacant posts in his Department; if competition for these posts is to be confined; if same are willing to move to the decentralised location of his Department at the appropriate time. [14930/04]

**Minister for Education and Science (Mr. N. Dempsey):** The attached table shows the number by grade of current vacancies in the Department of Education and Science. Vacancies may be filled by open competition, or in accordance with agreed procedures for interdepartmental competitions, both open and confined, organised by the Civil Service Commission, or in accordance with internal promotion mechanisms. It is not known at this time whether those who are successful at competitions will be willing to move to the decentralised locations of the Department.

Vacancies in Department of Education and Science 19/05/04  
— All Locations

Grade	No. of Vacancies
Director	1
Assistant Principal Officer	1
Higher Executive Officer	5
Executive Officer	6
Staff Officer	1
Clerical Officer	6
Inspectors	13
Psychologists	3
Technical Manager, Planning and Building Unit	1
Architect, Planning and Building Unit	3

### Special Educational Needs.

127. **Mr. Durkan** asked the Minister for Education and Science if and when a school placement together with support teacher will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14935/04]

**Minister for Education and Science (Mr. N. Dempsey):** I wish to inform the Deputy that the enrolment of a pupil in a primary school is a matter for the school's board of management. I can confirm that my Department has received an application for special educational resources, or SER, from the school in question for the pupil involved. The school to which the Deputy refers currently has the services of one learning support teaching post, one full-time resource teaching post and two full-time special needs assistants. 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 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.

Transitional arrangements for the introduction of the weighted system are being developed at present in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including those for special needs assistants and those received after 31 August last including the application for the pupil in question, 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 applicant schools will be notified of the outcome in their case within this timeframe.

### Psychological Service.

128. **Mr. Durkan** asked the Minister for Education and Science when an education and psychological assessment will be undertaken in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14936/04]

**Minister for Education and Science (Mr. N. Dempsey):** The child named by the Deputy has not yet entered mainstream school. He has been previously assessed by a health board psychologist, who recommended that he be referred to a specialist multi-disciplinary service. A psychologist from NEPS has contacted the child's mother and given advice on how to access a review assessment from the health board services. The mother was also advised on the availability of special provision in the area, how to apply to a mainstream school and what reports needed to be supplied to the school principal. I understand that the school has accepted the child

[Mr. N. Dempsey.]  
for entry in September next on the basis of these reports and has applied to my Department for additional resources. This application is currently under consideration. When the child has started school the NEPS area psychologist will be available to meet the child to assess his needs and to consult with his teachers.

### Special Educational Needs.

129. **Mr. S. Ryan** asked the Minister for Education and Science if the appointment of a resource teacher to Birdhill national school, County Tipperary will be sanctioned; and if so, when he will sanction the appointment. [14937/04]

**Minister for Education and Science (Mr. N. Dempsey):** I can confirm that my Department has received applications for special education resources, SER, from the school in question.

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, 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: (a) making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and (b) making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will: reduce the need for individualised educational psychological assessment; reduce the volume of applications to my Department for additional resources for individual pupils; and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

Transitional arrangements for the introduction of the weighted system are being developed at present in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including those for special needs assistants and those received after 31 August last including the application for the pupil in question, 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 applicant schools will be notified of the outcome in their case within this timeframe.

### Schools Building Projects.

130. **Mr. S. Ryan** asked the Minister for Education and Science when funding will be provided to a school (details supplied) in County Clare to allow the school to provide proper facilities for its students. [14938/04]

**Minister for Education and Science (Mr. N. Dempsey):** The large-scale building project for the school referred to by the Deputy is listed in section 8 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie) This project is at stage 3, developed sketch scheme, of architectural planning. It has been assigned a "band 2" rating by my Department in accordance with the published criteria for prioritising large-scale projects. It is planned to progress this project to advanced architectural planning during 2004.

The school authority recently made an application to my Department for grant-aid towards the provision of temporary accommodation. Only applications with an absolute and demonstrated need for additional accommodation were approved. The application from the school referred to by the Deputy was not successful on this occasion. Unsuccessful applications will be considered in the context of a review which is being undertaken of all projects that did not proceed as part of the 2004 school building programme with a view to including them as part of a multi-annual school building programme from 2005, details of which will be announced later in the year.



131. **Ms Burton** asked the Minister for Education and Science if his attention has been drawn to the extraordinary growth of population in the Littlepace-Castaheany, Clonee, Dublin 15 area; and if he will bring forward the opening of a second level school for the area. [14939/04]

**Minister for Education and Science (Mr. N. Dempsey):** The position in the Dublin 15 area generally is quite complex because, while some post-primary schools in the area are full to capacity, others are in a position to offer places. Every effort is made to accommodate pupils in their school of first choice. However, no guarantees can be given in that regard.

The objective is to ensure that the existing schools can, between them, cater for demand within the area generally. However, in view of the current and planned level of housing developments in the Dublin 15 area, my Department has requested Fingal County Council to reserve two sites in the area for the possible future development of post-primary schools. The rate and pace of housing developments, the level of consequential increased demand and the availability of places in the overall Dublin 15 area will determine the timing for the acquisition and development of these sites.

#### School Placement.

132. **Ms Burton** asked the Minister for Education and Science if his attention has been drawn to the crisis in relation to school places whereby over 30 children applying to attend school at Mary Mother of Hope national school, Littlepace, Clonee, Dublin 15 have been unable to secure places and the concern and distress that this is causing to parents; and when he proposes to erect the permanent school to provide adequate place for the large population of children in the area. [14940/04]

**Minister for Education and Science (Mr. N. Dempsey):** The proposed new school for Mary Mother of Hope NS, Littlepace, Clonee, Dublin 15 is listed in section 1 of the 2004 school building programme which is published on my Department's website at [www.education.ie](http://www.education.ie). Tenders for the project were recently received and it is estimated that the project will go on site in June 2004. The project is for a 16-classroom school. When completed, it is anticipated that the new building, together with the high quality prefabricated structure currently in place, will cater for some 700 pupils.

My Department recently granted provisional recognition to the Educate Together patron body for the establishment of a new primary school in Castaheany to commence operation in September 2004. I am confident that between both Mary Mother of Hope national school and the new Educate Together national school there will be

sufficient places for children seeking primary education in the area for September 2004.

The school planning section of my Department will continue to monitor the situation.

#### Special Educational Needs.

133. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science his plans for the provision of extra resource teachers and learning support teachers which he announced in April 2004; if new teachers will be appointed; when the appointments will be made; the number of same; the locations to which and when they will be deployed; the way in which the deployment of resource and learning support teachers will be affected; if a quota of one resource/learning support teacher per 150 pupils is to be applied; and if he will make a statement on the matter. [14941/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department received more than 8,400 applications for special education resources since 15 February, 2003. The batch of approximately 5,000 applications received between 15 February and 31 August 2003 are being considered at present. Priority was given to almost 1,000 cases involving children starting school last September and all those cases were responded to at or before the commencement of the current school year.

The balance of more than 4,000 applications in that batch has been reviewed by a dedicated team comprising members of my Department's inspectorate and the National Educational Psychological Service. Those applications are being further considered in the context of the outcome of surveys of special education resource provision conducted over the past year and the data submitted by schools as part of a nationwide census of such 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: (a) making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and (b) making individual allocations in

[Mr. N. Dempsey.]  
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.

Transitional arrangements for the introduction of the weighted system are being developed at present in consultation with representative interests. As soon as those consultations have been completed, the detailed arrangements for processing applications for resources, including those for special needs assistants and those received after 31 August last, will be set out in a circular to be issued to schools before the end of the current school year. It is intended also that applicant schools will be notified of the outcome in their case within this timeframe.

#### Departmental Staff.

134. **Mr. J. Bruton** asked the Minister for Education and Science the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act 1997; and the nature and purpose of each such direction. [14948/04]

**Minister for Education and Science (Mr. N. Dempsey):** I would like to inform Deputy Bruton that I have not had occasion to issue written directions to the Secretary General of my Department, within this context, at any stage during my Ministry.

#### Public Finance Procedures.

135. **Mr. J. Bruton** asked the Minister for Education and Science if the Secretary General brought to his attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14963/04]

**Minister for Education and Science (Mr. N. Dempsey):** Section A5 of Public Financial Procedures states: “An Accounting Officer should ensure that all relevant financial considerations are taken fully into account, and

where necessary brought to the attention of Ministers, in relation to the preparation and implementation of policy proposals relating to expenditure or income for which he or she is Accounting Officer.”

I am satisfied that the accounting officer of my Department is complying with these requirements.

#### Departmental Committees.

136. **Mr. J. Bruton** asked the Minister for Education and Science the composition of the management advisory committee of his Department; the number of times it has met since its formation; the number of times he has attended it in person; and the issues it has considered. [14980/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department’s management advisory committee comprises the Secretary General, assistant secretaries, the chief inspector and directors. In general, I meet with the MAC on a weekly basis while the committee also meets more regularly to discuss departmental issues. I will arrange to let the Deputy have copies of the agenda for recent MAC meetings.

#### Decentralisation Programme.

137. **Mr. J. Bruton** asked the Minister for Education and Science the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or agency in question to meet any such costs. [14995/04]

**Minister for Education and Science (Mr. N. Dempsey):** In accordance with the recommendations contained in the report of the Decentralisation Implementation Group published on 31 March 2004, all Departments and agencies due to be decentralised are required to prepare individual implementation plans. These plans are currently being prepared by my Department and the bodies under its aegis which are to be decentralised. It is anticipated that they will be completed by the end of this month.

#### Interdepartmental Committees.

138. **Mr. J. Bruton** asked the Minister for Education and Science if she will list the number of meetings in the past year of each inter-departmental committee or body on which her Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15010/04]

**Minister for Education and Science (Mr. N. Dempsey):** The information requested is being

compiled currently and the response will issue directly to the Deputy as soon as possible.

### **Strategic Management Initiative.**

139. **Mr. J. Bruton** asked the Minister for Education and Science the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15025/04]

**Minister for Education and Science (Mr. N. Dempsey):** The strategic management initiative is built around six key organisational themes. These include a greater openness and accountability, a mission of quality customer service, and the efficient and fair operation of simplified regulations. In accordance with the Public Service Management Act, the Department's strategy statement 2003 to 2005 sets out objectives, programmes and performance indicators. The goals outlined in the strategy statement are incorporated into the business plans of each unit with the Department's annual reports detailing progress.

The modernisation agenda within the Department is well advanced and there is a major programme of structural reform in place. This has led to the establishment of the State Examinations Commission, the National Council for Special Education and the roll-out of regional offices. In dealing with regulatory reform the trend has been to place the operations of the Department on a legislative footing, replacing the administrative rules that were set out, usually by circular, prior to this. A number of independent appeals procedures are now in place and where these exist, there is clarity on entitlement to resources and the allocation of those resources.

The social partnership agreements support the implementation of SMI. The Department reports on progress to the Civil Service performance verification group and all progress reports are published on the website of the Department of Finance.

140. **Mr. J. Bruton** asked the Minister for Education and Science if a management information framework as recommended by the Mullarkey committee has been put in place in his Department; and if he will explain the way it works. [15040/04]

**Minister for Education and Science (Mr. N. Dempsey):** The management information framework, MIF, is a core element of the Government's strategic management initiative.

Specifically it sets out to modernise financial and non-financial systems and practices throughout the Civil Service in order to deliver better quality information to support improved decision making, planning, value for money analysis, use of performance indicators and other aspects of the management of the public service.

My Department implemented during 2003 a new financial management system, FMS, which is a critical first step in the development of new systems and practices to enable the Department to deliver quality management information of a financial and non-financial nature to support better planning and decision making. Work is continuing on further aspects of the MIF.

### **Departmental Committees.**

141. **Mr. J. Bruton** asked the Minister for Education and Science if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued any reports to him or to the Secretary General. [15055/04]

**Minister for Education and Science (Mr. N. Dempsey):** In accordance with the recommendations of the Mullarkey report — the working group on the accountability of Secretaries General and accounting officers — the Secretary General in consultation with the management advisory committee, MAC, of my Department arranged for the formation of an audit committee.

Arrangements were in train to hold the first meeting of this audit committee when the chairperson indicated that due to changed personal circumstances he was no longer in a position to undertake the task. The Department is now in the process of seeking a new independent chair for this committee.

### **Schools Admissions Appeals.**

142. **Mr. Penrose** asked the Minister for Education and Science if he will take steps to ensure that a person (details supplied) in County Westmeath is admitted to St. Joseph's School for Children with Visual Impairment, Grace Park Road, Drumcondra, Dublin 9; and if the relevant appeal which has been lodged in this case is heard as soon as possible; and if he will make a statement on the matter. [15077/04]

**Minister for Education and Science (Mr. N. Dempsey):** My Department has received correspondence in relation to a potential appeal under Section 29 of the Education Act, 1998 against the decision by St. Joseph's to refuse enrolment to the child referred to by the Deputy. Officials of my Department have been in contact with the child's parent.

Section 29 provides parents with a right to appeal a refusal to enrol by a recognised school. Where such an appeal is upheld the Secretary General of my Department may subsequently direct the school to enrol the child. However, my Department has advised the parent of the child that an appeal under section 29 of the Education Act, 1998 can only review the decision by St. Joseph's in relation to the child's enrolment as a



[Mr. N. Dempsey.]  
day pupil. Should such an appeal be upheld, the Secretary General's power to direct the school to enrol the pupil would be limited to a direction to enrol as a day pupil only and could not address matters relating to lodgings or after-school care.

The child's parent has been supplied with the forms and information necessary to make an appeal under section 29 should they wish to proceed on this basis.

143. **Mr. Penrose** asked the Minister for Education and Science if a person whose application to attend a school, (details supplied) is admitted to the said school, if the appeal is immediately expedited; and if he will make a statement on the matter. [15078/04]

**Minister for Education and Science (Mr. N. Dempsey):** Section 29 of the Education Act 1998, provides parents with an appeal process where a board of management of a school or a person acting on behalf of the board refuses enrolment to a student. An appeal under section 29 must be dealt with within a maximum of 44 days of its receipt in my Department. The appeal referred to by the Deputy was received on 17 May and is currently in progress.

The appeal procedures operated by my Department provide an opportunity in the first instance for both parties to reach an accommodation at local level. Should that fail, my Department will appoint a facilitator with a view to reaching agreement between them. If facilitation fails, an appeal is referred for hearing to an appeals committee.

In the event that the parties are unable to reach a prior agreement in this instance, the appeal hearing has been set for 15 June.

#### Special Educational Needs.

144. **Cecilia Keaveney** asked the Minister for Education and Science the current programmes focused specifically for the mentally disabled; and if he will make a statement on the matter. [15111/04]

**Minister for Education and Science (Mr. N. Dempsey):** During the year 2002, the National Council for Curriculum and Assessment, NCCA, issued draft guidelines for teachers of students with general learning disabilities. These curriculum guidelines have been in use in schools since then and have been the subject of consultation between NCCA and the education partners with a view to revising them as necessary. They cover the age range from four to 18 years old.

#### Departmental Staff.

145. **Mr. J. Bruton** asked the Minister for Communications, Marine and Natural Resources

the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act, 1997; and the nature and purpose of each such direction. [14949/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** I have not issued any written instructions to the Secretary General of my Department, within the meaning of sections 4 to 6 of the Public Service Management Act 1997, since the Department was established in June 2002.

#### Public Finance Procedures.

146. **Mr. J. Bruton** asked the Minister for Communications, Marine and Natural Resources if the Secretary General brought to his attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14964/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The public financial procedures set out, among other matters, the responsibilities of accounting officers. The Secretary General of the Department of Communications, Marine and Natural Resources is the accounting officer for the Vote of the Department of Communications, Marine and Natural Resources.

In accordance with his responsibilities under those procedures the Secretary General ensures that all relevant financial considerations are taken into account and, where necessary, brought to my attention where they concern taking of decisions or the development of proposals relating to income or expenditure for which he is accounting officer.

#### Departmental Committees.

147. **Mr. J. Bruton** asked the Minister for Communications, Marine and Natural Resources the composition of the management advisory committee of his Department; the number of times it has met since its formation; the number of times he has attended it in person; and the issues it has considered. [14981/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The management committee of my Department comprises myself, the Minister of State, the Secretary General, deputy secretary general, assistant secretaries, press adviser and special adviser. One following table from our website, <http://www.dcmnr.gov.ie/display.asp/pg=473>, displays the frequency of, and minutes from, each

of the meetings since the formation of the management committee in June 2002 for the newly established Department. The management committee's standing agenda is set out below.

Since coming into office on 6 June 2002, I have been in attendance at 10 of 21 meetings in 2002, 19 of 27 meetings in 2003 and all of 18 meetings to date in 2004.

Minutes of Management Committee Meetings 2004

Jan	Feb	Mar	Apr	May	Jun	Jul	Sep	Oct	Nov	Dec
07	05	09	06	04						
13	10	23	14							
22	17	31	20							
27	24		27							

2003

Jan	Feb	Mar	Apr	May	Jun	Jul	Sep	Oct	Nov	Dec
07	04	04	01	06	03	01	02	14	04	02
14	18	18	08	27	10	08	09	21	12	
		25	29			17	30	28	18	

2002

Jun	Jul	Sep	Oct	Nov	Dec
12	02	03	01	05	03
18	09	10	15	12	10
25	16	17	22	19	
	30	24	29	26	

MANAGEMENT COMMITTEE MEETING

Agenda

EU Presidency

Minutes of last MC meeting

Government Meeting — Decisions/Update

Legislative Programme

Early Warning Report

North/South Cooperation

Update by each Assistant Secretary

Marine and Natural Resources Issues

Communications Issues

Energy Issues

Organisational Issues

Decentralisation

FOI Update

Forthcoming Events/Media Issues

Any Other Business

Date for next meeting

**Decentralisation Programme.**

148. **Mr. J. Bruton** asked the Minister for Communications, Marine and Natural Resources the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or agency in question to meet any such costs. [14996/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):**

The Government's decentralisation programme involves the relocation of Department headquarters and functions to Cavan and seafood and coastal zone functions to Clonakilty. Bord Iascaigh Mhara will be locating to Clonakilty, the Central Fisheries Board to Carrick-on-Shannon, Sustainable Energy Ireland to Dundalk and the maritime safety directorate to Drogheda.

Implementation plans are currently being drawn up by the Department and relevant agencies for submission to the decentralisation implementation group. The plans will include analysis of the associated costs and potential impact on multi-annual financial projections.

**Interdepartmental Committees.**

149. **Mr. J. Bruton** asked the Minister for Communications, Marine and Natural Resources if he will list the number of meetings in the past year of each interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15011/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** Officials from my Department participate in a range of

[Mr. D. Ahern.]  
interdepartmental committees, which are listed in the attached table, together with details of the frequency and location of meetings.

The frequency and location of interdepartmental committees will continue to be determined by the relevant lead Department, each of which will undoubtedly be taking account, in their future planning, of the new

context of decentralisation as the programme is rolled out.

As Minister for Communications, Marine and Natural Resources, I will be encouraging greater use of video-conferencing and other advanced communications technologies to minimise the need for travel between decentralised locations for physical meetings.

Interdepartmental committees chaired or attended by the Department

Committees	Frequency per year	Location
General Government Task Force on Emergency Planning	Monthly	Dublin
Interdepartmental Working Group on Emergency Planning	Monthly	Dublin
Dublin Metropolitan Emergency Planning Group	Three or four	Dublin
Emergency Services Communications Liaison Group	Bi-annually	Dublin
Future of Europe Group	As required	Dublin
Interdepartmental Co-ordinating Committee on EU Affairs	As decided by the Department of the Taoiseach	Dublin
Interdepartmental Lisbon Group	As decided by the Department of the Taoiseach	Dublin
<i>EU Cabinet Committee</i>		
Oireachtas EU Scrutiny Co-ordinators Group	As decided by the Department of Foreign Affairs	Dublin
Interdepartmental Committee for Co-ordinating the EU Presidency	do	Dublin
EU Presidency Website Officers Group	do	Dublin
Interdepartmental Administrative Planning Group for the EU Presidency	do	Dublin
Interdepartmental North-South Co-ordinators Group	Four	Dublin
<i>High Level Interdepartmental Committee on North-South</i>		
Interdepartmental Committee on the National Spatial Strategy	Three	Dublin
Senior Officials Group on Disability	As required	Dublin
High Level European Research Area, ERA, Steering Group reporting to the Interdepartmental Committee on Science & Technology Policy	Quarterly	Dublin
National Steering Committee for the European Year of Education through Sport, EYES	Bi-monthly	Dublin
Interdepartmental Committee dealing with the 10th Anniversary of the International Year of the Family 2004	Bi-monthly	Dublin
Government Contracts Committee	Five	Dublin
Cross Departmental Climate Team	As required	Dublin
Environment Co-ordinating Committee	As required	Dublin
<i>Strategic management initiative, public service modernisation and customer service</i>		
Quality Customer Service Working Group	As decided by the Department of the Taoiseach	Dublin
Quality Customer Service Officers Network	As decided by the Department of the Taoiseach	Dublin
Interdepartmental Working Group on Freedom of Information	Four or five	Dublin
Freedom of Information — Civil Service Users Network	Four or five	Dublin
SMI Assistant Secretaries Implementation Group	As required	Dublin



Committees	Frequency per year	Location
Committee for Public Management Research	do	Dublin
Organisational Development Initiatives Forum	do	Dublin
Interdepartmental PMDS Network Group	do	Dublin
Interdepartmental Trainers Network	do	Dublin
Change Management Forum	do	Dublin
Change Management Network	As decided by the Department of the Taoiseach	Dublin
Organisation Development Network	As decided by the Department of Finance	Dublin
Departmental Liaison Officers Group on Sustaining Progress	Quarterly	Dublin
Interdepartmental Co-ordinating Committee on State Aid	Quarterly	Dublin
Departmental Liaisons Officers Group on Decentralisation	As required	Dublin
<i>Finance, Management Information Framework and Regulatory Reform</i>		
NDP 2000-2006: South and East Regional Operational Programme Monitoring Committee	Bi-annual	Waterford
NDP 2000-2006: Border Midlands and West Regional Operational Programme Monitoring Committee	Bi-annual	Alternates between BMW and S&E regions. Exact venue changes on each occasion
NDP 2000-2006: Productive Sector Operational Programme Monitoring Committee	Bi-annual	Dublin
NDP 2000-2006: Economic and Social Infrastructure Operational Programme Monitoring Committee	Bi-annual	Venue changes on each occasion
NDP 2000-2006: NDP-CSF Regional Assembly Monitoring Committee	Bi-annual	Dublin
NDP 2000-2006: Co-ordinating Equal Opportunities and Social Inclusion Committee		Dublin
NDP Communications Co-ordinating Group	Dependent on level of activity — at present meeting once a month	Monaghan
INTERREG IIIA: multilateral meetings	Dependent on level of activity — at present meeting once a month	Monaghan
INTERREG IIIA: steering committee meetings	Bi-annual	Monaghan
INTERREG IIIA: monitoring committee meetings	Bi-annual	
The Expenditure Reviewers Network	Three	Dublin
Financial Management Subgroup of the Implementation Group of Secretaries General	Four	Dublin
European Agriculture Guarantee and Guidance Fund, EAGGF, High Level Accreditation Group	Monthly	Dublin
Heads of Internal Audit Forum	Monthly	Dublin
Protocol on Internal Audit Units	Two or three	Dublin
Loughs Agency — Finance & Audit Committee	Two or three	Derry
<i>Communications</i>		
Government Liaison Committee for the Digital Hub	Monthly	Dublin
Assistant Secretary Group on the Information Society	Monthly	Dublin
International Connectivity Project Steering Committee	Monthly	Dublin
Interdepartmental Task Force on Biometrics	Monthly	Dublin
Working group on Schools Broadband	Monthly	Dublin
Schools Broadband Access Programme — Industry-Government Steering Group	Monthly	Dublin
Steering Committee on International Connectivity	Quarterly	Dublin
Broadband Expert Group	Bi-monthly	Dublin

Committees	Frequency per year	Location
Management Services Entity Project Board	Monthly	Dublin
Steering Committee on Management Services Entity	Frequently	
Committee of Regional Project Managers on MANs	Monthly	Dublin
Subcommittee of Cabinet Subcommittees	Monthly	Dublin
Telecoms Strategy Group	Monthly	Dublin
Cabinet subcommittee on the Information Society	Bi-monthly	Dublin
Information Society Commission subcommittee on Telecommunications Infrastructure	Monthly	Dublin
Cabinet subcommittee on Housing, Infrastructure and Public-Private Partnerships	Bi-monthly	Dublin
National Centre for Technology in Education Board	Monthly	Dublin
<i>Interdepartmental Committee on E-Payments</i>		
Marine Maritime Security Group	As required	Dublin
Integrated Transport Group	As required	Dublin
Expert working group to review the employers of seafarer's PRSI Refund Scheme	Regularly	Dublin
The Water Framework Directive Co-ordination Group	Quarterly	Dublin
The Irish Fish Health Advisory Committee	Three or four	Dublin
Seed Mussel Assessment Committee, Seasonal — Summer	10	Dublin
Aquaculture Projects Approvals-Selection Board	Two or three	Dublin
Innovation & Sustainability Projects Approvals Board	One or two	Dublin
Processing Investment Projects Approvals Board	One or two	Rotating BMW and S & E
Monitoring Committee for Productive Sector Operational Programme	Two	Rotating BMW and S & E
Monitoring Committee for Employment & Human Resource OP	Two	Rotating BMW and S & E
Monitoring Committee for Border, Midland and Regional OP	Two	Rotating BMW and S & E
Monitoring Committee for Southern & Eastern Regional OP	Two	Rotating in S & E area
The Productive Sector Operational Programme Monitoring Committee	Two or three	Dublin
Sub-Group of the Cross departmental Team on Infrastructure and PPPs,	One	Dublin
Economic and Social Infrastructure Operation Programme 2000-2006.	Two	Dublin
Irish Marine Search and Rescue Committee, IMSARC	Three	Bi-annually in Dublin and once in a variable location outside Dublin
Marine Emergency Advisory Group, MEAG	Bi-annually	Dublin
Marine Safety Working Group, MSWG	Four or five	Dublin
Helicopter Contract Group	As the need arises	Dublin
IRCG Building Programme Group	Monthly	Dublin
Aviation Forum	Bi-annually	Various locations
<i>TETRA Group</i>		
National Co-ordinating Committee for Mountain and Cave Rescue	Bi-annually	Dublin
North West Helicopter SLA Group	Periodically	Dublin
Marine Pollution Response Team	Bi-annually	Dublin
<i>Energy</i>		
Emissions Trading Interdepartmental Steering Group	Ad hoc	Dublin
Sub Group of the Cross Departmental Team on Housing, Infrastructure and Public Private Partnerships on Wider Energy Issues	Ad hoc	Dublin

Committees	Frequency per year	Location
The Green Tax Group	Ad hoc	Dublin
North South High Level Group	Four	Dublin
Legal Issues Group, LIG	12	Dublin
Interdepartmental Committee on the EU Buildings Directive	Three	Dublin
Emissions Trading Advisory Group	Monthly	Dublin
CHP Policy Group	Monthly	Dublin
Bio-energy Strategy Group	Monthly	Dublin
Negotiated Agreements Sub-group	Periodically	Dublin
Economic Analysis sub-group on Emissions Trading	Periodically	Dublin
Industry and Climate Change Working Group	Periodically	Dublin
Renewable Development Group	Monthly	Dublin
Interreg IIIA Multilateral Meeting Group	Monthly	Dublin
ESIOP Monitoring Committee	Monthly	Dublin
<i>Geological Survey Ireland</i>		
GSI Consultative Committee	Bi-annually	Dublin
Seabed Project Steering Group	Monthly	Dublin
Seabed Project Technical Advisory Committee	Three	Dublin
Interdepartmental Technical Divisions Group	Three	Dublin

### Strategic Management Initiative.

150. **Mr. J. Bruton** asked the Minister for Communications, Marine and Natural Resources the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15026/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** My Department's modernisation and change management strategies are fully informed by the recommendations of the PA consultancy report on the evaluation of the strategic management initiative. Progress as benchmarked against the PA recommendations has been significant overall. My Department's statement of strategy 2003 to 2005 commits the organisation to implementing all strands of the modernisation programme in an integrated way with the objective of positioning the Department as a results-focused organisation, characterised by devolved responsibility, innovative thinking and best practice in financial management information, HR management and information technology.

The achievements to date and ongoing developments are encapsulated in my Department's action plan under Sustaining Progress, which was published in June 2003. This plan is published on my Department's website, [www.dcmnr.gov.ie](http://www.dcmnr.gov.ie), and the Department of Finance website, [www.finance.ie](http://www.finance.ie). The Department's first progress report on the action plan is also available on the above websites. The second progress report has been submitted to the Performance Verification Group, PVG, and will

be available on the websites following a decision by the PVG.

I would highlight a number of areas where the Department is particularly well advanced. The current rollout of a comprehensive knowledge management strategy will build on existing shared information systems and the departmental intranet; implementation of the management information framework and key performance indicators framework, which are on target for end 2004; progressive devolution of financial and HR responsibilities to managers; structured business planning and reporting, with quarterly reviews of business plans by the management committee; a comprehensive ICT strategy which continues to deliver a range of new information systems, technology infrastructure and eGovernment initiatives; a firmly embedded performance management and development system; and a comprehensive training and development programme with 5% of payroll allocated to training in 2004. My Department has had in place for a number of years 100% competitive merit based selection processes for promotion for all administrative and professional grades and has published a comprehensive HR strategy.

### Management Information Framework.

151. **Mr. J. Bruton** asked the Minister for Communications, Marine and Natural Resources if a management information framework as recommended by the Mullarkey committee has been put in place in his Department; and if he will explain the way it works. [15041/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The Department is on target to install a new



[Mr. D. Ahern.]  
management information framework by end 2004. The new system will modernise the Department's accounting systems and will deliver enhanced financial management, costing, performance reporting and decision making. A comprehensive review of the existing financial management systems was undertaken with external consultancy support during 2003. The Department has completed the tendering and selection process for the new system which is now being implemented across the Department.

The management information framework will provide enhanced management accounting capability coupled with performance and resource utilisation reporting to support effective decision making, strategic planning and deployment of resources. The new financial system will ensure more efficient processing of financial transactions and will support both cash and accruals accounting. The system will provide for cost allocation on a programme, project or individual cost centre basis thus underpinning the ongoing devolution of financial responsibility and accountability to managers. The Department's implementation plan is on target for the system to go live by the December 2004 deadline.

The Department in tandem with the rollout of the management information framework, is

finalising a key performance indicators framework which will, when fully implemented, ensure a fully results based strategic focus to delivery of our sectoral and organisational objectives.

#### Departmental Committees.

152. **Mr. J. Bruton** asked the Minister for Communications, Marine and Natural Resources if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued any reports to him or to the Secretary General. [15056/04]

**Minister for Communications, Marine and Natural Resources (Mr. D. Ahern):** The Department has had in place an audit committee since July 1999. The committee is chaired by an external member and there are three other external members on the committee — the list of current members is set out below. In addition there are four internal staff members, including the Deputy Secretary General, one Principal Officer and two Assistant Principal Officers. The committee is set up under a written charter dated and signed by the Secretary General and the then chair of the committee in February 2003, a copy of which is set out below. The committee has met 28 times to date and has presented one formal report to the Secretary General in November 2003. Audit Committee Membership

Dr. Ciarán Ó hÓgartaigh;	Chairperson of the Audit Committee; Associate Dean for Research and Graduate Studies and Irish Life Senior Lecturer in Accounting, DCU
Ms Sara White;	Deputy Secretary General
Mr. Brian Duffy;	Head of Internal Audit; Department of Social and Family Affairs
Mr. James Casey;	Ryan Casey & Co; Chartered Accountants
Mr. Bill Morrissey;	Assistant Principal — Communications Division
Mr. John King;	Assistant Principal — Corporate Governance Unit
Mr. Denis Maher;	Acting Principal Officer — Decentralisation Co-ordination
Ms Siobhan Fay;	Hibernian Group

Department of Communications, Marine and Natural Resources

#### Audit Committee Charter and Terms of Reference

This document sets out the Charter and Terms of Reference of the Audit Committee of the Department of Communications, Marine and Natural Resources.

##### Role of the Audit Committee

1. The Audit Committee is part of the ongoing systematic review of the business control and corporate governance procedures within the Department. It considers the adequacy of the control framework within the Department of Communications, Marine and Natural Resources and such organisations under its aegis. The role of the Audit Committee is to oversee and advise on matters relating to (a) the operations and development of the internal audit function; (b) the annual audit plan ensuring that it complies with the stated role of internal audit in relation to public funding — National and EU, (c) the business control and risk management environment, and (d) the relationship with external audit and other relevant consultancies.
2. The Audit Committee is not responsible for any executive function and is not vested with any executive powers.

##### Membership

3. The Audit Committee shall consist of a Chair and not less than four ordinary members who shall be appointed by the Secretary General by virtue of their experience in fields of expertise relevant to the function of the Committee.

4. Appointments to the Committee shall normally be, unless otherwise decided by the Secretary General, for a period of three years but should not exceed a period of five years.

##### Duties of the Audit Committee

5. The duties of the Audit Committee shall be:
  - To consider the draft annual Internal Audit Plan.
  - To monitor implementation of the plan.
  - To protect the independence of the internal audit function, within the Department.
  - To review the significant findings and the recommendations of the Internal Audit Unit and to monitor the action taken by management to resolve any issues that have been identified.
  - To monitor the performance of the Internal Audit Unit, within the Department.

- To approve a charter for internal audit which clearly defines its mission, authority, roles, responsibilities and other reporting relationships.
- To request special reports from Internal Audit as considered appropriate.
- To advise and make recommendations to the Secretary General and the management committee on any matters pertaining to the internal audit function within the Department that the committee considers necessary or appropriate, including its overall effectiveness, organisation, resources, training, use of technology, etc.
- To communicate with the Secretary General and management committee in relation to any significant shortfalls in the business control and/or risk management environments that come to the attention of and are of concern to the Audit Committee.
- To consider the findings and comments of the Comptroller and Auditor General published in their annual report on the Appropriation account and other C & AG Reports.
- To consider and where appropriate advise on, the procedures and policies used in the preparation of the annual Appropriation Account.
- To consider any reports from the European Court of Auditors or the European Commission in relation to co-financed expenditures within this Department.
- To review any Value for Money Reports that are undertaken by Internal Audit or any other division within the Department.

#### Meetings

6. Not less than four meetings of the Audit Committee shall take place in each calendar year.
7. A quorum of five with no less than two external members will be required for each meeting.
8. If a vote is required on any issue a simple majority of all the members present, including the Chair will carry the motion, with the Chair having a casting vote in the event of a tie.
9. The Head of Internal Audit and such other officials from the Department as the committee may require shall attend committee meetings.
10. Minutes of the meetings shall be approved by the Chair and circulated as early as possible after the meeting to members of the Audit Committee and to the Secretary General.

#### Reporting

11. Within three months of the end of each calendar year, the Audit Committee shall formally report in writing to the Secretary General outlining its activities during the year together with such advice and recommendations, as it may deem appropriate.

#### Authority-Independence

12. The Audit Committee shall exercise an advisory role in relation to its duties and functions within the Department.
13. The committee may, following agreement with the Department, obtain outside legal or other independent professional advice and secure the attendance at committee meetings of outsiders with relevant experience and expertise, if it considers this necessary.
14. The Audit Committee shall be independent in the performance of its duties and the committee and its

members shall not be subject to the direction of any person in the performance of their duties.

15. The members of the Audit Committee shall be fully briefed and kept up to date on any significant matters relating to their role and duties.
  16. The Audit Committee shall have the right of access to the Secretary General.
- Amendment of Charter.
17. The charter may be amended or updated in joint consultation between the Secretary General and the Audit Committee.

Sara White  
Chair of the Audit Committee  
Date: 7 February 2003.

Brendan Tuohy  
Secretary General  
Date: 10 February 2003.

### Departmental Management.

153. **Mr. J. Bruton** asked the Minister for Arts, Sport and Tourism the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act, 1997; and the nature and purpose of each such direction. [14950/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** There have been no instances since the establishment of my Department, where I have issued written directions to my Secretary General within the meaning of sections 4 to 6 of the Public Service Management Act, 1997.

### Public Finance Procedures.

154. **Mr. J. Bruton** asked the Minister for Arts, Sport and Tourism if the Secretary General brought to his attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14965/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Through meetings of the management advisory committee, I review on a regular basis with senior management of my Department all ongoing programmes and possible future activities. As required in public financial procedures, the Secretary General and officials of my Department provide me with full and comprehensive briefing, including relevant financial considerations, in relation to the preparation and implementation of policy proposals relating to expenditure.

### Departmental Committees.

155. **Mr. J. Bruton** asked the Minister for Arts, Sport and Tourism the composition of the Management Advisory Committee of his Department; the number of times it has met since its formation; the number of times he has

[Mr. J. Bruton.]  
attended it in person; and the issues it has considered. [14982/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The management advisory committee, MAC, of my Department meets in two formations at ministerial and official level to oversee and review progress in relation to the achievement of the goals and objectives set out in my Department's statement of strategy 2003 to 2005, which is published on my Department's website.

It meets at ministerial level to deal with high level policy issues relating to the functional areas of my Department, including, *inter alia*, the Estimates process, which require ministerial direction. The MAC also meets separately to deal with ongoing strategic, operational and administrative issues including the implementation of the strategic management initiative in my Department.

The composition of the management advisory committee is as follows: Mr. Philip Furlong, Secretary General, Mr. Michael Grant, assistant secretary, Mr. Con Haugh, assistant secretary, Mr. Paul Bates, assistant secretary, Mr. Joe Timbs, principal officer, finance unit, Ms Susan McGrath, principal officer, corporate Services.

The committee has met 35 times since my Department was established in June 2002, and 14 of those meetings have been at ministerial level.

### Decentralisation Programme.

156. **Mr. J. Bruton** asked the Minister for Arts,

Meeting	Location	Frequency of meetings	Location after decentralisation
National Bloomsday Co-ordinating Committee	National Library	Monthly	Committee to be wound up in the autumn
Interdepartmental Working Group on the Military Archives	Dublin	Infrequently	To be decided by the Department of Defence
Interdepartmental Public Art Co-ordination Group	Department of Arts, Sport and Tourism headquarters	10 since October 2002	As substantial amount of the committee's work load is expected to be completed shortly, less frequent meetings are envisaged in the future.
Interdepartmental Committee on UNESCO	Dept of Education and Science headquarters	Twice yearly	Matter for the Department of Education and Science as chair of the committee
Selection Committee, established under section 1003, Taxes Consolidation Act, 1997, Tax Relief for Donations of Heritage Items	Venue varies, i.e. National Library, National Gallery, Department headquarters in Kildare Street	13 since June 2002	Locations to be decided
Interdepartmental Co-ordinating Committee on European Union Affairs, ICCEUA	Dublin	Infrequently	Matter for the Department of the Taoiseach
National Cultural Institutions Capital Works Committee	Dublin	Yearly	To be decided by the Office of Public Works and the Department of Arts, Sport and Tourism
National Concert Hall steering group to monitor ongoing operational issues	Dublin	Every one or two months	To be decided by the Office of Public Works and the Department of Arts, Sport and Tourism
National Gallery steering group to monitor ongoing operational issues	Dublin	Every one or two months	To be decided by the Office of Public Works and the Department of Arts, Sport and Tourism

Sport and Tourism the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or agency in question to meet any such costs. [14997/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Officials in my Department and in the three agencies designated for decentralisation, in conjunction with my Department's decentralisation committee and with MAC, management advisory committee, are now working on the preparation of implementation plans by 28 May 2004 as required by the central decentralisation group.

I do not anticipate that there will be any significant additional costs associated with the implementation plans and, therefore, I do not foresee that any alteration will be needed to the multi-year financial projections of my Department.

### Interdepartmental Committees.

157. **Mr. J. Bruton** asked the Minister for Arts, Sport and Tourism if he will list the number of meetings in the past year of each interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15012/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The information requested by the Deputy is set out in the table below:

Meeting	Location	Frequency of meetings	Location after decentralisation
Irish Museum of Modern Art steering group to monitor ongoing operational issues	Dublin	Every one or two months	To be decided by the Office of Public Works and the Department of Arts, Sport and Tourism
National Library steering group to monitor ongoing operational issues	Dublin	Every one or two months	To be decided by the Office of Public Works and the Department of Arts, Sport and Tourism
National Museum steering group to monitor ongoing operational issues	Dublin	Every one or two months	To be decided by the Office of Public Works and the Department of Arts, Sport and Tourism
National Archives steering group to monitor ongoing operational issues	Dublin	Every one or two months	To be decided by the Office of Public Works and the Department of Arts, Sport and Tourism
National Archives Advisory Council	National Archives	Monthly	National Archives
Irish Manuscripts Commission	Dublin Irish Architectural Archives	Every two Months	Dublin Irish Architectural Archives
Interdepartmental Committee to oversee the implementation of the National Heritage Plan and the National Biodiversity Plan	Custom House, Dublin	Twice yearly	Matter for the Department of the Environment, Heritage and Local Government
Expenditure Review of the Local Authority Swimming Pool Programme.	Dublin	Infrequently	Work of the group is due to be concluded before decentralisation.
National Children Strategy	National Children's Office, Dublin.	Infrequently	Matter for the National Children's Office
UN Convention on the Rights of the Child — Irish Report	National Children's Office, Dublin.	Infrequently	Matter for the National Children's Office
Strategic Task Force on Alcohol	Department of Health and Children	Every two months	Matter for the Department of Health and Children
Morton Stadium Management Committee	Dublin	Monthly	Matter for Morton Stadium Management Committee
European Year of Education Through Sport	Department of Education and Science	Every two or three months	Will conclude at the end of 2004 prior to decentralisation
Implementation of Children First	Department of Health and Children	Every two or three months	Matter for the Department of Health and Children
National Children's Office Advisory Board	Department of Health and Children	Every two or three months	Matter for the Department of Health and Children
Heart Health Task Force	Department of Health and Children	Every two or three months	Matter for Department of Health and Children
Rapid — National Monitoring Committee	Department of Community, Rural and Gaeltacht Affairs	Every two or three months	Matter for Department of Community, Rural and Gaeltacht Affairs
The Tourist Victim Support Service Advisory Board	Dublin	Yearly	Matter for The Tourist Victim Support Service
The NDP-CSF Environment Co-ordinating Committee	Department of the Environment, Heritage and Local Government HQ	Twice yearly	Matter for Department of the Environment, Heritage and Local Government
Rural-Agri-Tourism Advisory Group	Provincial locations chosen by the Department of Community, Rural and Gaeltacht Affairs	Two to three per year	Matter for Department of Community, Rural and Gaeltacht Affairs
Interdepartmental Group on the Internationalisation of Irish Education Services	Dublin	Monthly	Matter for Interdepartmental Group on the Internationalisation of Irish Education Services
Foreign Earnings Committee	Dublin	Two to three times per year	Matter for Foreign Earnings Committee
National Spatial Strategy Steering Committee	Dublin	Five to six times per year	Matter for National Spatial Strategy Steering Committee
Productive Sector OP Monitoring Committee	Location varies	Two to three times per year	Matter for Productive Sector OP Monitoring Committee
North South Ministerial Council — Corporate Governance	Armagh	Twice yearly	Matter for North South Ministerial Council
North South Co-ordinators	Dublin	Six times per year	Matter for North South Co-ordinators
North South High Level	Dublin	Twice yearly	Matter for North South High Level
British Irish Council Co-ordinators	Dublin	Three to four times per year	Matter for British Irish Council Co-ordinators
Rural Development Forum	Outside Dublin location varies	Twice yearly	Matter for Rural Development Forum



Meeting	Location	Frequency of meetings	Location after decentralisation
Expenditure Review Network Committee	Department of Finance, Dublin	Monthly	Matter for Department of Finance
eStrategy Group of Secretaries General	Department of Taoiseach	Three or four times per year	Matter for Department of Taoiseach
Assistant Secretaries eGovernment Implementation Group	Department of Taoiseach	Three or four times per year	Matter for Department of Taoiseach
Information Communication Technology Managers Forum, ICTMF	Department of Finance	Twice yearly	Matter for Department of Finance
ICTMF eCabinet Technical Support Group	Department of Taoiseach	Infrequently	Matter for Department of Taoiseach
E-Procurement Group, also known as the Interdepartmental Group on Framework Agreements	Department of Finance	Infrequently	Matter for Department of Finance
Webmasters Group	Matter for Department of Finance	Infrequently	Matter for Department of Finance
Management Information Framework, MIF, Project Managers group	Matter for Department of Finance	Monthly	Matter for Department of Finance
Management Information Framework, MIF, Consultative Committee	Matter for Department of Finance	Seven to eight times per year	Matter for Department of Finance
Mullarkey Implementation Group	Department of Finance	Eight to 10 times per year	Matter for Department of Finance
Management Committee for Common Accounts Systems	Department of Finance	Twice yearly	Matter for Department of Finance
CorePay User Group Meeting	Department of Finance	Four times per year	Matter for Department of Finance
PMDS Network	Department of Finance	Three times per year	Matter for Department of Finance
Training Officers Network	Department of Finance	Three times per year	Matter for Department of Finance
Interdepartmental Working Group for FOI	Department of Finance	Four times per year	Matter for Department of Finance
QCS Network	Department of Finance	Three to four times per year	Matter for Department of Finance
Training & Development Committee	Department of Finance	Approximately every two months	Department of Finance
Civil Service Users Network	Department of Enterprise, Trade and Employment	Monthly	Department of Enterprise, Trade and Employment
Interdepartmental Working Group on the Irish Languages Act	Department of Community, Rural and Gaeltacht Affairs	Infrequently	Matter for Department of Community, Rural and Gaeltacht Affairs
Personnel Officers Network	Dublin Castle	Four times per year	Matter for CMOD
Change Management Network	Department of the Taoiseach	Every two months	Matter for Department of the Taoiseach
SMI Implementation Group of Secretaries General	Department of the Taoiseach	Every one or two months	Matter for Department of the Taoiseach
Briefing for Secretaries General following Government meetings	Department of the Taoiseach	Weekly	Matter for Department of the Taoiseach
Sustaining Progress Monitoring Committee	Department of the Taoiseach	Quarterly	Matter for Department of the Taoiseach

### Strategic Management Initiative.

158. **Mr. J. Bruton** asked the Minister for Arts, Sport and Tourism the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15027/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Significant progress has been made by my Department in relation to the implementation of the strategic management initiative in the Department in the context of rolling out the Civil Service modernisation programme. The recommendations of the PA

consultancy report have, where relevant, been taken on board in this regard.

In line with the requirements of Sustaining Progress, my Department prepared an action plan for the rollout of the modernisation programme, which was submitted to the Civil Service Performance Verification Group, CSPVG, in July 2003. A first report setting out progress under the plan was submitted in October 2003 on the basis of which payment of the first round of benchmarking due from 1 January 2004 was approved. The action plan and this report are published on the website of the Department of Finance to which I wish to refer the Deputy.

A further progress report was submitted to the CSPVG in April 2004 and this too will shortly be published on the website of the Department of Finance.

#### **Management Information Framework.**

159. **Mr. J. Bruton** asked the Minister for Arts, Sport and Tourism if a management information framework as recommended by the Mullarkey committee has been put in place in his Department; and if he will explain the way it works. [15042/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The objective of the management information framework, MIF, is to provide Departments with a flexible system of financial management integrated with performance and output measurement so as to enhance efficiency, performance and accountability. As well as utilising the standard functions of a modern financial system, MIF envisages the compilation of management reports incorporating both financial and non-financial aspects of performance.

My Department is currently in the process of implementing the MIF. As the first step and key element of this implementation, a new financial management system is to be installed and the relevant tender process is under way. The deadline for implementation of the new financial management system is 31 December 2004.

#### **Departmental Committees.**

160. **Mr. J. Bruton** asked the Minister for Arts, Sport and Tourism if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued any reports to him or to the Secretary General. [15057/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** An audit committee was appointed to the Department of Arts, Sports and Tourism earlier this year. One meeting has been held to date, on 2 March 2004. The committee has not issued any reports to date, either to me or to the Secretary General. Membership of the committee includes: Mr. Sean Dorgan, chief executive, IDA, chair; Ms Marie Cross, assistant secretary, Department of Foreign Affairs; Mr. Michael Grant, assistant secretary, Department of Arts, Sport and Tourism; Mr. Joe Timbs, principal, Department of Arts, Sport and Tourism; and Mr. Kieran Sheedy, assistant principal, Department of Arts, Sport and Tourism. The audit committee has a charter and I will arrange for a copy of it to be made available to the Deputy.

#### **Health Board Services.**

161. **Mr. O'Dowd** asked the Minister for

Health and Children if an orthopaedic chair will be provided for a person (details supplied) in County Louth with Parkinson's disease. [14904/04]

**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy will be aware, the provision of health services in the Louth area is, in the first instance, the responsibility of the North Eastern Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### **Hospitals Building Programme.**

162. **Mr. Kehoe** asked the Minister for Health and Children the position regarding the building of the new unit at St. John's Hospital in Enniscorthy, County Wexford; when the next stage will be announced; when the contractors will be announced; the date the building will commence; and if he will make a statement on the matter. [14905/04]

**Minister for Health and Children (Mr. Martin):** The new unit at St John's Hospital, Enniscorthy is included in my Department's capital programme for 2004. It is anticipated that building will commence within the next two months. This significant capital project, which will cost in the region of €17 million highlights the Government's strong commitment to develop its services for older persons in the south eastern region. My Department will continue to liaise closely with the South Eastern Health Board in relation to progressing this development.

#### **Hospital Waiting Lists.**

163. **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. [14906/04]

**Minister for Health and Children (Mr. Martin):** The provision of hospital services for people living in County Mayo is a matter for the Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

#### **Cancer Screening Programme.**

164. **Cecilia Keaveney** asked the Minister for Health and Children his plans for mammograms to be carried out in County Donegal; and if he will make a statement on the matter. [14915/04]

**Minister for Health and Children (Mr. Martin):** The national breast screening programme commenced in March 2000 with phase one of the programme covering the Eastern Regional Health Authority, Midland Health Board and the

[Mr. Martin.]

North Eastern Health Board region. Last year I announced the extension of the BreastCheck programme to counties Carlow, Kilkenny and Wexford and also the national rollout to the southern and western counties. Screening commenced in Wexford in March of this year.

The BreastCheck clinical unit in the Western area will be at University College Hospital, Galway, with two associated mobile units. The area of coverage is counties Galway, Sligo, Roscommon, Donegal, Mayo, Leitrim, Clare and Tipperary north riding. The BreastCheck clinical unit in the southern area will be located at South Infirmery/Victoria Hospital, with three associated mobile units. Counties covered include Cork, Kerry, Limerick, Waterford and Tipperary south riding.

The national rollout of BreastCheck requires detailed planning to include essential infrastructure. Two project teams, one in each region, have been established to develop briefs for the capital infrastructure needed for the static units in the south and west. As regards the west, BreastCheck submitted a number of options for the construction of a static unit on the grounds of University College Hospital, Galway. This is being considered by my Department in the context of the framework for capital investment 2004 to 2008 which is being discussed with the Department of Finance at present.

An essential element of the rollout of the programme is investment in education and training of radiographers. BreastCheck employs qualified and experienced radiographers who have specialised postgraduate training and qualifications related to mammography. BreastCheck and the symptomatic breast cancer services combined have a significant ongoing recruitment and training requirement in this area. Last year, I announced the development of a training centre for radiographers and mammography at Eccles Street which will become the national training centre in breast imaging. Resources are being made available to BreastCheck to support this initiative which will cost in excess of €750,000. Design specification work has been undertaken, the core elements of the training programme are being addressed and the recruitment process for a course leader has been initiated.

#### **Pension Provisions.**

165. **Mr. Allen** asked the Minister for Health and Children the reason a person (details supplied) in County Cork is not receiving a State pension. [14916/04]

**Minister for Health and Children (Mr. Martin):** Responsibility for calculation of occupational pension benefits in the public sector rests with the employee's last employer, in this case University

College Cork. My Department's records indicate that relevant service at Portiuncula Hospital and the South Infirmery Hospital was transferred in 1985 under the public sector transfer network. The amount in question is 2.83 years service. Locum service is not reckonable for pension purposes.

As the service in question was transferred, University College Cork made arrangements upon retirement to pay the full pension entitlement including the above-mentioned employment in the health service. I understand that in view of University College Cork's responsibility in this matter, if there are any further enquiries concerning the occupational pension in payment to this pensioner the Deputy should contact the University directly.

#### **Services for People with Disabilities.**

166. **Mr. F. McGrath** asked the Minister for Health and Children the services available for those over 18 year of age with autism on the northside of Dublin; the plans being put in place to provide services for young persons with autism when they reach 18 years of age; and if he will make a statement on the matter. [14918/04]

**Minister of State at the Department of Health and Children (Mr. O'Malley):** Responsibility for the provision of health related services for people with an intellectual disability and autism in the north Dublin area lies, in the first instance, with the Northern Area Health Board. My Department, therefore, has asked the chief executive officer of the board to investigate the matter raised by the Deputy and reply directly to him.

#### **Private Health Insurance.**

167. **Mr. Stanton** asked the Minister for Health and Children if regulations have been made to enable persons aged 65 or over who decide to avail of private health insurance cover for the first time or wish to renew cover after a material break in previous cover to do so; if not, when such regulations will be made; and if he will make a statement on the matter. [14919/04]

**Minister for Health and Children (Mr. Martin):** The Health Insurance (Amendment) Act 2001 contains provision for the introduction of a system of lifetime community rating which will involve allowing health insurers to apply late entry premium loadings to persons who delay taking out insurance cover until, or after the age of 35 years. Under this system, access to cover will be open to persons aged 65 or over.

While the primary legislation is in place, the detailed implementation of lifetime community rating will be by way of regulations. My Department has recently initiated work on the

preparation of these regulations and they will be introduced as soon as is practicable.

#### **Departmental Staff.**

168. **Mr. J. Bruton** asked the Minister for Health and Children the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act 1997; and the nature and purpose of each such direction. [14951/04]

**Minister for Health and Children (Mr. Martin):** I can confirm to the Deputy that my Department has met its requirements under sections 4 to 6 of the Public Service Management Act 1997. The Department's Statement of Strategy 2003-2005 was published in May 2003. The business plans for 2004 have been agreed and the annual report for 2003 is being finalised and will be published soon.

#### **Public Finance Procedures.**

169. **Mr. J. Bruton** asked the Minister for Health and Children if the Secretary General brought to his attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14966/04]

**Minister for Health and Children (Mr. Martin):** The code of practice set out in the public financial procedures, published by the Department of Finance, regarding the responsibilities of accounting officers covers the following significant issues, namely, safeguarding public funds/ property; all relevant financial considerations are taken into account and brought to the attention of the Minister on implementing policy matters; ensuring economy and efficiency; ensuring the correctness of all payments; assurances in relation to internal control/audit systems, grants-in-aid to outside agencies; and ensuring that bodies under his or her Department's aegis have an appropriate control and accountability framework.

The report of the working group on the accountability of secretaries general and accounting officers made specific reference to the above responsibilities of secretaries general as accounting officers and made recommendation on how they might testify to meeting their responsibilities by way of a statement of internal financial controls.

Consequently, the Department of Health and Children 2003 Appropriation Account contains such a statement, signed by the Secretary General as accounting officer. In making this statement

the accounting officer acknowledges that any system of internal control can provide only reasonable and not absolute assurance and that he is not aware of any instance arising of a nature mentioned in the Deputy's question.

#### **Departmental Committees.**

170. **Mr. J. Bruton** asked the Minister for Health and Children the composition of the management advisory committee of his Department; the number of times it has met since its formation; the number of times he has attended it in person; and the issues it has considered. [14983/04]

**Minister for Health and Children (Mr. Martin):** My Department's management advisory committee, MAC, comprises the Secretary General, deputy secretary, chief medical officer, four assistant secretaries, two directors, chief executive officer of the adoption board and the director of the National Children's Office. Since 1993 the MAC and the Minister have met on a regular basis usually weekly to discuss Departmental issues.

The MAC also meets for purely administrative purposes, promotions etc., as required and I would not attend such meetings but would be informed of any important outcomes. In addition, I meet with the Secretary General of the Department and individual members of MAC on a regular basis to discuss relevant policy issues.

#### **Decentralisation Programme.**

171. **Mr. J. Bruton** asked the Minister for Health and Children the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or agency in question to meet any such costs. [14998/04]

**Minister for Health and Children (Mr. Martin):** While preliminary work has been taking place on decentralisation, my Department, and the bodies established under the aegis of my Department, are not required at this stage to have an implementation plan in respect of the public service decentralisation programme. Until such time as there is a final decision by Government on the location of the headquarters of the Health Service Executive and associated agencies the information requested by the Deputy cannot be provided. This decision is expected shortly. The staff of my Department have been circulated with information on the central applications facility.

#### **Interdepartmental Committees.**

172. **Mr. J. Bruton** asked the Minister for Health and Children if he will list the number of meetings in the past year of each



[Mr. J. Bruton.]  
interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15013/04]

**Minister for Health and Children (Mr. Martin):**  
The information requested is being collated by my Department and will be forwarded directly to the Deputy as soon as possible.

#### **Strategic Management Initiative.**

173. **Mr. J. Bruton** asked the Minister for Health and Children the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15028/04]

**Minister for Health and Children (Mr. Martin):**  
In July 2001, PA Consulting Group was commissioned by the Department of the Taoiseach to review progress achieved under the strategic management initiative, SMI. The terms of reference included recommendations for future actions.

The Deputy will be aware that all Departments have prepared detailed reports on their modernisation programmes, which were informed by the PA evaluation, for the Civil Service Performance Verification Group, CSPVG. The reports prepared for the CSPVG in relation to the payments made on 1 January 2004 are available on the Department of Finance website. The Department of Finance intends to publish the most recent round of progress reports following a decision by the CSPVG in respect of 1 July payments.

I take this opportunity to highlight some of my Department's priorities in this area. My greatest priority, and one which is supported by the modernisation initiative, is the implementation of the health service reform programme. The reform programme includes the re-organisation of the Department of Health and Children to ensure improved policy development and monitoring. The core elements of public service modernisation, customer service, strategic HR, effective regulation and financial reforms are all key building blocks to achieving the effective implementation of the reform programme, including the restructuring of the Department.

Human resource management was one of the components of the modernisation agenda which the PA evaluation identified as requiring further development. My Department has, over the last few months, focused its attention on developing a human resource strategy as part of the support framework for the modernisation agenda and the health service reform programme. The strategy will see a greater devolution of day-to-day resource management to line managers,

supported by the ongoing development of specific policies on key issues and refocusing of existing human resources towards a more strategic/developmental approach. In tandem with the strategy, associated documents have been developed on mobility and time attendance. A key role of HR will be to support the organisation in building capacity and upskilling through training and development, planned mobility and competition promotion procedures.

The performance management and development system, PMDS, is now fully embedded throughout the Department. A survey of staff was carried out in December 2002 following which an action plan was designed to improve the environment in which PMDS is operational and to make it more effective. New guidelines have also issued to improve PMDS management at unit level. The next phase of PMDS, upward feedback, is being introduced in my Department this year and indications are that this initiative is being fully supported by both managers and job holders. The success of PMDS has resulted in a highly focused and targeted approach to training. A wide range of training opportunities have been availed of by staff including specific management development training.

The Department published its strategy statement for 2003 to 2005 in May 2003. The high level objectives of the strategy statement drive the business planning process within the Department including PMDS. Business planning meetings for each division ensure that the linkages are clear to all staff. Regular review by the management advisory committee, MAC, is an inherent part of the business planning process. I regularly attend MAC meetings along with my colleagues. This commitment is, in my view, essential for the effective management of the Department. Quality customer service is one area where my Department has made considerable progress. A customer charter has been completed and will be published shortly. Lunchtime opening was introduced in the General Register Office last November and has been a great success.

Implementation of the e-government agenda has also been given priority. The Department's website is being redesigned following an on-line survey of customers and staff. Computerised facilities for searching and the production of birth, death and marriage certificates are now available in every health board since April 2004 and are being extended to every registrar's office in the country. Rollout of the on-line registration of births and deaths is expected to be complete by the end of June.

A service to relay notification of deaths commenced in March 2004. This allows the transfer of information on deaths via REACH to other Departments and agencies. The service has benefits for the effective and efficient delivery of

public services generally and will also result in greater customer convenience. It will be of particular benefit once on-line registration of deaths is available throughout the country in June 2004. The service is already in use by the Department of Social and Family Affairs for adjusting pension and other social welfare entitlements. It is planned to introduce an on-line applications system with a secure credit card facility for birth, death and marriage certificates as part of the launch of REACH services later this year.

The Irish Health Portal was launched on 6 May at the EU eHealth Conference which I hosted, “Supporting the European Citizen through eHealth”. The portal will provide a “front end” for citizens and professionals to access health information and services. Implementation of the management information framework within the Department is under way. Suppliers of the new financial system have been selected and testing of the software will commence in May. Changeover to the new system is scheduled for October 2004. As the Deputy is aware, the wider health delivery system has always operated on the basis of full accrual accounting principles, which is supported by a broad management information framework.

The developments referred to above represent a summary of some of the progress my Department has made since the PA evaluation was published in 2002. As stated at the start of my reply, these and other targets are referred to in greater detail in the action plan and progress reports submitted by my Department to the CSPVG.

#### **Management Information Framework.**

174. **Mr. J. Bruton** asked the Minister for Health and Children if a Management Information Framework as recommended by the Mullarkey Committee has been put in place in his Department; and if he will explain the way it works. [15043/04]

#### **Minister for Health and Children (Mr. Martin):**

The management information framework, MIF, is an essential part of the Strategic Management Initiative and arose out of a report in 1999 by a financial management working group of the SMI Implementation Group of Secretaries General.

The MIF will provide the standard functions of a financial management system — financial accounting, management accounting, cost allocation, together with facilitating the use of financial and non-financial performance indicators. The MIF is being implemented to ensure that the Department, through the availability of a full accrual based accounting system and performance measurement data, has the opportunity to consider fully the planning of investment on the basis of a value added concept.

The Deputy is aware that the wider health delivery system has always operated on the basis of full accrual accounting principles which underpinned a broad management information framework. As with all other Departments, the Health and Children Vote is accounted for on a cash basis. However, the vast majority of the €10 billion Health Vote relates to direct service provision, and in this regard, the health boards incur the expenditure on behalf of the Department. All the health boards account on a full accruals basis, including balance sheet, in accordance with Accounting Standards issued by the Minister.

The system in Health is underpinned by a stringent legislative and control accounting system. The 1996 Health (Amendment) (No. 3) Act introduced a formal requirement on health boards to prepare and adopt an annual service plan setting out the broad level of services they would deliver for the funding allocated to them. Each month, boards are required to submit an integrated management report to the Department. This details financial, activity and employment statistics compared to planned or budget levels. If a board fails to deal with a variance within any one financial year, under the terms of Act, it must be treated as a first charge against the following year’s funds. In this way, boards cannot accumulate variances in a reserve account, thereby greatly enhancing the accountability of the boards.

Development of financial and non-financial systems is continuing in the health arena. SAP financial systems are already implemented in the Eastern Regional Health Authority, the North Eastern Health Board and the Midland Health Board. SAP is one of the leading software solutions. SAP is an enterprise solution and, being fully integrated, is activated by a single entry which drives operational and management responses within the system, thereby supporting the business strategy and process. In the health environment it fully supports the devolved management process, bringing efficiency and productivity to the planning and delivery of services together with its ability to support evaluation and accountability, and being a real time system, will significantly improve the day-to-day operations and controls and supply budget holders with an immediate view of their area of responsibility. Modernisation of systems in the remaining health agencies is being dealt with as a joint financial implementation systems project, FISP, which is being driven by the health boards and the interim health service executive.

Phase I of implementing SAP/HR systems — PPARs — has already been completed. Phase II of PPARs, which is essentially the time management element, is now underway across the system and will be fully in place in the boards by mid 2005. St. James’s Hospital have already

[Mr. Martin.]

gone live with Phase II. These major national initiatives will underpin the information requirements of the health sector and are a vital component in the successful implementation of the reform programme. Each project is a major and significant endeavour in its own right, and will take some years to reach completion. In the short term, full use will be made of the combination of new and legacy systems to create the necessary database for planning, managing and controlling the system at appropriate levels.

Although all the agency accounts are prepared on an accrual basis, and audited by the Comptroller and Auditor General, the appropriation account of the Department is prepared on a cash basis. This is expected to change when the new accrual accounting solution is in place. In this regard, the MIF project for this Department is well in hand. However, it is worth noting that the moneys spent directly by the Department — the administrative budget — are some €41 million or 0.4% of the total Vote in 2004. In relation to the project implementation, management consultants — Deloitte — were commissioned by the Department to undertake an assessment of our management information needs. The report by the consultants determined that upgrading to PROSE V3 was the appropriate option for the Department. FMS V3.0 is an upgrade to the current system, providing a number of significant extensions to the current FMS. Developed by PROSE, FMS V3.0 has the advantage of being a dual system, thereby meeting the needs of users who require both accrual and vote accounting simultaneously. FMS V3.0 is based on the existing FMS and has all of its functionality. However, it adds an extra dimension to the FMS by the provision of accrual accounting, workflow support and web enablement.

Work is now well under way on implementing the system. The basic upgrade itself is scheduled for this month, with additional purchase and asset register modules to be rolled out over June and July. The system will be fully operational before the deadline in the Government Memorandum of 31/12/04. As recommended in the Mullarkey report, an in-depth review of the Department's system of internal control, including the internal audit function, was also undertaken by the management consultants. While the report commented favourably on the existing system of control, key recommendations from this review are currently being implemented.

#### **Departmental Committees.**

175. **Mr. J. Bruton** asked the Minister for Health and Children if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has

issued any reports to him or to the Secretary General. [15058/04]

#### **Minister for Health and Children (Mr. Martin):**

My Department has recently re-established its audit committee in accordance with the Report of the Working Group on the Accountability of Secretaries General and Accounting Officers, the Mullarkey report, and the Report of the Commission on Financial Management and Control Systems in the Health Service, the Brennan report.

The committee currently comprises four members while the Department awaits the acceptance of one external appointment. The other external member chairs the committee. The remaining three members are senior officers within the Department.

The committee operates under a written charter which sets out the areas of responsibility of the committee, including its purpose and authority, frequency of meetings and attendance requirements, and responsibilities in relation to financial reporting, internal control and compliance, internal and external audit and risk management. In addition the charter sets out the reporting requirements to the Secretary General.

There has been one committee meeting held this year with further meetings scheduled for the remainder of the year. The committee will present an annual report to the Secretary General in accordance with the requirements of its charter.

#### **Post Mortem Facilities.**

176. **Cecilia Keaveney** asked the Minister for Health and Children if it is unusual not to have post mortem facilities available at the weekends; and whether a reciprocal arrangement could be developed between Letterkenny and Derry to ensure that both areas would have a service that is currently not in place, in view of the extreme hardship that it causes to families who are often traumatised enough, particularly in the case of sudden deaths; and if he will make a statement on the matter. [15070/04]

#### **Minister for Health and Children (Mr. Martin):**

Responsibility for the provision of post mortem services at Letterkenny General Hospital rests with the North Western Health Board. My Department has asked the chief executive officer of the board to investigate the specific issue raised by the Deputy and to reply to her directly.

#### **Hospital Accommodation.**

177. **Cecilia Keaveney** asked the Minister for Health and Children the position in relation to the Alzheimer's unit for Carndonagh Hospital, County Donegal; and if he will make a statement on the matter. [15071/04]



**Minister of State at the Department of Health and Children (Mr. Callely):** As the Deputy is aware, responsibility for the provision of health services in the Donegal area rests, in the first instance, with the North Western Health Board. In January of this year I conveyed approval to the board to proceed to tender for the new dementia unit at Carndonagh, County Donegal. Progression of this project is a matter for the North Western Health Board which has advised that tenders for the project were recently received and are currently being examined by the design team. A commencement date for construction is expected in late June 2004. My Department fully appreciates the importance of progressing this development and will continue to work closely with the North Western Health Board in relation to this project.

### **Electrosensitivity Issues.**

178. **Mr. Gormley** asked the Minister for Health and Children his views in relation to electrosensitivity; if he has consulted with sufferers; and the actions that have been taken following the recommendations of the All-Party Committee on Non-Ionising Radiation in November 1998. [15083/04]

**Minister for Health and Children (Mr. Martin):** I am aware of concerns expressed by some persons in regard to hypersensitivity to electromagnetic radiation. The Irish Electromagnetic Radiation Victims Network, IERVN, is an organisation which represents their interests and my Department corresponds with IERVN on an ongoing basis and my officials have also met with them.

Scientific research to date has not established a causal relationship between electromagnetic radiation and ill health. Research is ongoing in relation to this issue and my Department will continue to review the findings of all new peer reviewed studies. In the absence of evidence of a causal relationship between electromagnetic radiation and ill-health, the approach adopted in Ireland is to minimise exposure in accordance with the 1999 recommendations of the European Community on the limitation of exposure of the general public to electromagnetic fields. These recommendations are based on the 1998 Guidelines of the International Commission on Non-Ionising Radiation, ICNIRP, covering the frequency range from 0-300GHz.

The 1998 report of the Joint Committee on Public Enterprise and Transport on “Non-Ionising Microwave Radiation Emissions from Communication Masts” made a number of recommendations concerning planning and exempt developments, monitoring, public information, operators and health. With regard to the health recommendations, I am advised that Ireland complies with the 1999 EC

recommendations on the limitation of exposure of the general public to electromagnetic fields. Telecommunication companies licensed to operate in Ireland are required to comply with these recommendations. The monitoring of emission levels from masts is a function of the Office of the Director of Telecommunications Regulation. The national environmental health action plan, which is being finalised will include a section dealing with the issue of radiation — ionising and non-ionising.

The Deputy may wish to note that the joint committee concluded that the evidence available at the time did not indicate that emissions from telecommunication masts, within International Radiological Protection Association guidelines, were an unacceptable health hazard.

My Department is in regular contact with the Office of the Chief Technical Adviser, Department of Communications, Marine and Natural Resources, which represents Ireland’s interests in the relevant international organisations — the World Health Organisation, the EU and the International Committee on Electromagnetic Safety.

### **Mental Health Services.**

179. **Cecilia Keaveney** asked the Minister for Health and Children the current programmes focused specifically for the mentally disabled; and if he will make a statement on the matter. [15112/04]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** There are a very broad range of health funded support services available to people with intellectual disability. These include the following: assessment and diagnosis services, early intervention services, multi-disciplinary support services, residential services, respite services, day services, rehabilitative training, home support services and home help services.

Residential services would include a range of options such as five or seven day care, emergency care, shared care options, supported or independent living options. Specialist support services, including residential and day services, would also be provided for those who require a more intensive level of support. The primary focus since the 1970s has been to deliver these services locally, where possible, to enable persons with intellectual disability to continue to live with their families and/or local communities.

Services for people with disabilities is one of a number of areas to which additional revenue funding has been provided by the Government in any Department over 2003 and 2004. In respect of services to persons with intellectual disability and those with autism, this revenue funding, amounting to €43 million up to the end of 2004, was specifically provided to meet costs associated



[Mr. T. O'Malley.]  
with the provision of emergency residential placements, extra day services for young adults leaving school and to enhance the health related support services for children. In total, additional revenue and capital funding amounting to €388 million has been provided for services to persons with intellectual disability and those with autism since 1997.

#### EU Driving Licences.

180. **Mr. Timmins** asked the Minister for Transport the position in relation to Polish residents who are working here driving with Polish driving licences; if they are covered to drive here on Polish licences; if these can be exchanged for Irish driving licences when they expire; and if he will make a statement on the matter. [14897/04]

**Minister for Transport (Mr. Brennan):** A person who holds a driving licence issued by a member state of the European Union or the European Economic Area is permitted to drive in Ireland for so long as that licence remains valid. Driving licences issued by the competent licensing authority of Poland are, in accordance with existing regulatory provisions, recognised here for driver licensing purposes.

Sample driving licences and information regarding security features is not yet to hand in respect of the accession countries. As a temporary measure and notwithstanding the general principle that persons may request to have an EU licence exchanged for an Irish licence, exchange cannot be granted until the required information is received from the licensing authorities of the countries concerned. In the event of the licence having expired, licensing authorities have been requested to contact the authorities in the member state that issued the licence in order to confirm that the licence which the person wishes to have renewed is genuine.

#### Car Exhausts.

181. **Cecilia Keaveney** asked the Minister for Transport his views on the fact that there is need for a review, in co-operation with the Department of Environment, Heritage and Local Government, of the regulations which govern the use of the particular type of exhausts that are used in cars to breach disturbing the peace levels in town centres at night for hours at a time and which cause sleep deprivation to many persons of all ages who reside in these town centres. [15068/04]

182. **Cecilia Keaveney** asked the Minister for Transport his views on the fact that there is need for a review, in co-operation with the Department for Justice, Equality and Law Reform of the

regulations which govern the use of the particular type of exhausts that are used in cars to breach disturbing the peace levels in town centres at night for hours at a time and which cause sleep deprivation to many persons of all ages who reside in these town centres; and if he will make a statement on the matter. [15069/04]

**Minister for Transport (Mr. Brennan):** I propose to take Questions Nos. 181 and 182 together.

In accordance with the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 motor vehicles are required to be fitted with a silencer or other device suitable and sufficient for reducing to a reasonable level the noise caused by the escape of exhaust gases from the vehicle engine. The regulations also provide that a vehicle which causes excessive noise shall not be used in a public place. Contravention of the regulations is an offence under the Road Traffic Act, the enforcement of which is a matter for the Garda Síochána. I have no plans to review the regulations.

#### Departmental Correspondence.

183. **Mr. J. Bruton** asked the Minister for Transport the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act, 1997; and the nature and purpose of each such direction. [14952/04]

**Minister for Transport (Mr. Brennan):** I have not issued written directions to the Secretary General of my Department within the meaning of sections 4 to 6 of the Public Service Management Act 1997.

#### Public Finance Procedures.

184. **Mr. J. Bruton** asked the Minister for Transport if the Secretary General brought to his attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14967/04]

**Minister for Transport (Mr. Brennan):** I presume that the Deputy is referring to the Public Financial Procedures published by the Department of Finance. This publication states in section A5.5 that: An Accounting Officer should ensure that all relevant financial considerations are taken fully into account, and where necessary brought to the attention of Ministers, in relation to the preparation and implementation of policy proposals relating to expenditure or income for which he or she is Accounting Officer.

I am satisfied that the accounting officer of my Department has carried out this duty.

#### **Departmental Committees.**

185. **Mr. J. Bruton** asked the Minister for Transport the composition of the management advisory committee of his Department; the number of times it has met since its formation; the number of times he has attended it in person; and the issues it has considered. [14984/04]

**Minister for Transport (Mr. Brennan):** The management board of the Department comprises the Secretary General and assistant secretaries of my Department, with the Department's policy analyst and the private secretary to the Secretary General also in attendance. The management board generally meets on a weekly basis, with discussion on progress on the Department's strategic policy and strategic management agenda taking place at these meetings. Occasionally other members of staff attend if their particular area of responsibility is being discussed. I attended the first meeting in 2002 and now meet with the management board on an approximately monthly basis to review progress on implementing the Department's statement of strategy.

#### **Decentralisation Programme.**

186. **Mr. J. Bruton** asked the Minister for Transport the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the Department or Agency in question to meet any such costs. [14999/04]

**Minister for Transport (Mr. Brennan):** The implementation plans for my Department and the agencies under its aegis are currently being prepared and are due to be submitted to the decentralisation implementation group by the end of May 2004.

It is not possible at this stage to provide details of the costs associated with the plans or whether any alteration will be needed to the multi-year financial projections of my Department or its agencies to meet any such costs.

#### **Strategic Management Initiative.**

187. **Mr. J. Bruton** asked the Minister for Transport the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15029/04]

**Minister for Transport (Mr. Brennan):** My Department has agreed to implement a range of modernisation proposals under the Sustaining Progress agreement. These proposals originate from, *inter alia*, the recommendations in the PA

consultants report. Progress reports are prepared on a six-monthly basis for the Civil Service performance verification group regarding the Department's implementation of the modernisation programme. The reports are on the Department of Finance website at: <http://www.finance.gov.ie/documents/civilservice/benchmarking/transportprep.rtf>.

#### **Management Information Framework.**

188. **Mr. J. Bruton** asked the Minister for Transport if a management information framework as recommended by the Mullarkey committee has been put in place in his Department; and if he will explain the way it works. [15044/04]

**Minister for Transport (Mr. Brennan):** The principle aim of the management information framework is to provide Departments with a flexible financial management system integrated with output measurement to enhance performance and accountability. The management information framework aims to ensure better decision making about allocation of resources; better management of resources once allocated; and greater transparency in and accountability of resources.

To date the main focus of the management information framework project in Departments has been to prioritise the development and installation of enhanced financial systems. My Department has completed this task well ahead of the central timeline, going live with a new system, Agresso Financials on 2 September 2002.

#### **Departmental Committees.**

189. **Mr. J. Bruton** asked the Minister for Transport if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued any reports to him or to the Secretary General. [15059/04]

**Minister for Transport (Mr. Brennan):** My Department has an internal audit review committee comprising two members of the management board and an external chairman. It operates under a charter, a copy of which I will send to the Deputy. It meets on a quarterly basis and last met in March 2004. The chairman submits an annual report to the Secretary General of my Department.

#### **Licensing Regulations.**

190. **Mr. Ring** asked the Minister for Transport the licensing requirement for the pilot, the licensing requirement for a helipad; the insurance requirements for a helicopter pilot and the insurance requirements for a helipad in regard to the use of a helicopter for private use by a person. [15076/04]

**Minister for Transport (Mr. Brennan):** The licensing requirements for pilots and helicopters are a matter for the Irish Aviation Authority, IAA.

At present insurance is not compulsory for private use of aircraft or helicopters. European regulation No. 785 of 2004 lays down the insurance requirements for air carriers and aircraft operators, included within the scope of this regulation is the private use of aircraft and helicopters. This regulation specifies the minimum insurance cover per accident, for each and every aircraft, in respect of liability for third parties. These insurance levels are based on the maximum take off mass of the aircraft as shown in the table below. This regulation will enter into force on 30 April 2005.

Category	MTOM (kg)	Minimum Insurance (million SDR's)
1	<500	0.75
2	<1,000	1.5
3	<2,700	3
4	<6,000	7
5	<12,000	18
6	<25,000	80
7	<50,000	150
8	<200,000	300
9	<500,000	500
10	500,000	700

{1SDR = approx. €1.20}

### Equal Status Act.

191. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will consider the case of a person (details supplied) in Dublin 9 under the Equal Status Act 2000; and if he will make a statement on the matter. [14889/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Since October 2000 direct and indirect discrimination in the provision of goods and services is prohibited under the Equal Status Act 2000 on nine grounds including disability.

The Act covers all goods and services which are available to the public, whether on payment or not. Services are defined broadly to include access to public places, banking and insurance services, entertainment, travel, transport, professional services, education, disposal of premises and provision of accommodation and private registered clubs.

A person who claims that she or he has been discriminated against in the non-employment area may seek redress by referring the case to the ODEI — the Equality Tribunal. The director has the power under the Equal Status Act to refer the case for mediation or to investigate and decide such a case. If the director finds in favour of the complainant, she may make an order for compensation for the effects of discrimination

and/or order a specific course of action to be taken.

The ODEI, the Equality Tribunal, is an independent statutory office set up under the Employment Equality Act 1998 and that the director and her equality officers and equality mediation officers are independent in the performance of their functions. I have no statutory function in relation to such investigations and it would not be appropriate for me to comment on any individual case.

The Equality Authority, which has the role of working towards the elimination of discrimination, provides information and advice to any person who feels that he or she has been discriminated against on any of the grounds covered in the equality legislation, whether in an employment or non-employment area.

If a person wishes to take a case under the Equal Status Act, he or she may represent himself or herself, be represented by a solicitor or, in certain cases, request advice and possible representation from the Equality Authority. Contact details for the equality bodies are as follows:

Equality Authority  
2 Clonmel Street  
Dublin 2  
Locall: 1890 245 545  
Email: info@equality.ie  
Website: www.equality.ie

ODEI- the Equality Tribunal  
3 Clonmel Street  
Dublin 2  
Locall: 1890 344 424  
Email: info@odei.ie  
website: www.odei.ie

### Penalty Points System.

192. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform if he will report on the penalty point statistics which will be available once the computerised system is in operation; and if he will make a statement on the matter. [14891/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The issuing of penalty points is a matter for the Department of Transport and neither the Garda Síochána nor my Department have a role in the maintenance of statistics relating to penalty points on driver licences.

I am informed by the Garda authorities that when the fixed charge processing system is implemented it will be possible to state the number of fixed charge notices issued, the date and time of issue, and the location where the notice was issued.

### Children Act.

193. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the sections of the

Children Act 1999 which have been introduced by ministerial order. [14912/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The position in relation to progress on implementation of the Children Act 2001 in so far as my Department is concerned is as set out in my reply to the Deputy of 27 April, 2004.

#### Departmental Correspondence.

194. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform the number of times he has issued written directions to his Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act 1997; and the nature and purpose of each such direction. [14953/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have not issued written directions to the Secretary General of my Department in connection with sections 4 to 6 of the Public Service Management Act 1997 since I was appointed in June 2002.

#### Public Finance Procedures.

195. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if the Secretary General brought to his attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14968/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department has a broad remit of responsibilities across the justice, equality, disability and other sectors and, in this regard deals with many issues on a daily basis some of which would be governed by public financial procedures. I am not aware of any case where public financial procedures were not complied with but if the Deputy could supply further details of the matter he is referring to I will have it examined immediately.

#### Departmental Committees.

196. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform the composition of the management advisory committee of his Department; the number of times it has met since its formation; the number of times he has attended it in person; and the issues it has considered. [14985/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The management advisory committee of my Department is comprised of the Secretary General and all assistant secretaries.

I meet with my management advisory committee regularly, normally weekly, to discuss

and consider a wide range of issues relating to the business of the Department, such as progress on An Agreed Programme for Government commitments and strategy statement objectives, including the Department's legislative programme, control of the Department's spending, the EU Presidency, progress on the Department's modernisation programme, decentralisation and personnel matters.

#### Decentralisation Programme.

197. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform the implementation plan for each Department or agency under his aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi year financial projections of the Department or agency in question to meet any such costs. [15000/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The decentralisation implementation group, Flynn group, has requested that every Department or agency provide it with an implementation plan by 28 May 2004. It is expected that the plans from my Department and the agencies under its aegis will be delivered by the due date. No additional costs associated with the plans have been incurred to date. Future costs associated with the plans will be considered in the context of the Department's financial allocations in the relevant years.

#### Interdepartmental Committees.

198. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if he will list the number of meetings in the past year of each interdepartmental committee or body on which his Department is represented; the frequency and location of its meetings; and where it is intended those meetings will take place after decentralisation. [15015/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department has a broad remit of responsibilities across the justice, equality, disability and other sectors and consequently a large number of meetings involving officials of my Department are held every day. Departmental representatives are involved, together with other civil servants and people from outside the service in committees, advisory groups and working groups dealing with a range of issues. The information requested is not readily available and could be compiled only by diverting considerable staff resources from other important work. If, however, the Deputy has a special interest in any particular committee, I will ask that as much of the records as are available and are suitable for release, subject to the usual conditions, be made available to him.

The vast majority of meetings held in my Department will be unaffected by decentralisation, but where they are, they will be



[Mr. McDowell.]  
facilitated by video conferencing facilities, such as those which already link our finance division in Killarney to headquarters.

### **Strategic Management Initiative.**

199. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15030/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The new SMI vision statement, strategy and action programme to 2007 being developed by the implementation group of Secretaries General will set out the next phase of the modernisation programme in the Civil service. The outline of this new vision statement and action programme for the civil service is reflected in the modernisation programme set out in the Sustaining Progress social partnership agreement. This modernisation programme has been informed by the outcome of the evaluation of the strategic management initiative as set out in the PA consultancy report.

In accordance with the terms of Sustaining Progress, modernisation action plans were prepared by my Department and associated bodies in the justice and equality sector last year. These action plans set out the specific progress to be achieved by my Department and these bodies on a wide range of modernisation initiatives such as, customer service, efficient use of resources, financial management, new technology and eGovernment, human resources, performance management, equality of opportunity etc. These action plans were published on the Department's website, following their approval by the appropriate independent performance verification groups, PVGs, established under the Sustaining Progress agreement.

The first set of progress reports on implementation of these action plans were submitted to the PVGs at the end of last year. The PVGs decided, based on the progress reports received, that the progress achieved by my Department and sectoral organisations on modernisation warranted payment of the pay increases due from 1 January 2004 to all staff, with the exception of grades in the Prison Service represented by the Prison Officers Association, in respect of which a decision on whether payment is warranted has been deferred. Again, all of these progress reports have been published on the Department's website.

The second set of progress reports on these action plans has recently been submitted to the relevant PVGs and decisions in relation to whether payment of the next pay increase due under Sustaining Progress from 1 July is warranted is expected shortly. It is intended to publish the second set of progress reports on the

Department's website when the PVGs have made their decisions.

The considerable progress reported on modernisation in these progress reports demonstrates my Department's commitment to advancing the modernisation programme under Sustaining Progress across the justice and equality sector as a whole and, thereby implementing, as far as possible, the recommendations of the PA Consulting report. Key areas where progress has been achieved by my Department on modernisation include, the more efficient use of financial, staff and IT resources, enhanced customer service, better staff training and development, further developments of partnership, regulatory reform and commitments in the area of equality of opportunity.

### **Management Information Framework.**

200. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if a management information framework as recommended by the Mullarkey committee has been put in place in his Department; and if he will explain the way it works. [15045/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department is well advanced in its work to meet the deadline of 31 December 2004 imposed by Government for the implementation of a new financial management system to facilitate the management information framework. The new system has already been implemented for the Courts Service and the Garda Síochána. It is due to be implemented for the core Department at the end of June 2004, for the Prison Service by the end of September 2004 and for the Land Registry and Registry of Deeds by the end of December 2004. A very significant amount of work has been done to bring the justice sector organisations to this stage and more needs to be done to fully implement the management information framework.

Planning for the next phase of the management information framework has already commenced in the Department and in its agencies. This phase will involve communicating the principles of the management information framework, training people to operate in a management information framework environment with new management information systems and business processes, reviewing organisational performance indicators and devolving responsibility and accountability to the greatest extent possible throughout the organisations.

### **Departmental Committees.**

201. **Mr. J. Bruton** asked the Minister for Justice, Equality and Law Reform if he has appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued any reports to him or to the Secretary General. [15060/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In line with the recommendation of the report of the working group on the accountability of Secretaries General and accounting officers an audit committee was established in my Department in January 2004. The membership of the committee is as follows: Mr. Jimmy Farrelly, chairperson, Ms Sylva Langford, Mr. Jim McHugh, Mr. Caoimhín Ó hUiginn and Mr. Robert Woods. The committee has met twice since its establishment; it is currently considering a draft charter and it has issued no reports to date to either the Secretary General or to me.

#### **Garda Deployment.**

202. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the number of gardaí of all ranks that were on duty in the Inishowen Garda district on each of the nights, 14, 15 and 16 May 2004; the number and types of vehicles manned in the same district on the same nights; and if he will make a statement on the matter. [15066/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the Inishowen peninsula is policed by the Buncrana Garda district and includes the Garda stations of Buncrana, Burnfoot, Carndonagh, Clonmany, Culdaff, Malin, Merville and Muff.

The personnel strength of the Buncrana Garda district as at the 14 and 15 of May 2004 was 73, all ranks. The personnel strength of the Buncrana

Incidents in Buncrana District 14-16 May 2004

Date	14th May	15th May	16th May
Incidents in Buncrana District	12	13	9
Public Order Incidents	4	4	3

#### **Road Traffic Regulations.**

204. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform will there be a clamp down on disturbing the peace incidents in town centres from the use of particular type of exhausts; and the way this will be pursued. [15068/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that breaches of the nature referred to by the Deputy are dealt with under the Road Traffic Acts 1961 to 2003 and regulations made thereunder. Any incidents concerning breaches of these regulations should be reported to the Garda Síochána for investigation.

#### **Registration of Title.**

205. **Mr. Ring** asked the Minister for Justice,

Garda district on the 16 May 2004 was 72, all ranks. There are eight official Garda vehicles attached to the Buncrana Garda district.

I have been informed by the Garda authorities that for security and operational reasons it is not Garda policy to disclose the number of gardaí working in any area over a specific period of time.

#### **Garda Operations.**

203. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the number of incidents that were reported in the Inishowen Garda district on each of the nights 14, 15 and 16 May, 2004; the number that were of a public order nature; the percentage of reported incidents responded to; the number of arrests or cautions given in the same district on the same nights; the number of cases still being pursued at another level; and if he will make a statement on the matter. [15067/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that there were four arrests in the Buncrana district in the period concerned, one of which was public order related. The number of persons cautioned is not recorded. I understand that all incidents reported to the Garda authorities in the period concerned were responded to and that there are currently five incidents under investigation by the Garda authorities.

I have made inquiries with the Garda authorities in relation to the number of incidents reported to the Garda authorities in the Buncrana district in the period concerned and the information sought by the Deputy is outlined in the table below.

Equality and Law Reform when maps will be issued to a person (details supplied) in County Mayo. [15072/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for a copy map, in relation to Register Number 1 of Schedule Number V0000SM0092618V, which was lodged on 29 April 2004. Application No. C2004SM001845Y refers. I am further informed that this application was completed on 19 May 2004.

#### **Child Care Services.**

206. **Mr. B. Smith** asked the Minister for Justice, Equality and Law Reform the projects approved to date under the various schemes of the equal opportunities child care programme;

[Mr. B. Smith.]  
the level of funding provided for each project;  
and if he will make a statement on the matter.  
[15079/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Equal Opportunities Childcare Programme 2000-2006, which is funded by the Exchequer and the European Union, is making available almost €437 million under the national development plan to develop the supply of child care places which will support parents, particularly women, to avail of work, education and training opportunities. An additional amount of some €10 million to €12 million will shortly be made available to the programme following the mid-term review of the national development plan and the regional operational programmes.

I am pleased to announce that over €258 million has been approved under the programme to date. Of this amount, almost €117 million has been approved towards capital projects for community based/not for profit groups and private child care providers. In addition, staffing grants totalling almost €98 million have been approved to community based groups that are providing child care which is supporting disadvantaged parents who are seeking to avail of work, education and training opportunities. A further €43 million has been approved towards quality improvements measures.

The funding approved will, when fully drawn down, lead to the creation of 28,392 new child care places and will support over 26,642 existing places. Much of the remaining funding is required for continuation funding for projects located in areas of significant disadvantage and for the ongoing support of projects and mechanisms which promote quality child care. A full list of the projects is being finalised and will be made available to the Deputy in the near future.

#### **Asylum Applications.**

207. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform the latest situation with regard to the case of a person (details supplied) and if his attention has been drawn to the results of a psychological assessment which showed them to be vulnerable and traumatised. [15082/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It has been determined by the Refugee Applications Commissioner that the United Kingdom is the appropriate country pursuant to the provisions of the Council Regulation (EC) No. 343/2003, formerly the Dublin Convention, to process the asylum application of the person concerned as she previously claimed asylum there in early 2003. The UK has accepted responsibility for the case and a transfer order has been made in respect of the person concerned requiring her to leave the State and go to the UK. The UK authorities will be informed of any medical condition of the

applicant when she is being returned there, so that they can make the necessary arrangements to provide appropriate medical attention on receiving her.

#### **Register of Electors.**

208. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if, in the compilation of the electoral register, he will reconsider his decision to include the wording (details supplied) on the standard form because it creates difficulties for charities and may result in job losses. [14909/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** In response to concerns expressed by the Data Protection Office and more generally about the use of the register of electors for non-electoral purposes, the Electoral (Amendment) Act 2001 provided for the compilation of a full and edited register of electors. An edited register contains the names of persons who have stated no objection to their details being used for purposes over and above electoral or other statutory uses. The full register may be used for electoral and other statutory uses only.

The form used by registration authorities to compile the register of electors contains a question that enables an elector to indicate whether they, or other persons included on the form, wish their name and address to be used for a purpose other than electoral or other statutory use. The question requires a yes or no reply. When the answer is no then details will appear on the full register only.

The overriding objective of these arrangements is to preserve the integrity of the register of electors for its primary purpose, to assure electors that their personal details from the register will not be used for other non statutory purposes without their agreement and to make the choice of whether to appear on the edited register and the implications of that choice as clear as possible.

#### **Radon Gas Levels.**

209. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he intends to test existing local government housing stock for radon levels; if new local authority houses will be tested for radon levels before being allocated to new tenants; and his plans for radon testing. [14910/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I do not propose to make radon testing in existing or new dwellings mandatory. My Department is not aware of any precedent for mandatory testing in other member states.

Under part C of the national building regulations, dwellings, including new local authority dwellings, commencing construction on or after 1 July 1998 must incorporate radon



reduction measures. In high radon areas, where more than 10% of existing houses exceed the national reference level of 200 becquerels per cubic metre, foundations must incorporate radon proof membrane and a standby radon extraction sump. In other areas foundations must incorporate a standby radon extraction sump.

Later this year my Department will publish enhanced technical guidelines on compliance with the radon reduction requirements in the building code.

### **Housing Grants.**

210. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No, 178 of 13 May, when his Department received the application; the reason for the delay in processing it; if there is a similar delay with all applications; and when an assessment of costs will take place. [14914/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The application was received on 9 December 2002 and an inspection was carried out on 3 February 2003. My Department made several attempts to contact the applicant to carry out an assessment of costs. It shall take place on 27 May.

The time taken from receipt of an application for a certificate of reasonable cost and the issue of the certificate is influenced by a range of factors, many of them are the responsibility of the applicant. They include when an application is made, supplying information and all of the documentation and the time taken to achieve completion of the house. The time taken to process an application can vary appreciably from one application to another.

### **Local Authority Housing.**

211. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the integrated housing supports his Department will establish for persons in need. [14922/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Local authorities were requested to submit details of five year action plans covering a full range of housing programmes to the Department by the end of May. The plans will enable local authorities to identify priority needs over the coming years. They will provide a coherent and co-ordinated response across all housing sectors, including delivery by the voluntary and co-operative sector and use of private rental accommodation to meet long-term housing assistance needs. My Department must agree the plans. They will ensure that local authorities will adopt a strategic approach to meeting housing needs in their areas and will ensure that they avail of the certainty provided by multi-annual expenditure programmes.

The Government's positive commitment to the social housing programme is shown in its increased provision for social and affordable housing in 2004. The total housing provision, Exchequer and non-Exchequer, in 2004 of €1.884 billion represents an increase of 5.4% on the 2003 provision. The increase in the housing provision will allow for 5,000 starts under the main local authority programme, an increase of 500 above 2003 levels. There will be a further 500 commencements under area regeneration programmes in 2004. The voluntary and co-operative housing sector will also 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. It is the highest level of housing provision, across a full range of social and affordable housing measures, for over 15 years.

### **Decentralisation Programme.**

212. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government his plans for his staff that opt to remain in Dublin after his Department's headquarters are decentralised; the work they will be allocated if they remain in his Department; and where they will be accommodated. [14929/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Under the decentralisation programme, announced in the 2004 budget, all Dublin based operations of my Department will be decentralised. The exception is Met Éireann and some local based services. Staff that do not wish to decentralise will be given the option to indicate their preferences to transfer to other posts in the Dublin area under the decentralisation central applications facility.

213. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of vacant posts in his Department; if competition for them is confined; if same will move to the decentralised location of his Department at the appropriate time. [14932/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** At any given time a proportion of posts in my Department may be vacant due to the normal turnover of staff and other human resources planning considerations, such as consolidation and restructuring of work. Posts are filled through a combination of open recruitment, Departmental and interdepartmental promotions. The Department of Finance and unions must agree the decentralisation programme's recruitment and promotion policy.

### **Departmental Correspondence.**

214. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of times he has issued written directions to his secretary general, within the



[Mr. J. Bruton.]  
meaning of sections 4 to 6 of the Public Service Management Act 1997; and the nature and purpose of each direction. [14954/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I have not given a written direction to him under the Act.

#### Public Finance Procedures.

215. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if the Secretary General drew his attention to all of the relevant financial considerations for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced that had financial implications. [14969/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** I receive advice from him on its work generally including, where relevant, advice on financial matters. My Department complies with public financial procedures issued by the Department of Finance.

#### Departmental Committees.

216. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government the composition of his Department's management advisory committee; the number of times it has met; the number of times he attended; and the issues it has considered. [14986/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The committee comprises the Secretary General, six assistant secretaries and a legal adviser. They normally meet on a weekly basis to address corporate, including human resources, issues.

My Ministers of State and I meet the MAC on a regular basis to review progress on key policy and programme objectives. Meetings are normally scheduled on a fortnightly basis, although the schedule was affected in recent months by EU Presidency commitments.

I meet my Secretary General and individual members of MAC on a day-to-day basis to discuss matters on Department and Government business.

#### Decentralisation Programme.

217. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government the decentralisation implementation plan for each Department or agency under his aegis; the costs associated with it; and if any alteration will be made to the multi-year financial projections of the Department or Agency in question. [15001/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** In accordance with the recommendations of the report of the decentralisation implementation group, all Departments and agencies have been asked to prepare decentralisation implementation plans by the end of May. My Department and agencies are drafting them. Details of the costs associated with the decentralisation programme cannot be estimated at this early stage of the process.

#### Interdepartmental Committees.

218. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if he will list the number of meetings in the past year of each interdepartmental committee or body on which his Department is represented; the frequency and location of the meetings; and where the meetings will take place after decentralisation. [15016/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Interdepartmental committees are listed in the following table A. My Department is also represented on a number of agencies sponsored by it as per table B.

My officials also serve on a range of interdepartmental committees and groups operating under the auspices of other Departments. The details are being compiled and will be sent to the Deputy.

Lists of the number, frequency and duration of such meetings are not readily available. The compilation of such information would require a disproportionate allocation of staff resources.

It is not possible to predict the pattern of future meetings for such groups.

TABLE A

#### Name of Committee

Interdepartmental Task force on the Integration of Local Government and Local Development Systems
Flood Policy Review Group
Steering Group on the implementation of Branching Out
EU Chemicals Strategy Interdepartmental Committee
NDP-CSF: Environment Co-ordinating Committee
Committee of Departments of the Environment, Heritage and Local Government and of Agriculture and Food in relation to designated conservation areas and commonages
Interdepartmental Committee on the Implementation of National Heritage and National Biodiversity Plan
Consultative Committee on Nuclear Emergency Planning
Nuclear Emergency Response Co-ordination Committee
Interdepartmental Committee on Monitoring of Sellafield Arbitrations
Interdepartmental Climate Change Team
National Allocations Plan Steering Committee
Inventory Data Users Sub Groups
Committee to review Wind Farms Development Guidelines

Monitoring Committee on Implementation of Recommendations of Task Force on the Travelling Community

National Traveller Accommodation Consultative Committee

Environmental Network of Government Departments

Interdepartmental Committee on Implementation of the National Spatial Strategy

Working Group on Implementation of Directive 2002/91/EC on Energy Performance of Buildings

*Ad Hoc* Interdepartmental Group on Ispat Matters

Cross Departmental Team on Homelessness

Expert Group on Dangerous Substances

Nitrates Expert Committee

EU Water Framework Directive Interdepartmental Steering Group

EU Water Framework Directive Co-ordination Group

National Waste Prevention Committee

Market Development Group (for Recyclables)

Housing Forum

Committee to Review Management-Development (Planning)

Working Group on Voluntary Housing

#### TABLE B

Building Regulations Advisory Board

Dublin Docklands Development Authority

Fire Services Council

Housing Finance Agency

Local Government Computer Services Board

Local Government Management Services Board

National Building Agency

Irish Water Safety Association

Comhar

Private Residential Tenancies Board

Heritage Council

Forum of the Construction Industry

#### Strategic Management Initiative.

219. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15031/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The agenda for the current phase of the public service modernisation programme, informed by the PA report, is effectively set out in the pay agreement Sustaining Progress. Detailed progress reports for the implementation of the programme in my Department have been submitted. This was done through the Department of Finance and submitted to the Civil Service Performance Verification Group established under Sustaining Progress. The first such progress report was published in October 2003 and is available on the

Department of Finance's website. The second progress report was submitted in April 2004 and is being considered by the CSPVG. It will be published in the coming weeks. The implementation of the SMI is also reported in my Department's annual reports.

My Department has made good progress since the PA report was published. It concluded that accelerated progress was required in the areas of human resource management, financial management and information systems management. My Department has built on good progress in these areas and it has since published a human resources strategy and rolled out a new financial management system. The motor tax on-line facility, a key electronic Government project, is also available nationwide.

#### Management Information Framework.

220. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if a management information framework, as recommended by the Mullarkey committee, was implemented in his Department; and if he will explain the way it works. [15046/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** The MIF has its origins in the fiscal dimension to the SMI. It is referred to in the report of the Working Group on the Accountability of Secretaries General and Accounting Officers, or the Mullarkey report, in the context of having the capacity to improve the financial management processes in Departments and offices. The introduction and development of the MIF was not recommended in the report.

My Department undertook a considerable body of work in advance of the MIF. A number of studies were undertaken to assess the financial systems that would best serve the needs of my Department. Subsequently, a new financial management system was acquired and commissioned with effect from the commencement of the current financial year.

The new system should generate efficiencies in the Department by, *inter alia*, introducing more streamlined processes for making payments and bringing receipts to account. My Department intends to exploit the potential benefits that can accrue from the extensive functionality of the new financial management system. It will entail maximising the use and value of information available from the system so that informed and timely management decisions can be taken to the greatest extent possible.

#### Departmental Committees.

221. **Mr. J. Bruton** asked the Minister for the Environment, Heritage and Local Government if appointed an audit committee for his Department; its members, charter and number of

[Mr. J. Bruton.]  
meetings to date; and if it has issued reports to him or his secretary general. [15061/04]

**Minister for the Environment, Heritage and Local Government (Mr. Cullen):** Recently my Department appointed an audit committee. It operates under a written charter and has met. The committee is required to furnish a report on its activities during the year to the accounting officer within three months following the end of each calendar year. The members are: Mr. Jerry Killeen, chairman, former financial controller and company secretary, Dublin Port Company; Mr. Michael Canny, assistant secretary, Department of the Environment, Heritage and Local Government; Mr. Eric Embleton former assistant secretary, CMOD, Department of Finance; Mr. Noel O'Connell, director of audit, Local Government Audit Service; and Mr. Donal O'Donoghue, former county manager, Galway County Council.

#### Community Development.

222. **Mr. N. O'Keefe** asked the Minister for Community, Rural and Gaeltacht Affairs the grant aid available through Leader for the development of holiday homes in an area (details supplied) in County Cork. [14925/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Each Leader group has a specific budget set aside in their overall allocation for rural or agri-tourism. The approval of grants by groups is made within detailed operating rules drawn-up by my Department and approved by the EU Commission. In accordance with the bottom-up philosophy of rural development, the local Leader group is the decision-making authority capable of approving actions within its business plan.

The person referred to by the Deputy should contact Blackwater Region Leader Company Limited, The Showgrounds, Fermoy, County Cork or telephone 025-33411.

#### Departmental Correspondence.

223. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs the number of times he issued written directions to his Secretary General, within the meaning of sections 4 to 6, inclusive, of the Public Service Management Act 1997; and the nature and purpose of each direction. [14955/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I have not issued any written directions to my Secretary General under section 7 of the Act in connection with sections 4 to 6, inclusive.

#### Public Finance Procedures.

224. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if his Secretary General drew his attention to all of the relevant financial considerations for decision being taken in accordance with sections of the public finance procedures; and if a decision was taken in recent times where his Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced that had financial implications. [14972/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I presume that the Deputy is referring to the public financial procedures published by the Department of Finance. Section A5.5 states: An accounting officer should ensure that all relevant financial considerations are taken fully into account, and where necessary brought to the attention of Ministers, in relation to the preparation and implementation of policy proposals relating to expenditure or income for which he or she is accounting officer.

I am satisfied that my Department's accounting officer carried out his duty.

#### Departmental Committees.

225. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs the composition of his Department's management advisory committee; the number of times it has met; the number of times he attended; and the issues it considered. [14987/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The committee comprises my Secretary General, two assistant secretaries, a principal officer, corporate development and IT, a principal officer, finance and accounts and two principal officers representing the principal officer management group. The committee had 30 meetings since its establishment in October 2002. I have met it 22 times since my Department was established in June 2002. The committee has considered a wide range of corporate and policy issues.

#### Decentralisation Programme.

226. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs the decentralisation implementation plan for his Department or agencies; the costs associated with it; and if any alteration will be needed to the multi-year financial projections for his Department or agencies. [15002/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The Flynn group requested plans. At present my Department and Area Development Management Limited are

preparing them. It is hoped to submit them to group later this month. Costs and other financial implications have yet to be determined. To date no changes have been made to the multi-annual projections for my Department or ADM Limited.

Preparation of an implementation plan for Foras na Gaeilge is subject to and awaits the agreement of the North-South Ministerial Council to the proposed decentralisation. Discussions between my Department, its northern counterpart and Foras na Gaeilge are continuing.

*Question No. 227 withdrawn.*

#### **Strategic Management Initiative.**

228. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs the action taken by his Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15032/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department's modernisation programme under the initiative was informed by the PA evaluation. Its modernisation agenda was included in progress reports, under Sustaining Progress, submitted to the Civil Service Performance Verification Group.

The reports on payments made on 1 January are on the Department of Finance website [www.finance.gov.ie](http://www.finance.gov.ie) I intend to publish the most recent reports following a decision by the group in respect of 1 July payments.

#### **Management Information Framework.**

229. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if a management information framework, as recommended by the Mullarkey committee, was implemented in his Department; and if he will explain the way it works. [15047/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** At present a MIF is being installed in my Department. The work is rolled out in two phases, the first stage went live on 4 May and the second phase will follow on 1 July. The deadline for the completion of this work in all Departments was the end of 2004.

It is envisaged that the framework will facilitate the management of my Department in the future. It will facilitate more informed decision-making, better management of resources and greater accountability for their use. Ultimately the project will involve the combination of financial and non-financial information to produce management reports that will greatly facilitate the work of managers and the overall management advisory committee.

The report of the Working Group on the Accountability of Secretaries General and Accounting Officers, or the Mullarkey report, recommended that secretaries general should give priority to the implementation of a framework in their Departments. This is very much the case in my Department, Progress on the project and management issues arising therefrom are subject to regular reviews at meetings of my Department's MAC.

#### **Departmental Committees.**

230. **Mr. J. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if he appointed an audit committee for his Department; its members, charter, number of meetings to date; if it has issued reports to him or to his secretary general. [15062/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** On the establishment of the Department of Community, Rural and Gaeltacht Affairs in June 2002, the audit committee previously in place in the former Department of Arts, Heritage, Gaeltacht and the Islands remained. It continued to advise and make recommendations in the new Department on financial matters, the control of the environment and governance procedures. Its term of office ended in March.

In March the audit committee was reconstituted and a new external chairperson was appointed. A key recommendation of the Mullarkey report is that Departments must have a formally constituted audit committee, preferably chaired by a person from outside of the Department. The committee has three external representatives, including the chairperson and one internal representative on it.

The members of the current committee are: Mr. Cyril Sullivan, lecturer in the IPA; Mr. Niall Kelly, head of internal audit at the Department of Communications, Marine and Natural Resources; and Mr. Michael Conroy, principal officer, finance unit of this Department. The chairperson is Mr. Liam Ryan, managing director of Ryan Glennon Chartered Accountants.

The committee operates in accordance with the terms of the audit committee charter. It provides independent and objective advice and acts as a support and resource to the Department. It makes recommendations with a view to improving the effectiveness and efficiency of the internal financial controls, systems, procedures and methods in my Department.

The audit charter requires the an audit committee to meet not less than four times a year. It has met 12 times since its establishment in April 2001. The committee has access to my Secretary General and senior officials. It provides him and the MAC with an annual report on its activities.



### Maoiniú Thograí Gaeilge.

231. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an ndearnadh treoir a thabhairt d'Fhoras na Gaeilge agus dá Roinn gan cómhaoiniú a dhéanamh ar thograí Gaeilge, agus an féidir leis míniú a thabhairt air. [15115/04]

232. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an eol dó cén éifeacht a bheidh ag an gcinneadh gan ligean don chómhaoiniú do thograí Gaeilge ó Fhoras na Gaeilge agus an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta ar thograí atá faoi lán seoil. [15116/04]

233. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an gcaillfidh tograí Gaeilge atá á maoiniú cheana féin ag Foras na Gaeilge nó ag an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta nó acu beirt, cuid dá ndeontais de thairbhe an chinnidh gan cómhaoiniú a cheadú a thuilleadh ón dá fhoinsé, nó de thairbhe an chinnidh nach bhfuil aon fheidhm ag Foras na Gaeilge i leith na Gaeltachta nó sa Ghaeltacht in ainneoin a róil uile-Éireannaigh de réir Chomhaontú Aoine an Chéasta. [15117/04]

234. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an fíor an méid a dúradh in *Foinse* (18 Aibreán) go bhfuiltear ag meabhrú don rialtas chomh maith nach bhfuil aon fheidhm ag Foras na Gaeilge sa Ghaeltacht agus an féidir leis míniú a thabhairt ar an ráiteas úd. [15118/04]

235. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén t-eagras ar a bhfuil dualgas maidir le maoiniú do thograí Gaeilge sa Ghaeltacht más fíor nach bhfuil aon fheidhm ag Foras na Gaeilge sa Ghaeltacht agus an mbeidh an t-eagras sin sásta an gannchion ó thaobh deontais do thograí Gaeilge atá á maoiniú cheana féin ag Foras na Gaeilge a iompar. [15119/04]

236. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén uair a cinneadh nach mbeadh aon fheidhm ag Foras na Gaeilge i leith na Gaeltachta nó sa Ghaeltacht in ainneoin a róil uile-Éireannaigh de réir Chomhaontú Aoine an Chéasta agus an féidir míniú a thabhairt ar an scéal. [15122/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tógfaidh mé Ceisteanna Uimhreacha 231, 232, 233, 234, 235 agus 236 le chéile.

Níl aon treoracha den chineál atá luaite ag an Teachta tugtha d'Fhoras na Gaeilge ná do mo Roinnse.

Ar ndóigh, tá dualgas ar gach eagraíocht Stáit a chinntiú go bhfuil luach-ar-airgead le fáil ar an gcaiteachas a dhéantar agus go bhfuil maoiniú

dúbailte á sheachaint. Dá réir sin, ainneoin is go bhfuil cúram leagtha ar Fhoras na Gaeilge faoin Acht um Chomhaontú na Breataine-na hÉireann 1999 maidir le cur chun cinn na Gaeilge ar bhonn uile-oileánda, tá sé riachtanach — agus is ceist dea-chleachtais agus dea-chaighdeán bainistíochta ar airgead poiblí í — go mbeadh córas teagmhála ann idir mo Roinn féin, Údarás na Gaeltachta agus Foras na Gaeilge chun a chinntiú nach mbíonn trasnú nó maoiniú dúbailte i gceist.

Baineann an prionsabal céanna, ar ndóigh, le maoiniú taobh amuigh nó taobh istigh den Ghaeltacht, chomh maith le maoiniú don réimse eagraíochtaí eile a bhfuil freagrachtaí Gaeilge nó Gaeltachta orthu.

Níl aon bhac ar chomhaoiniú idir na heagraíochtaí Stáit atá ag plé leis an nGaeilge agus leis an nGaeltacht, ach na maoinitheoirí ábhartha go léir a bheith ar an eolas faoina chéile agus ar comhthuiscint cinnte: go bhfuil siad ag feidhmiú taobh istigh de na tosaíochtaí agus na róil reachtúla atá acu araon; go bhfuil luach-ar-airgead ar fáil ar an gcaiteachas a bheidh i gceist; agus nach mbeadh sé níos saoire agus níos éifeachtaí ó thaobh cúrsaí reachtála de go nglacfaidh ceann de na heagraíochtaí an fhreagracht orthu féin an maoiniú iomlán a íoc.

Tuigfidh an Teachta, ar ndóigh, ó tharla go bhfuil Foras na Gaeilge agus Údarás na Gaeltachta maoinithe sa gcuid is mó ag mo Roinn féin, nach mbeadh aon sábháil airgid don Rialtas nó don Roinn i gcomhaoiniú idir na heagraíochtaí seo. D'fhéadfadh cúinsí a bheith ann, áfach, go mbeadh comhaoiniú den chineál sin inmholta ar chúiseanna eile.

### Social Welfare Benefits.

237. **Mr. Kehoe** asked the Minister for Social and Family Affairs the position regarding the backdating of family income supplement for a person (details supplied) in County Carlow; when a decision will be made; and if she will make a statement on the matter. [14917/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The application for family income supplement from the person concerned was received in the Department on 20 October 2003. Family income supplement was awarded at the rate of €41.00 per week from 23 October 2003 in line with legislation and normal practice. This rate was increased to €58.00 per week from 1 January 2004 in line with budget increases.

The person then requested that his award be back-dated to October 2002. This application was refused by the deciding officer on the basis that the family income supplement is a well advertised scheme and lack of information would not normally be accepted as sufficient reason for not claiming on time. The person appealed this decision to the social welfare appeals office and

in accordance with the statutory requirements the relevant departmental papers and the comments of the social welfare services on the matters raised in the appeal were sought by the appeals office. As soon as these come to hand the case will be referred to an appeals officer for early consideration.

Under social welfare legislation decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

#### **Departmental Correspondence.**

238. **Mr. J. Bruton** asked the Minister for Social and Family Affairs the number of times she has issued written directions to her Secretary General, within the meaning of sections 4 to 6 of the Public Service Management Act, 1997; and the nature and purpose of each such direction. [14956/04]

239. **Mr. J. Bruton** asked the Minister for Social and Family Affairs if the Secretary General brought to her attention all relevant financial consideration for decisions being taken in accordance to relevant sections of public finance procedures; and if a decision was taken in recent times where the Secretary General did not have an opportunity to comply with this aspect of public finance procedures prior to a decision being taken or announced which had financial implications. [14973/04]

**Minister for Social and Family Affairs (Mary Coughlan):** I propose to take Questions Nos. 238 and 239 together.

I have made no decisions in recent times where the Secretary General did not have an opportunity to provide me with the relevant financial considerations in accordance with public financial procedures.

There has been no occasion on which it was necessary for me to give a written direction to the Secretary General within the meaning of sections 4 to 6 of the Public Service Management Act.

#### **Departmental Committees.**

240. **Mr. J. Bruton** asked the Minister for Social and Family Affairs the composition of the management advisory committee of her Department; the number of times it has met since its formation; the number of times she has attended it in person; and the issues it has considered. [14988/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The management advisory committee of my Department at present comprises the Secretary General, the director general of social welfare services, which is the service delivery arm of the Department, five people at assistant secretary general level and four at director level.

I regularly attend meetings of the committee. I have chaired the committee's meetings on 18 occasions since my appointment as Minister for Social and Family Affairs in June 2002 and there have been 53 meetings in all during that period.

A management advisory committee has been in place in the Department for many years, but exact records of the number of committee meetings since its original inception are not available. The committee met on 15 occasions between June and December 2002, on 27 occasions in 2003 and on 11 occasions to date in 2004.

The committee discusses a range of issues relating to the management of the Department, including in particular: delivery of the Department's strategic priorities as outlined in the Department's statement of strategy and other related strategies; monitoring the quality of delivery of services for which this Department is responsible; ongoing financial management and budgetary issues; implementation of the Department's modernisation action plan under the Sustaining Progress agreement and ongoing change projects in which the Department is involved; and other relevant issues concerning the Department which arise from time to time.

There are also a number of sub-committees of the management committee which address specific issues relating to the policy, financial, human resource management, operational and risk management and eGovernment agendas affecting the Department.

#### **Decentralisation Programme.**

241. **Mr. J. Bruton** asked the Minister for Social and Family Affairs the implementation plan for each department or agency under her aegis which is to be decentralised; the costs associated with the plan; and if any alteration will be needed to the multi-year financial projections of the department or agency in question to meet any such costs. [15003/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The programme of decentralisation will involve major change in my Department. A key objective of the programme will be to ensure that it is implemented in a planned way, with due regard to the maintenance of high standards of service and to the effects on staff. My Department has established a project management structure to manage the decentralisation programme within the organisation. The project board is currently drawing up an implementation plan which will include an estimate of the costs associated with the programme for my Department. At this stage in the process I am not in a position to give details of the costs involved. My Department's plan will be submitted to the decentralisation implementation group by the end of May 2004, as

[Mary Coughlan.]  
set out in the action agenda of the group's report of 31 March.

The bodies under the aegis of my Department which are due to decentralise, namely, Comhairle and the Combat Poverty Agency are also in the process of drawing up implementation plans.

### **Strategic Management Initiative.**

242. **Mr. J. Bruton** asked the Minister for Social and Family Affairs the action taken by her Department on each recommendation of the PA consultancy report on the implementation of the strategic management initiative. [15033/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The PA evaluation of the strategic management initiative was published in March 2002. It's overall finding was that the Civil Service in 2002 was more effective than a decade previously. However, it pointed to the need for more accelerated progress on human resource management, financial management and information systems management.

The overall approach to modernisation in the Civil Service in the light of the PA recommendations is set out in sections 20 and 22 of the social partnership agreement, Sustaining Progress, and this has formed the basis for my Department's own approach as set out in its modernisation action plan.

Progress on the modernisation programme in the wider Civil Service is set out in the Sectoral Progress Report, which was submitted to the Civil Service Performance Verification Group in November 2003. The report is available on the Department of Finance's website.

My Department has identified five key priority areas in its own action plan. These are: the use of new technology; greater flexibility in the way services are delivered; implementation of a new control programme; a range of changes in the HR area including greater use of competitive promotions; and development of better financial management and information systems. Progress has been made under all of these headings.

Priorities under the heading of new technology include implementation of the Department's new service delivery model, SDM, and associated projects. The SDM involves the development of a new generation of IT systems which facilitates customer-centered services and also supports the e-government strategy. This is interlinked with other technology projects, such as the civil registration modernisation programme, the public service broker, the REACH inter-agency messaging service and the development of the public service identity. There has been substantial progress in each of these areas.

In the area of flexible delivery of service the key element is the phased localisation of the one parent family payment scheme. In effect, this

means that the administration of the scheme will move from one central office to the Department's local office network. The anticipated outcomes are better service to the customer, better control and easier access for lone parents to the employment supports and other supports available in local offices.

The third priority is control. The Department's existing control strategy entails a mix of measures to minimise risks of fraud and eliminate incorrect payments. Implementation of a new control strategy, involving greater emphasis on risk assessment and risk management and a more focused control approach will provide for a more effective and efficient allocation of resources with staff deployed and budgets expended on more effective control activity. This process is well under way.

Our fourth priority relates to human resources management. Recent progress in this regard includes: production of a Human Resources Strategy 2003-2005; upgrade of the human resource management computer system; production of the Gender Equality Action Plan, 2003-2005; completion and publication of a report, prepared by a widely based partnership based group, on issues affecting staff with disabilities; production of detailed statistical analysis of absenteeism levels; completion of the rollout of performance management and development training; and substantial progress in the development of new policies on promotion, mobility/relocation, attendance management and devolution of HR functions.

The final priority relates to the area of financial management and in particular the management information framework, MIF, project. I am providing a comprehensive progress report on this project in a reply to a separate question, Question No. 243.

Substantial progress has been made in my Department on the key elements of the Government's modernisation programme, in the light of the PA recommendations and other developments since then.

### **Management Information Framework.**

243. **Mr. J. Bruton** asked the Minister for Social and Family Affairs if a management information framework, as recommended by the Mullarkey committee, has been put in place in her Department; and if she will explain the way it works. [15048/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The management information framework, MIF, aims at ensuring more efficient processing of financial transactions and accounts, better decision-making about allocation of resources, more efficient and effective management of resources once allocated and greater transparency in and accountability for the



use of resources. The MIF is a key part of the strategic management initiative, SMI, and arose out of a report in 1999 prepared for the SMI implementation group.

The Mullarkey committee report of July 2002, acknowledged the MIF initiative under the SMI as a key element in supporting both the Secretary General and the accounting officer and in improving the link between financial analysis and decision-making.

A programme to develop and roll-out the MIF across the Civil Service has been established centrally under the auspices of the Department of Finance. All Departments are required under the MIF to establish formal MIF projects. In my Department, the development and roll-out of the MIF is being overseen by a project board which includes representatives from the main business divisions of the Department. My Department is also represented on the consultative committee and the project management sub-group for the overall MIF project.

The Department has had a computerised financial system in place since 1998 and the main emphasis of the MIF implementation project has been focused on the development of comprehensive and integrated management information systems. To date, this has involved the identification, scoping and implementation, as appropriate, of a number of specific initiatives. These include: projects on staff coding; development of management reports at the business and senior management levels; development of costing policies; improvement and development of performance indicators; the development of training and awareness strategies; statistical database development; the consideration of a customer contact system; participation in a centrally managed pilot on resource allocation and budgeting process; and accrual accounting.

Substantial progress has been made on the project in my Department and it has been identified as one of five key priority areas in the Department's modernisation action plan drawn up under the terms of Sustaining Progress.

#### **Departmental Committees.**

244. **Mr. J. Bruton** asked the Minister for Social and Family Affairs if she has appointed an audit committee for her Department; its members, charter, number of meetings to date; if it has issued any reports to her or to the Secretary General. [15063/04]

**Minister for Social and Family Affairs (Mary Coughlan):** An audit committee for my Department was appointed in late 2000 and held its first meeting in December 2000.

The current membership is five, three of whom, including the chairperson, are external to the Department. The current members are: Ms Sylva

Langford, chairperson, assistant secretary, Department of Justice, Equality and Law Reform; Mr. Michael Flynn, deputy chairperson, director of internal audit, Department of Agriculture and Food; Mr. Patrick Banahan, general manager — internal audit, Voluntary Health Insurance Board; Mr. Eoin O'Broin, regional director, Department of Social and Family Affairs; and Mr. Eddie Rice, decisions advisory officer, Department of Social and Family Affairs.

The Audit Committee operates under a written charter, which was signed by the chairperson and by the Secretary General in July 2002. To date, 14 meetings have been held. To date, the audit committee has issued an annual report to the Secretary General in respect of the period to end-2001 and in respect of the year 2002.

#### **Departmental Payment Methods.**

245. **Mr. Wall** asked the Minister for Social and Family Affairs if she will comment in regard to a submission (details supplied); and if she will make a statement on the matter. [15086/04]

**Minister for Social and Family Affairs (Mary Coughlan):** My Department's payment delivery strategy is designed to ensure that a range of payment methods is available to our customers. The principle of customer choice is an important part of that strategy. My objective is to continually improve customer service by providing access for my Department's customers to a range of payment methods including new services and facilities as they become available in the money transmission market.

Pensions can be paid either at a post office by pension order book, at no cost to the pensioner, or by electronic funds transfer into an account with an approved financial institution. It is a matter for each pensioner to decide which method best suits his or her individual needs having regard to any charges arising.

My Department has no responsibility for the level of fees or bank charges applied to individual accounts by financial institutions nor for stamp duty charged in respect of ATM cards and there are no plans to refund charges of this kind.

#### **Social Welfare Benefits.**

246. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason dietary allowance has been terminated in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [15096/04]

**Minister for Social and Family Affairs (Mary Coughlan):** The South Western Area Health Board was contacted regarding this case and has advised that payment of a diet supplement to the person concerned has not been terminated but was temporarily suspended in the course of a



[Mary Coughlan.]  
periodic review of diet supplement in the area in question. The review involved forms being issued to a number of diet supplement recipients. In the present case, the form was not returned in

sufficient time to enable payment to continue without interruption.

The review has now been completed and payment of the supplement, including arrears, will be put back into payment next week.